

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

**In the Matter of**

**CERTAIN SMART THERMOSTATS, LOAD  
CONTROL SWITCHES, AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1277**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING A JOINT MOTION TO TERMINATE THE  
INVESTIGATION AS TO RESPONDENT XYLEM INC.**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 7) of the presiding administrative law judge (“ALJ”) granting a joint motion by Complainant and Respondent Xylem Inc. of Rye Brook, New York (“Xylem”) to terminate the investigation as to Xylem.

**FOR FURTHER INFORMATION CONTACT:** Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On September 2, 2021, the Commission instituted this investigation based on a complaint filed by Causam Enterprises, Inc. (“Causam”) of Raleigh, North Carolina. 86 FR 49345-46 (Sept. 2, 2021). The complaint alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain smart thermostats, load control switches, and components thereof by reason of infringement of one or more claims of U.S. Patent Nos. 8,805,552; 9,678,522; 10,394,268; and 10,396,592. *Id.* The Commission’s notice of investigation named the following nine entities as respondents: Alarm.com Holdings, Inc. of Tysons, Virginia; Alarm.com Inc. of Tysons, Virginia; Ecobee, Inc. of Toronto, Ontario, Canada; EnergyHub, Inc. of Brooklyn, New York; Itron, Inc. of Liberty Lake, Washington; Itron Distributed Energy Management, Inc. of Liberty Lake, Washington; Resideo Smart Homes Technology (Tianjin) of Tianjin, China; Resideo Technologies, Inc. of Austin, Texas

(Collectively, “Respondents”); and Xylem. The Office of Unfair Import Investigations was not named as a party in this investigation. *Id.*

On October 26, 2021, Causam and Xylem filed a motion to terminate the investigation as to Xylem based upon a settlement agreement between them that “resolves all issues between them.” ID at 1. Respondents did not oppose Xylem’s termination from the investigation.

On December 10, 2021, the ALJ issued the subject ID granting the motion. The ID observed that Commission Rule 210.21(a)(2) provides that “[a]ny party may move at any time to terminate an investigation in whole or in part as to any or all respondents on the basis of a settlement, a licensing or other agreement . . . .” 19 CFR 210.21(a)(2). The ID found that in compliance with 19 CFR 210.21(b)(1), the parties state that “[o]ther than the Settlement Agreement, there are no other agreements, written or oral, express or implied, between the Moving Parties concerning the subject matter of this Investigation.” ID at 2. The parties also submitted confidential and public versions of the settlement agreement. The ID further found that granting the motion is in the public interest and “fosters administrative and judicial economy.” *Id.* No one petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. Xylem is hereby terminated from the investigation.

The Commission vote for this determination took place on January 10, 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.

Issued: January 10, 2022.



**Lisa R. Barton,**  
*Secretary to the Commission.*