



The DATA CAPTURE Report

Since 1977, the premier management & marketing newsletter of automatic data capture: Bar Coding, RF and related technologies.

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August 12, 2011

The Origins of Patents

How they relate to the AIDC/RFID industry.

Patents were created to protect inventors/inventions. They date back to the early founding of America. From the agrarian age of the beginnings of our country, through the industrial revolution, patents were used by companies to protect things of value they had created. In those days, patented items were generally physical and tangible processes, machines, articles of manufacture, or compositions of matter. This was the model of the old-world patent system.



Paul Juhasz, Esq./president, The Juhasz Law Firm.

Jumping ahead to the 1980s and 1990s, we entered the information age where virtual representations of physical and tangible objects added even greater value to our economy; patenting them was entirely within the letter and spirit of the patent laws. And, with this emergence of thinking about things “virtually,” we began to see a parallel universe of sorts emerge with regard to patents. Individuals/companies began to see the patents for what they represent. The patent did more than protect a physical or tangible or virtual thing being made by the patent holder. It protected an invention

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Intermec CEO Shares His Thoughts On The Market

Despite the economy, AIDC vendors may excel with efficiency-creating technologies and strong ROIs.

With the acquisition of **Vocollect** and **Enterprise Mobile** earlier this year, Intermec has seen 37% growth—16% organic—over 2010. **Intermec** CEO Pat Byrne attributes the company’s success to a strong and diverse product portfolio, new service offerings, and a general market that is seeking improved productivity and increased revenue, as well. Following, Byrne gives *SCAN/DCR* a candid view of his outlook for the next year or two.



Pat Byrne, CEO, Intermec.

As we’ve all seen in the news, the drop in the U.S. credit rating has caused quite a stir on Wall Street. Stock prices are going up and down like a rollercoaster in a theme park. With this comes the plethora of forecasts, some good, but more gloom and doom. To succeed in this type of climate, vendors must keep their eyes on their targets—companies that need new efficiencies to stay alive. And that is what Byrne intends to do.

Byrne told us, “Say a company is making 20 deliveries per day. If they can make 25 deliveries per day by using our mobile technologies, that means better service for customers and bigger profits for the company. More than ever before, we are able to provide our customers the tools they need to take full advantage of their mobile workforces.

“But, hardware is not the only source of revenue for AIDC vendors,” he continued. “Software today can be very complex. This has created a critical need for managed services. I call it ‘Frontline IT.’ If there is a change in

employees, we can help make the necessary changes in the system and help with training, often through our VARs. If a breakdown occurs, we can quickly send replacement terminals with pre-loaded software. Many companies can't afford a big IT staff. We can offer real-time service for much less than the cost of adding employees."

"I contend that laser technology is dead. There have been so many improvements in imaging, that there is really no need for laser technology. This is especially true when you look at all the benefits imaging provides that lasers can't...."

**Pat Byrne, CEO.
Intermec.**

Smart phones drive sales

In late 2010, early 2011, we began to notice the role smart phones in the consumer sector are playing with respect to the AIDC industry. On network news, last night, a commentator noted that there are over five billion cell phones in use today. The global population is 6.5 billion. The new workforce coming into the market has grown up in a "techy" world. Nintendos, Wiis, cell phones, and the Internet have all contributed to a new generation of technology-oriented consumers and workers.

In general, consumers now have the ability to do quick price and performance comparisons right while they are standing in a store. So, big retailers and their suppliers must be equipped to match the knowledge and technical abilities of their customers. AIDC helps.

Byrne contends that smart phones are changing our industry and in some ways, spearheading the drive in mobile technology. "First, look at how demand has changed network bandwidth," said the Intermec leader. "More networks are being deployed, and that, in turn, has created the need for far more bandwidth than in the past.

"We are also seeing new innovations in power management and embedded operating systems," Byrne continued. "The underlying technology in mobile devices is a huge enabler. It is helping to grow the markets in ways we could hardly have dreamed of. Expectations for mobile devices are much greater than ever before. Consumers, workers, retailers, suppliers, the government...all have been taught that the sky is the limit with respect to technology. From every way you look at it, smart phones, and the technology they are based on, are a major enabler for our industry. Our industry provides the ruggedness that is needed for the workplace. We are seeing a new wave of innovation in mobile devices."

Since 1977, the premier management & marketing newsletter of automatic data capture, including:

- Bar coding, 1-D & 2-D symbologies
- Bar code printers, scanners, terminals, verification products and labels
- Wireless (RFDC & RFID)
- Magnetic stripe
- OCR products
- Voice recognition systems
- Vision systems, video scanners
- EDI
- Smart cards
- Biometrics
- Application software
- Peripherals or supplies for the above

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New efforts to serve customers

According to Byrne, Intermec has made some very strategic changes to its offerings. The Enterprise Mobile acquisition is expected to show big returns. Enterprise Mobile offers managed services for customers using mobile devices. And, it's not only ruggedized products. It also has a service package for smart phones.

Intermec has also transitioned to a laser-free portfolio. All new scanning products from Intermec are based on imaging technology. In 2009, **VDC Research Group** stated, "In 2008, laser scanners were the preferred handheld solution. However, the proportion of users planning subsequent investment in laser scanners is disproportionately lower than in other faster growing product categories i.e., linear and 2-D imaging solutions. Imaging is expected to emerge as the fastest growing technology segment."

"I contend that laser technology is dead," Byrne asserted. "There have been so many improvements in imaging, that there is really no need for laser technology. This is especially true when you look at all the benefits imaging provides that lasers can't. Most 2-D symbologies can only be read with an imager. If a retailer wants to scan a coupon on a smart phone, they need imaging technology. If parcel delivery carriers want to scan a signature, it takes an imaging scanner."

"Our new EA30 high-performance 2-D imager features a huge improvement in motion tolerance," Byrne continued. "Airport applications are a great fit for the EA30. Bags at airports are moving extremely fast. With the new motion tolerance in the EA30, we can capture 2-D symbologies even if they are in motion."

Market changes

Today's AIDC market is rapidly changing, according to Byrne. In addition to traditional verticals such as warehousing and postal/parcel delivery, apps like direct store delivery and field service are becoming huge targets for providers of enterprise mobility solutions.

As companies adopt emerging wireless technologies, they need more education...more services. Resellers can help them.

"In addition to education and service functions, VARs are critical to the identification of micro-verticals," said Byrne. "Pest control, is one example. They can use wireless technology to monitor the urgent needs or monthly check-ups of their customers. In the public sector, firemen can use the technology for scheduled equipment inspections."

There are all types of new applications emerging, and the technology is now affordable to more people than ever before.

"Our strong network of channel partners has really come through for us," Byrne continued. "They have not only identified new vertical markets and applications, but have helped us expand geographically, as well. We have 100 new certified ISV partners. Three years ago, that number was half that size. That's a 30% CAGR for partner recruitment. It would be a big mistake to underestimate the role VARs play in growing sales."

As we noted, Intermec showed 16% organic growth. Byrne credits the company's 4,000 resellers for contributing to the achievement.

Closing

"We are increasing our competitiveness through strategic acquisitions and new innovations," Byrne closed. "Increased unit sales volumes are evening out the effects of lower pricing. And, we are capitalizing on the monetization of our IPs."

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deemed to have some innate value to the economy; that innate value being referred to as the "virtual value" of the patent. In this parallel universe, patents began to be purchased solely for the purpose of monetizing the virtual value of the invention, and it was being done by players who themselves created no physical or tangible or virtual thing.

To many, the concept of monetizing the virtual value of a patent, by members playing out in this parallel patent universe, seems contrary to the patent laws because they extract payments from the industry without contributing any apparent value to the industry in return. This is not so. The value they bring to the table is the identification of patented inventions that are important to the economy and the enablement of society. They do so with industrious efforts.

Where activities in the parallel universe can and sometimes do go wrong is when they use these intellectual properties to cover more than the proper scope of the patent. At times, these acquired patents are asserted and disrupt the industry.

Two players that played a big role in creating this

parallel universe were **REFAC** and the **Lemelson Foundation**. Most AIDC players remember that Lemelson used patents related to the bar code industry to capture royalties from giant end users who often just paid his fees to avoid litigation. Lemelson was able to assert patents that should have been long-expired, but he was able to keep them alive beyond their 17-year-from-issue-date lifespan with creative renewals—a process called “submarining.” In 1995, the GATT Uruguay Round Patent Law brought about changes in U.S. laws that ended the process of submarining.

Paul Juhasz, founder and president of **Juhasz Law Firm, P.C.**, chaired a consortium of lawyers who defeated Jerome Lemelson. The consortium was funded by a group of leading AIDC vendors, with the former **Symbol Technologies** (now **Motorola Solutions**) playing a leadership role.

Juhasz specializes in strategic patent preparation, prosecution, counseling, and monetization, with degrees in electrical engineering and chemical engineering. He is extensively published and an expert on 35 U.S.C. §101 Bilski subject matter and patent exhaustion. Juhasz served as former Director **Nokia Americas IP**, and as Assistant GC, Chief IP Counsel at Symbol. The Firm offers legal services that allow companies to better see, understand, and realize the potential strategic value from their IP.

Juhasz admits that Lemelson created inventions deserving of patent protection. But *it is in Lemelson's submarining practice* whereby, decades after his inventive contribution, he was able to have claims issued that, in some cases, appeared to arguably “stretch” his patents beyond their scope. It was his use of these IPs to cover activities of the industry years later *that gave a negative perception to most of what he did*. He also notes that Lemelson made a lot of money until he was stopped in court.

As noted, REFAC was another player that started the process of purchasing patents for monetization. As early as the mid-1970s, REFAC initiated a law suit against the industry. The litigation surrounded an inventor who had failed in his own licensing efforts. The lawsuit saw success in the mid-1980's.

To many, REFAC seemed to arguably stretch the inventive contribution of patents beyond their scope. They were perceived as never creating anything of value. When patents are used to cover things beyond the scope of what has been invented, it's called “stretching the patents.”

In contrast to both Lemelson and REFAC, whose many accomplishments at times created some negative perceptions in the industry, Juhasz said

there are non-practicing entities that are doing licensing right. One example is **Intellectual Ventures** which manages to succeed in monetizing patents through a positive atmosphere of collaboration with the industry.

Lemelson was able to assert patents that should have been long-expired, but he was able to keep them alive beyond their 17-year-from-issue-date lifespan with creative renewals—a process called “submarining.” In 1995, the GATT Uruguay Round Patent Law brought about changes in U.S. laws that ended the process of submarining.

Paul Juhasz, The Juhasz Law Firm.

Nobody likes a license that is forced on the industry. But, a license that creates value to a company is a win-win proposition and is the cornerstone for many a successful licensing program. Among other things, licensing companies can help inventors/companies shore up weaknesses in their patent position. Juhasz believes the Intellectual Ventures business model has taken an activity that arguably falls within the parallel universe of “monetization by a company that doesn't make anything” and is doing a great job at repositioning their activities into the old-world patent model where they are perceived by the industry as bringing more to the table than simply licensing sweat equity.

Licensing companies, like Intellectual Ventures, are creating additional value for companies by bundling groups of strategic, related patents. Juhasz adds that, unlike parallel universe licensing shops, Intellectual Ventures also creates its own technology. The company has its own division that does significant research and development, creating even greater value in the eyes of the industry. Definitely old school thinking.

So, alongside the old-world model of patenting by companies that make products and things, there is this parallel universe of companies that monetize patents without making anything. And there are two different patent models being used in that parallel universe today. Those that take patents that are really worthwhile and properly assert them, are operating consistent with today's patent laws by the identification of patented inventions that are important to the economy and the enablement of society with these patented inventions. Then, there are also companies taking questionable patents and

stretching and twisting them to cover things outside the patent to suit their needs. This is definitely not consistent with current laws. These are the companies that have given way to the term "patent trolls"—a term often used to define companies that neither create nor practice an invention but are in the sole business of buying patents to license. Often, with their "nuisance claims," companies pay just to get rid of the assertion.

Finally, there is the new school of patent monetization, like Intellectual Ventures, that is folding the parallel universe back onto the old-world model of patenting where licensing is all about creating a value proposition for the industry. Juhasz Law helps clients do this kind of licensing.

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SeD Logistiques Implements TAGSYS Item-Level RFID

Leading fashion and apparel logistics provider moves to TAGSYS FiTS to improve process reliability and efficiency .

Last month, **SeD Logistiques (SeD)** announced that it is deploying the new **TAGSYS FiTS** (Fashion Item Level Tracking System) RFID solution at the company's distribution center in Paris. SeD is a global third-party logistics supplier that provides storage and distribution support for a number of major apparel brands, and will initially utilize TAGSYS' RFID solution to support an existing apparel customer.

"The TAGSYS FiTS solution provides us with a significant competitive advantage," said Pascale Barbe at SeD. "By leveraging item-level RFID to provide real-time visibility of merchandise as it moves in and out of our distribution center, we will be able to dramatically increase efficiency in our processes and inventory accuracy, as well as improve services to our customers. FiTS not only provides us with the tools and services to boost productivity and reduce labor costs, but it will also improve inventory availability for our customers, which will ultimately drive sales up."

According to TAGSYS, FiTS is the first commercial off-the-shelf, end-to-end supply chain system designed specifically for the apparel, footwear, and

retail marketplaces. The complete system includes purpose-built RFID equipment; a unique centralized dashboard for performance monitoring; proven RFID software that is available in a flexible subscription model; and guaranteed performance levels and proactive maintenance via the TAGSYS Total Managed Services (TMS) offering.



Alain Fanet, CEO, TAGSYS RFID.

SeD is deploying a full complement of TAGSYS RFID technology, including RFID tunnel readers, preparation stations, and the TAGSYS e-Connectware software. As cases of tagged garments pass through fixed-position readers at the distribution center, SeD will be able to track merchandise from receipt through putaway, picking and shipping, and provide that information to its customers in real time.

SeD supports five brands at its 70,000-square-meter distribution center in Paris.

"SeD is taking an important step forward by positioning itself as a technology leader," said Alain Fanet, CEO at TAGSYS. "In a multi-brand environment, SeD can potentially leverage the benefits of RFID across its entire client base, further establishing its leadership position, while helping to accelerate the adoption of RFID in the apparel industry."

To learn more about FiTS and the SeD deployment, **SCAN/DCR** interviewed Didier Mattalia, sales director for TAGSYS. Following are his answers to our questions:

SCAN/DCR: How many customers have purchased the FiTS solution to date?

Mattalia: Four customers—three in Europe, one in the U.S.

SCAN/DCR: What kind of positive feedback are you hearing?

Mattalia: The main feedback is that FiTS is a very "pragmatic" solution. Our customers are sharing with us how easy it is to install FiTS, specifically how the 'plug and play' modules can be adapted to support a variety of business processes throughout their supply chains. Bottom line, we've heard that the solution is easy to install, and that it dramatically improves business process, in both logistics and retail environments.

SCAN/DCR: Are the customers giving you any suggestions as to how to improve the FiTS offering?

Mattalia: Yes, absolutely. In fact, we've been actively encouraging discussions between TAGSYS technical engineers and customer team members. Because FiTS is scalable, we are constantly adapting the solution to support additional operational processes, by integrating new modules into the "e-Connectware" software platform. Through this approach, the solution is improved, always keeping in mind the "duplicability" of the system.

SCAN/DCR: What are the biggest challenges facing the RFID market at this time?

Mattalia: A lot of companies are claiming they offer RFID. Some understand it, some don't. The problem is that once a customer has a bad experience with one of these RFID companies, not only the company is penalized, but the reputation and credibility of RFID as a whole is put at risk. TAGSYS has been in the RFID industry for over 15 years, and during this time, has been at the forefront of technological innovations. Our expertise and knowledge of the technology and of our customers' business requirements have helped us to design and implement purpose-built stations and solutions adapted to the supply chain. It takes time to thoroughly understand the technology, but more importantly, knowing how to adapt it to improve new business processes is where the real value can be found.

SCAN/DCR: What are some of the positives in the market today?

Mattalia: FiTS was initiated four years ago. We are now facing a "snow ball" effect, multiplying our references on the apparel market. The happier our customers, the more they are spreading the word about RFID, and the more they are convincing other customers to adopt. We are on schedule to double our number of references for next year, and this is just the beginning. RFID makes real sense in the apparel & retail market. That's not just "new technology;" a solution like FiTS is really improving the global supply chain, at all levels.

SCAN/DCR: Historically, retailers/grocers have been unwilling (in most cases) to share results from the implementation of new technologies. They often considered them a competitive advantage. Do you think the same will happen with RFID or is there



Didier Mattalia, sales director, TAGSYS RFID.

more of a willingness to share in the interest of moving adoption along more quickly?

Mattalia: Our customers are already sharing information. Not necessarily with their "direct" competitors, but we managed to convince some brands (customers) to be more open because they were allowed to visit others, such as **Serge Blanco**, which has been a customer of ours for four years now. They are extremely pleased with the solution, and one of our biggest advocates.

SCAN/DCR: What feedback are you hearing about pricing in RFID? Is it still a major drawback for those who are considering adoption?

Mattalia: In apparel & retail, price is not an issue anymore. It is useless to compare the price of a tag with the selling price of the garment, as the tag doesn't bring anything to the product itself. The real comparison has to be done with the treatment of the logistics cost, when compared to the total cost of supporting a global supply chain. For example, our customers are telling us that FiTS is now helping them to effectively address these global costs, especially in cases where our TMS (Total Management Service) program is being deployed. This new economic model, which accelerates the ROI by providing cash flow visibility via a SaaS model, as well as a global security of the operations, is currently being used by several of our customers.

SCAN/DCR: How long did the SeD Logistiques installation take?

Mattalia: About four months, including connection with the back office and the WMS.

SCAN/DCR: Did their employees need a lot of training?

Mattalia: Two-three days.

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Accu-Time Systems Continues Global Expansion

About a year and a half ago, long-time player in the time-and-attendance niche, **Accu-Time Systems**, was acquired by **Amano USA Holdings, Inc.**, a division of Japan-based **Amano Corporation**. The parent company has an

outreach that literally stretches around the globe. A vendor of time clocks and access control systems, Amano wanted a more upscale product to round out its portfolio of low-price offerings. Rather than start from scratch in the engineering department, Amano wisely decided to acquire Accu-Time.

As a brief review, Accu-Time produces high-end time-and-attendance/access control hardware. Its products come in a wide variety of form factors, including desk mounts, wall mounts, kiosks, etc. Its features include a number of biometric ID technologies, larger screens, cloud computing, and the ability to allow employees to check their work hours, vacation time, overtime, etc. Fortunately, Amano chose not to make any changes at Accu-Time and instead is capitalizing on the company's success in the market.



*Peter DiMaria,
founder/CEO, Accu-
Time Systems.*

Peter DiMaria, who founded Accu-Time, remains at the helm. He told us that the two companies have managed to capitalize on each other's strengths without disruption to sales, channels, or their business models.

"We haven't changed a thing," DiMaria told *SCAN/DCR*. "We are adding more products and features and improving quality control. We are continuing our global expansion. Our association with Amano has enabled us to move into the Asia market for the first time.

"We have also been focusing on adding middleware to our package," he continued. "Our middleware and integration skills improve connectivity for our customers. All assembly of Accu-Time's products is still done in the United States. Components are built in both the States and in other countries."

With the news on the economy changing everyday, we wondered if DiMaria was concerned about a drop in sales. "Efficiency is more critical than ever," he stated. "Employees are a company's most important and most expensive assets. U.S. workers put in more hours than most other countries. I think there is a growing need for our products that may even be driven by the shaky economy."

Because Accu-Time's products employ the use of fingerprint technology, we wondered if its

customers are receiving resistance from their workforces. "Not really," DiMaria replied. "There is always some resistance to new technology, but it is becoming less and less. Newcomers in the labor force are much more tech savvy. They've grown up in a much different world than people my age. Technology doesn't really frighten them. And, as more older workers retire and are replaced by these younger workers, I predict it will eventually become a non-issue. However, there is one new issue; young people really expect technology to work as it is supposed to, and they're smart enough to know when it's not.

Continuing, DiMaria told us, "It doesn't take much effort to back-up what I am saying. Just look at the number of smart phones in the market. Look at how young the users are. You're seeing children as young as 8-to-10 years old walking around with their own cell phones. This has contributed greatly to the acceptance of technology. Social networking is also a big contributor. Despite warnings about possible identity theft and a loss of privacy, hundreds of millions of people—and businesses—are on sites like Facebook everyday."

On the subject of smart phones, DiMaria said competition in his market is getting very tough. Many businesses are turning to iPhones, computers, PCs, and handheld devices for their workforce management needs.

"We have to constantly expand on our list of features, just to compete," said DiMaria. "We have to be more clever in how we present our products. It's important to point out that we offer ruggedized terminals that, in the long run, are less expensive over the lifetime of the system."

One thing that has really helped Accu-Time's sales is that tracking people and assets has become much more critical to businesses than any time before. "Our systems are very flexible and can be adapted to meet the needs of a variety of applications," DiMaria explained. "Hospitals, factories, sporting venues, etc. are all becoming more aware of the importance of asset tracking. I believe this trend will continue to grow."

Closing, DiMaria said he is very confident in Accu-Time's future, and that being a part of Amano will continue to strengthen the company. He added that he is dedicated to making the necessary changes to remain a major player in his sector.

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SCAN/DCR MARKETWATCH

For August 10, 2011

AIDC Public Company Names	Phone	Exchange	Symbol	Close Price	52-Week Low	52-Week High	Dividend Yield	P/E Ratio	Last 12 Months
Astro Med	(401) 828-4000	NASDAQ	ALOT	7.18	6.54	9.12	3.70	25.64	0.28
Avnet Convergent Technologies	(480) 643-7291	NYSE	AVT	25.52	22.39	38.00	N/A	6.88	3.71
AXCESS Inc.	(972) 407-6080	NASDAQ	AXSI.PK	0.03	0.01	0.27	N/A	N/A	-0.09
Brady Corporation	(414) 438-6880	NYSE	BRC	26.33	24.88	38.73	2.70	13.87	1.90
Checkpoint	(800) 257-5540	NYSE	CKP	13.96	12.65	23.00	N/A	36.93	0.38
Cisco Systems, Inc.	(408) 526-8890	NASDAQ	CSCO	13.73	13.30	24.60	1.70	10.72	1.28
Cognex Corp.	(580) 650-3353	NASDAQNM	CGNX	29.24	19.02	37.49	1.20	17.28	1.69
CSP Inc.	(508) 663-7598	NASDAQ	CSPI	3.86	3.60	5.25	N/A	27.77	0.14
Danaher Corporation	(202) 828-0850	NYSE	DHR	44.24	35.24	56.09	0.20	12.93	3.21
Datalogic (Euros)	39 051 3147011	MILAN	DAL.MI	6.00	3.98	6.70	N/A	22.39	0.27
Dover Corporation	(212) 922-1640	NYSE	DOV	51.58	43.23	70.15	2.50	11.28	4.57
EMS Technologies, Inc.	(770) 729-6510	NASDAQ	ELMG	32.92	14.24	33.05	N/A	31.68	1.04
Honeywell	(973) 455-2000	NYSE	HON	43.22	38.08	62.28	3.00-	13.80	3.13
Intermec Inc.	(425) 348-2600	NYSE	IN	6.94	6.90	13.08	N/A	N/A	-0.15
Itron	(509) 924-9900	NASDAQ	ITRI	37.36	35.96	67.58	N/A	13.20	2.83
ITW	(586) 752-5553	NYSE	ITW	42.32	40.33	59.27	3.20	11.18	3.79
Lockheed Martin Corporation	(607) 751-2690	NYSE	LMT	66.87	67.06	82.43	4.40	8.37	7.99
Motorola Solutions Inc.	(800) 262-8509	NYSE	MSI	39.27	36.52	64.61	2.20	10.80	2.64
NCR Corporation	(937) 445-5905	NYSE	NCR	16.19	12.15	20.97	N/A	15.55	1.04
Psion Teklogix (UK P)	(905) 813-9900	LONDON	PON.L	66.50	61.00	102.75	N/A	N/A	0.02
ScanSource	(864) 288-2432	NASDAQ	SCSC	29.23	24.25	40.00	N/A	11.69	2.50
Unitech Electronics Co., Ltd.	886-2-89121122	GTSMCT	3652.TWO	24.75	25.05	40.90	N/A	N/A	N/A
Zebra Technologies	(847) 793-6735	NASDAQ	ZBRA	31.57	27.53	44.53	N/A	11.95	2.64
Zetes Industries (Currency-Euro)	32(0)2 728 37 11	EURONEXT	ZTS.BR	16.38	14.60	18.85	N/A	N/A	N/A

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