

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 SETTING THE TARGET DATE FOR COMPLETION OF THE
INVESTIGATION AT APPROXIMATELY 18.5 MONTHS**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 3) setting the target date to complete the above-captioned investigation for March 16, 2023, approximately 18.5 months from the Federal Register notice of institution.

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) 205-3042. 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 September 2, 2021, the Commission instituted this investigation based on a complaint filed by Causam Enterprises, Inc. 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; and Xylem

Inc. of Rye Brook, New York. The Office of Unfair Import Investigations was not named as a party in this investigation. *Id.*

On October 14, 2021, the ALJ issued the subject ID (Order No. 3) setting the target date for completion of the investigation at 18.5 months. The ALJ set the target date at 18.5 months due to his current schedule, which includes “the compression of time between the four [co-pending] investigations” on his docket. ID at 2-3. Given that the target date is more than 16 months, the ALJ issued the order as an ID. *See* 19 CFR 210.51(a)(1). No one petitioned for review of the ID.

The Commission has determined not to review the subject ID. The target date for completion of the investigation is set for March 16, 2023, and the deadline for issuing the final ID is November 16, 2022.

The Commission vote for this determination took place on November 3, 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: November 3, 2021