

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SMART THERMOSTAT
SYSTEMS, SMART HVAC SYSTEMS,
SMART HVAC CONTROL SYSTEMS,
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1258

**NOTICE OF COMMISSION DECISION TO EXTEND THE DUE DATE FOR
DETERMINING WHETHER TO REVIEW A FINAL INITIAL DETERMINATION
FINDING NO VIOLATION OF SECTION 337**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend until June 22, 2022, the due date for determining whether to review a final initial determination (“FID”) of the presiding administrative law judge (“ALJ”) finding no violation of section 337 of the Tariff Act of 1930, as amended.

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 may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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: On April 2, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by EcoFactor, Inc. of Palo Alto, California (“Complainant”). *See* 86 FR 17402-03 (Apr. 2, 2021). The complaint, as amended and supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain smart thermostat systems, smart HVAC systems, smart HVAC control systems, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,423,322 (“the ’322 patent”); 8,019,567 (“the ’567 patent”); 10,612,983 (“the ’983 patent”); 8,596,550; and 8,886,488. *See id.* The notice of investigation names the following respondents: Ecobee Ltd. and Ecobee, Inc. of Toronto, Canada; Google LLC of Mountain View, California; Carrier Global Corporation of Palm Beach Gardens, Florida; Emerson Electric Co. of St. Louis, Missouri; Honeywell International Inc. of Charlotte, North Carolina; Resideo Technologies, Inc. of Austin, Texas;

Johnson Controls International, PLC of Cork, Ireland; Siemens Industry, Inc. of Buffalo Grove, Illinois; and Siemens AG of Munich, Germany. *See id.* The Office of Unfair Import Investigations is not a party to the investigation. *See id.*

The Commission previously terminated the investigation as to respondents Emerson Electric Co., Siemens Industry, Inc., Siemens AG, Honeywell International Inc., Resideo Technologies, Inc., and Carrier Global Corporation based on the withdrawal of the allegations in the complaint as to those respondents. *See Order No. 3 (Apr. 12, 2021), unreviewed by Comm'n Notice (Apr. 29, 2021); Order No. 7 (May 13, 2021), unreviewed by Comm'n Notice (May 24, 2021); Order No. 13 (July 16, 2021), unreviewed by Comm'n Notice (July 30, 2021).*

On May 11, 2021, the Commission amended the complaint and notice of investigation to add respondent Johnson Controls Inc. ("JCI") and to terminate respondent Johnson Controls International, PLC. *See Order No. 4 (Apr. 20, 2021), unreviewed by Comm'n Notice (May 11, 2021).* On August 6, 2021, the Commission terminated the investigation as to JCI based on settlement. *See Order No. 17 (Aug. 6, 2021), unreviewed by Comm'n Notice (Aug. 18, 2021).*

On August 18, 2021, the Commission terminated the investigation as to the '322 patent based on the withdrawal of the allegations in the complaint as to that patent. *See Order No. 16 (Aug. 5, 2021), unreviewed by Comm'n Notice (Aug. 18, 2021).*

On December 8, 2021, the Commission terminated the investigation as to the '567 and '983 patents based on the withdrawal of the allegations in the complaint as to those patents. *See Order No. 26 (Nov. 8, 2021), unreviewed by Comm'n Notice (Dec. 8, 2021).*

On April 4, 2022, the ALJ issued the FID finding no violation of section 337. On April 18, 2022, both Complainant and Respondents filed petitions for Commission review of the FID. On April 26, 2022, the parties filed responses to each other's petition.

The Commission has determined to extend until June 22, 2022, the due date for determining whether to review the FID.

The Commission's vote for this determination took place on June 3, 2022.

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: June 3, 2022