

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN BAR CODE READERS, SCAN
ENGINES, PRODUCTS CONTAINING THE
SAME, AND COMPONENTS THEREOF**

Investigation No. 337-TA-1061

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN AMENDED JOINT MOTION FOR PARTIAL
TERMINATION OF THE INVESTIGATION AS TO CERTAIN PATENT CLAIMS
BASED UPON A CONSENT ORDER STIPULATION AND A PROPOSED
CONSENT ORDER; ISSUANCE OF A CONSENT ORDER**

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 an initial determination (“ID”) (Order No. 14) of the presiding administrative law judge (“ALJ”) granting an amended joint motion for partial termination of the investigation as to certain patent claims based upon a consent order stipulation and a proposed consent order. The Commission has issued a consent order.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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 SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://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: The Commission instituted this investigation on June 27, 2017, based on a complaint filed by Honeywell International, Inc. of Morris Plains, New Jersey; Hand Held Products, Inc. d/b/a Honeywell Scanning & Mobility of Fort Mill, South Carolina; Metrologic Instruments, Inc. d/b/a Honeywell Scanning & Mobility of Fort Mill, South Carolina (collectively, “Complainants” or “Honeywell”). *See* 82 FR 29095-96 (June 27, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain bar code readers, scan engines, products

containing the same, and components thereof by reason of infringement of claims 1 and 4-6 of U.S. Patent No. 6,832,725 (“the ’725 patent”); claims 1-4 and 6-10 of U.S. Patent No. 8,511,572; claims 1-6, 8, 10-12, and 19-33 of U.S. Patent No. 7,148,923 (“the ’923 patent”); claims 1, 3, 6-11, 14, 17-20, 23, and 26-28 of U.S. Patent No. 7,527,206 (“the ’206 patent”); claims 1-3, 5, 7-12, 14, 16-20, 22, 24-27, 30, and 32 of U.S. Patent No. 8,646,692 (“the ’692 patent”); and claims 1-3, 5, 6, 8-11, and 13 of U.S. Patent No. 9,323,969 (“the ’969 patent”). *See id.* The notice of institution names The Code Corporation of Draper, Utah (“Code”) and Cortex Pte Ltd. of Singapore (“Cortex”) as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is not a party to this investigation. *See id.* On December 8, 2017, the ALJ issued an initial determination partially terminating the investigation as to Cortex as a respondent. *See* Order No. 12, *unreviewed*, Comm’n Notice (Jan. 8, 2018). The ALJ also partially terminated the investigation with respect to claim 5 of the ’725 patent; claims 1-6, 8, 11, 12, 22, and 23 of the ’923 patent; claims 1, 3, and 6-10 of the ’206 patent; all asserted claims of the ’969 patent; and claims 18-20, 22, 24-27, 30, and 32 of the ’692 patent. *See* Orders Nos. 11-12, *unreviewed*, Comm’n Notice (Jan. 8, 2018); Order No. 13, *unreviewed*, Comm’n Notice (Jan. 12, 2018).

On December 20, 2017, pursuant to Commission Rule 210.21(c), 19 CFR 210.21(c), the parties filed an amended joint motion for partial termination of the investigation with respect to all the asserted claims of the ’692 patent and claims 10, 19-21, 24-28, and 31 of the ’923 patent based upon a consent order stipulation and entry of a consent order (Motion Docket No. 1061-018). On December 21, 2017, the ALJ issued the ID (Order No. 14) granting the joint motion. In accordance with Commission Rule 210.21(c), 19 CFR 210.21(c), the ID notes that “there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” *See* ID at 1-2. In addition, the ID finds that the consent order stipulation and the proposed consent order comply with the Commission rules, 19 CFR 210.21(c)(3)-(4). *See id.* at 2. The ID further finds “[no] evidence that terminating this investigation as to certain asserted patent claims based on the consent order stipulation and the proposed consent order would be contrary to the public interest” (19 CFR 210.50(b)(2)). *See id.* at 3. The ID also suspends the procedural schedule with respect to the terminated claims pending Commission review of the ID. *See id.* No petition for review of the ID was filed.

The Commission has determined not to review the ID and has issued the consent order as to Respondent Code.

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 part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: January 17, 2018