

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**

Inv. No. 337-TA-1258

NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337

Administrative Law Judge Cameron Elliot

(April 4, 2022)

On this date, I issued an initial determination on violation of section 337 in the above-referenced investigation. Below are my Initial Determination and the Conclusions of Law from said filing, which are a matter of public record. A complete public version of the Initial Determination will issue when all the parties have submitted their redactions and I have had an opportunity to review such redactions.

SO ORDERED.



Cameron Elliot
Administrative Law Judge

CONCLUSIONS OF LAW

1. Complainants have not proven that at any Accused Product infringes any asserted claim of U.S. Patent No. 8,596,550.
2. Complainants have not proven that any Accused Product infringes any asserted claim of U.S. Patent No. 8,886,488.
3. Respondents have proven the invalidity of all asserted claims of U.S. Patent Nos. 8,596,550.
4. Respondents have proven the invalidity of all asserted claims of U.S. Patent No. 8,886,488.
5. Complainants have not proven the existence of the technical prong of a domestic industry practicing any asserted claim of U.S. Patent Nos. U.S. Patent Nos. 8,596,550 or 8,886,488
6. Complainants have proven the existence of the economic prong of a domestic industry as required by subsection (a)(2) of section 337.

INITIAL DETERMINATION AND ORDER

Based on the foregoing, it is my Initial Determination that there is no violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain smart thermostat systems, smart HVAC systems, smart HVAC control systems, and components thereof, in connection with the asserted claims of U.S. Patent Nos. 8,596,550 and 8,886,488.

Furthermore, it is my determination that a domestic industry in the United States exists with respect to U.S. Patent Nos. 8,596,550 and 8,886,488.

I certify to the Commission this Initial Determination, together with the Record of the hearing in this investigation consisting of the following: the transcript of the evidentiary hearing, with appropriate corrections as may hereafter be ordered; and the exhibits accepted into evidence in this investigation.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission sixty (60) days after the date of service of the Initial

Determination, unless a party files a petition for review of the Initial Determination within twelve (12) business days after service of the Initial Determination pursuant to 19 C.F.R. § 210.43(a) or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion, a review of the Initial Determination or certain issues therein. Any issue or argument not raised in a petition for review, or response thereto, will be deemed to have been abandoned and may be disregarded by the Commission in reviewing the Initial Determination pursuant to 19 C.F.R. § 210.43(b) and (c).