

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

In the Matter of

**CERTAIN RESIDENTIAL PREMISES
SECURITY MONITORING AND
AUTOMATION CONTROL PANELS, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1273

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION TO
TERMINATE THE INVESTIGATION AS TO U.S. PATENT NO. 8,976,937 AND
CERTAIN CLAIMS OF U.S. PATENT NO. 9,286,772**

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. 10) of the presiding administrative law judge (“ALJ”) granting complainants’ unopposed motion to terminate the investigation as to (i) U.S. Patent No. 8,976,937 (“the ’937 patent”) and (ii) certain claims of U.S. Patent No. 9,286,772 (“the ’772 patent”) based on withdrawal of the complaint as to those allegations.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., 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. 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 August 5, 2021, the Commission instituted this investigation based on a complaint filed by ADT LLC and The ADT Security Corporation, both of Boca Raton, Florida (collectively, “ADT”). 86 FR 42879-80 (Aug. 5, 2021). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain residential premises security monitoring

and automation control panels and components thereof by reason of infringement of certain claims of the '937 patent and the '772 patent. *Id.* The complaint further alleges that an industry in the United States exists. *Id.* at 42880. The notice of investigation named one respondent: Vivint, Inc. (“Vivint”) of Provo, Utah. *Id.* The Office of Unfair Import Investigations (“OUII”) is also named as a party. 87 FR 476 (Jan. 5, 2022).

On December 6, 2021, ADT filed an unopposed motion for partial termination of the investigation based on withdrawal of the allegations in the complaint as to (i) the '937 patent and (ii) claims 1, 7-12, and 18-20 of the '772 patent. *See Mot.* at 1. On December 6, 2021, OUII filed a response in support of the motion. Vivint did not file a response to the motion.

On December 17, 2021, the ALJ issued the subject ID granting the motion. The ID finds that the motion complies with the requirements of Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)), that there are no extraordinary circumstances that prevent the requested termination, and that “termination of the investigation as to these claims is in the public interest, as public and private resources will be conserved.” ID at 2-3. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The investigation is terminated as to (i) the '937 patent and (ii) claims 1, 7-12, and 18-20 of the '772 patent.

The Commission vote for this determination took place on January 18, 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: January 18, 2022