

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN IP CAMERA SYSTEMS
INCLUDING VIDEO DOORBELLS
AND COMPONENTS THEREOF

Inv. No. 337-TA-1242

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 18, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of SkyBell Technologies, Inc. of Irvine, California; SB IP Holdings, LLC of Irvine, California; and Eyetalk365, LLC of Cornelius, North Carolina. A supplement was filed on January 6, 2021. The complaint alleges violations 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 IP camera systems including video doorbells and components thereof by reason of infringement of certain claims of U. S. Patent No. 9,432,638 (“the ’638 patent”); U.S. Patent No. 9,485,478 (“the ’478 patent”); U.S. Patent No. 10,097,796 (“the ’796 patent”); U.S. Patent No. 10,097,797 (“the ’797 patent”); U.S. Patent No. 10,200,660 (“the ’660 patent”); U.S. Patent No. 10,523,906 (“the ’906 patent”); and U.S. Patent No. 10,674,120 (“the ’120 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2020).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on January 25, 2021, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claim 6 of the '638 patent; claims 9-11 and 17 of the '478 patent; claims 3 and 7 of the '796 patent; claims 6, 8, and 9 of the '797 patent; claims 9, 13, 14, 16, and 18 of the '660 patent; claims 9, 13, and 18 of the '906 patent; and claim 1 of the '120 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "Video Doorbells and IP Cameras including components and internal software that comprise a camera and motion sensor and interface with a software application used on smartphones and/or remote devices";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

SkyBell Technologies, Inc.
1 Jenner #100
Irvine, CA 92618

SB IP Holdings, LLC
1 Jenner #100
Irvine, CA 92618

Eyetailk365, LLC
12213 Potts Plantation Circle
Cornelius, NC 28031

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Vivint Smart Home, Inc.
4931 North 300 West
Provo, UT 84604

SimpliSafe, Inc.
294 Washington Street, 9th Floor
Boston, MA 02108

Arlo Technologies Inc.
3030 Orchard Parkway
San Jose, CA 95134

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), as amended in 85 Fed. Reg. 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: January 25, 2021

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **INSTITUTION OF INVESTIGATION** has been served upon the following parties as indicated, on **January 25, 2021**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

Complainants:

SkyBell Technologies, Inc.
1 Jenner #100
Irvine, CA 92618

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

SB IP Holdings, LLC
1 Jenner #100
Irvine, CA 92618

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

Eyetailk365, LLC
12213 Potts Plantation Circle
Cornelius, NC 28031

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

On Behalf of Complainants:

Rett Snotherly, Esq.
LEVI & SNOTHERLY, PLLC
1101 Connecticut Avenue, NW, Suite 450
Washington, DC 20036
Email: rsnotherly@levisnotherly.com

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- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

Respondents:

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Certificate of Service – Page 2

Vivint Smart Home, Inc.
4931 North 300 West
Provo, UT 84604

- Via Hand Delivery
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- Via First Class Mail
- Other: Service to Be Completed by Complainants

SimpliSafe, Inc.
294 Washington Street, 9th Floor
Boston, MA 02108

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Arlo Technologies Inc.
3030 Orchard Parkway
San Jose, CA 95134

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Government Agencies:

Lynda Marshall
International Section, Antitrust Division
U.S. Department of Justice
450 5th Street NW, Room 11000
Washington, DC 20530

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, NW, 7th floor
Washington, DC 20229

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

Elizabeth Kraus, Deputy Director
International Antitrust, Office of International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

- Via Hand Delivery
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Dale D. Berkley, Ph.D., J.D.
Office of the General Counsel, PHD, NIH Branch

- Via Hand Delivery
- Via Express Delivery

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