

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LASER BAR CODE
SCANNERS AND SCAN ENGINES,
COMPONENTS THEREOF AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-551

**NOTICE OF DECISION NOT TO REVIEW AN INITIAL DETERMINATION
GRANTING A MOTION FOR PARTIAL SUMMARY DETERMINATION THAT
UNITED STATES PATENT NO. 6,220,514 IS INVALID UNDER 35 U.S.C. § 102(b)**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the administrative law judge's ("ALJ") initial determination ("ID") (Order No. 14) granting respondents' motion for partial summary determination that United States Patent No. 6,220,514 is invalid under 35 U.S.C. § 102(b).

FOR FURTHER INFORMATION CONTACT: Michelle Walters, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted on October 26, 2005, based on a complaint filed by Symbol Technologies Inc. ("Symbol") of Holtsville, New York. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain laser bar code scanners or scan engines, components

thereof, or products containing the same by reason of infringement of various claims of United States Patent Nos. 5,457,308, 5,545,889, 6,220,514, 5,262,627, and 5,917,173. The complaint named two respondents: Metro Technologies Co., Ltd. of Suzhou, China, and Metrologic Instruments, Inc. of Blackwood, New Jersey (collectively, "Metrologic").

On March 21, 2006, Metrologic moved for partial summary determination of invalidity of United States Patent No. 6,220,514 ("the '514 patent") under 35 U.S.C. § 102(b), asserting that the claims are anticipated by published European Patent Application EP 0 752 680 ("EP '680"). Metrologic asserted that Symbol is not entitled to claim priority to United States Patent Application No. 08/405,585 ("the '585 application"), because the '585 application was abandoned prior to the filing of the application that lead to the '514 patent's parent and that, as a result, EP '680 is a prior art reference that anticipates the '514 patent.

Complainant Symbol filed an opposition to Metrologic's motion. The Commission investigative attorney supported Metrologic's motion.

On April 17, 2006, the presiding ALJ issued an ID (Order No. 14) granting Metrologic's motion for partial summary determination.

Having examined the record of this investigation, the Commission has determined not to review the ALJ's ID granting respondents' motion for partial summary determination that the '514 patent is invalid under 35 U.S.C. § 102(b).

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: May 12, 2006