

**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 NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING AN UNOPPOSED JOINT MOTION FOR  
PARTIAL TERMINATION OF THE INVESTIGATION AS TO A  
RESPONDENT BASED ON SETTLEMENT**

**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. 17) of the presiding administrative law judge (“ALJ”) granting an unopposed joint motion for partial termination of the investigation as to respondent Johnson Controls Inc. (“JCI”), based on settlement.

**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](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 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; 8,019,567; 10,612,983; 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 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, Complainant and JCI filed an unopposed joint motion for partial termination of the investigation as to respondent JCI based on settlement. No responses to the motion were filed.

On August 6, 2021, the ALJ issued the subject ID (Order No. 17) granting the motion. In accordance with Commission Rule 210.21(b)(1), 19 CFR 210.21(b)(1), the motion includes public and confidential versions of the settlement agreement. *See* ID at 2. In addition, as noted in the ID, the motion includes a statement that “there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation.” *See id.* Furthermore, in accordance with Commission Rule 210.50(b)(2), 19 CFR 210.50(b)(2), the ID finds that “the public interest generally favors settlement to avoid needless litigation and to conserve public resources.” *See id.*

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. Respondent JCI is terminated from the investigation.

The Commission's vote for this determination took place on August 18, 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: August 18, 2021