

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

**ORDER NO. 4: SETTING TARGET DATE, HEARING DATES, AND
PRELIMINARY CONFERENCE**

(February 9, 2021)

On January 25, 2021, the Commission issued a Notice of Investigation in this matter upon a complaint, as supplemented, alleging violations of section 337 of the Tariff Act of 1930, as amended, 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 Commission ordered that 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 . . . 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.” Notice of Investigation at 2. Pursuant to Commission Rule

210.10(b)(1), the accused products are “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.” *Id.* The investigation was instituted upon publication of the Notice of Investigation in the *Federal Register* on Thursday, January 28, 2021. 86 Fed. Reg. 7412-13 (2021); *see* 19 C.F.R. § 210.10(b).

The complainants are SkyBell Technologies, Inc. and SB IP Holdings, LLC of Irvine, California, and Eyetalk365, LLC of Cornelius, North Carolina. Notice of Investigation at 2. The respondents are Vivint Smart Home, Inc. of Provo, Utah, SimpliSafe, Inc. of Boston, Massachusetts, and Arlo Technologies Inc. of San Jose, California. *Id.* at 3.

Based upon the issues identified in the complaint and Notice of Investigation and the schedules for other investigations before the Administrative Law Judge, the target date for completion of this investigation shall be Friday, May 27, 2022, which is less than sixteen months after institution of the investigation. *See* 19 C.F.R. § 210.51(a). Accordingly, the initial determination on alleged violation of section 337 shall be due by Thursday, January 27, 2022. *See* 19 C.F.R. § 210.42(a)(1)(i).

The evidentiary hearing in this investigation shall be held in the week of October 18-22, 2021. *See* 19 C.F.R. § 210.36. Pursuant to Ground Rule 5.2, I have determined that *Markman* proceedings would be beneficial to this investigation, and a *Markman* hearing shall be scheduled for Wednesday, June 9, 2021. The parties should prepare a joint technology tutorial that can be filed on the date of the *Markman* hearing.¹

¹ The Commission building has been closed to the public due to COVID-19, precluding any in-person hearings at this time. *See* USITC Three-Phase Plan to Re-Establish On-Site Business Operations at the USITC Building, <https://usitc.gov/coronavirus/usitc-three-phase-plan-re-establish-on-site-business-operations> (June 11, 2020). The parties should be prepared for hearings to be held *via* written submissions, by telephone, or using remote technology.

In accordance with Ground Rule 2.3, the parties shall submit a proposed procedural schedule for this investigation no later than Friday, February 26, 2021, taking into account the above-identified dates for hearings. The parties should make intensive good faith efforts to agree to a procedural schedule, and it is expected that in most instances the parties will submit a joint proposal. Any proposed procedural schedule shall not be filed on EDIS but served on the Administrative Law Judge electronically pursuant to Ground Rule 1.4.

Pursuant to Ground Rule 2.4, I will hold a preliminary conference on Wednesday, March 3, 2021, at 2:00 p.m. EST via telephone.² The parties should be prepared to discuss any issues with respect to the ground rules, the protective order, the procedural schedule, and the conduct of discovery.

SO ORDERED.



Dee Lord
Administrative Law Judge

² Dial-in information will be circulated in advance of the teleconference.

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served upon the following parties as indicated, on **February 9, 2021**.



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

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On Behalf of Respondent Vivint Smart Home, Inc.:

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