

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

**In the Matter of**

**CERTAIN SMART THERMOSTATS,  
SMART HVAC SYSTEMS, AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1185**

**NOTICE OF A COMMISSION DETERMINATION EXTENDING THE DATE FOR THE  
COMMISSION'S DECISION ON WHETHER TO REVIEW A FINAL INITIAL  
DETERMINATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to extend the date for the Commission's decision on whether to review a final initial determination ("ID") issued in the above-captioned investigation to July 20, 2021.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., 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](mailto: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 November 27, 2019, 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 ("EcoFactor"). *See* 84 FR 65421-22 (Nov. 27, 2019). The complaint 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 thermostats, smart HVAC systems, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,131,497 ("the '497 patent"); 8,423,322 ("the '322 patent"); 8,498,753 ("the '753 patent"); and 10,018,371 ("the '371 patent"). *See id.* The notice of investigation names the following respondents: Daikin Industries, Ltd. of Osaka, Japan; Daikin America, Inc. of Orangeburg, New York; and Daikin North America LLC of Houston, Texas (collectively, "the Daikin Respondents"); Schneider Electric USA, Inc. of Andover, Massachusetts and Schneider Electric SE of Rueil-Malmaison, France (collectively, "the Schneider Respondents"); Ecobee Ltd. and Ecobee, Inc., both of Toronto, Canada; Google LLC of Mountain View, California; Alarm.com

Incorporated and Alarm.com Holdings, Inc. of Tysons, Virginia; and Vivint, Inc. of Provo, Utah. The Office of Unfair Import Investigations is also a party to the investigation.

On June 11, 2020, the presiding administrative law judge (“ALJ”) issued an ID (Order No. 10) granting a joint motion to partially terminate the investigation as to the Daikin Respondents based on settlement. *See* Order No. 10 (June 11, 2020), *unreviewed by* Comm’n Notice (July 1, 2020). On August 10, 2020, the ALJ issued an ID (Order No. 15) granting a joint motion to terminate the investigation in part as to the Schneider Respondents based on settlement. *See* Order No. 15 (Aug. 10, 2020), *unreviewed by* Comm’n Notice (Aug. 31, 2020). On November 27, 2020, the ALJ issued an ID (Order No. 27) granting an unopposed motion for partial termination of the investigation as to the asserted claims of the ’753 patent; the asserted claims of the ’322 patent and the ’371 patent as to Ecobee; and the asserted claims of the ’497 patent as to Alarm.com. *See* Order No. 27, *unreviewed by* Comm’n Notice (Dec. 15, 2021).

On April 20, 2021, the ALJ issued a final ID finding no violation of section 337. The parties to the investigation filed petitions for review of various portions of the ID and responses to the petitions.

The Commission has determined to extend the date for determining whether to review the final ID to July 20, 2021.

The Commission vote for this determination took place on May 19, 2021.

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: May 19, 2021