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

In the Matter of

**CERTAIN ACCESS CONTROL SYSTEMS
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1016
(Modification Proceeding)**

COMMISSION OPINION

This opinion sets forth the Commission's final determination in the above-captioned modification proceeding. The Commission has determined that the subject redesigned wireless garage door opener products ("redesigned products") imported and sold by Respondents Techtronic Industries Co. of New Territories, Hong Kong; Techtronic Industries North America, Inc. of Huntville, Maryland; One World Technologies, Inc. of Anderson, South Carolina; OWT Industries, Inc. of Pickens, South Carolina; and ET Technology (Wuxi) Co. of Zhejiang, China (collectively "Techtronic") do not infringe asserted claims 1-4, 7-12, 15, and 16 of U.S. Patent No. 7,161,319 ("the '319 patent"), and therefore are not covered by the limited exclusion order ("LEO") or cease and desist orders ("CDOs") issued in the underlying investigation. An order modifying the LEO and CDOs to exempt Techtronic's redesigned products will be issued separately.

I. BACKGROUND

A. The Underlying Investigation

The Commission instituted the underlying investigation on August 9, 2016, based on a complaint filed by Chamberlain of Elmhurst, Illinois. 81 Fed. Reg. 52713 (Aug. 9, 2016). The complaint alleged a violation of 19 U.S.C. § 1337, as amended ("Section 337"), through the importation, sale for importation, or sale in United States after importation of certain garage door openers that allegedly infringe one or more of the asserted claims of the '319 patent as well as

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U.S. Patent Nos. 7,339,336 (“the ’336 patent”), and 7,196,611 (“the ’611 patent”). *Id.* The ’611 patent was withdrawn after institution and terminated from the investigation. Order No. 28 (May 3, 2017), *not rev’d*, Comm’n Notice (May 31, 2017). The notice of investigation named Techtronic as respondents.¹ 81 Fed. Reg. 52713. The Office of Unfair Import Investigations (“OUII”) was not named as a party to the investigation. *Id.*

In pertinent part, the ’319 patent, as discussed in more detail in Section IV.A, *infra*, is directed to a garage door opener system that includes a motor drive unit with a controller, a wall console with a second controller, and a “digital data bus” that connects the controllers in the motor drive unit and wall console.² ’319 patent at Abstract, 7:34-39 (claim 1), 8:16-1 (claim 9). Chamberlain accused Techtronic’s RYOBI brand GD125, GD200, and GD200A garage door openers of infringing the ’319 patent. RX-601C (Huggins) at Q/A 12.

The then-presiding administrative law judge (“ALJ”) held a technology tutorial and *Markman* hearing on December 20, 2016, and issued his claim construction order on January 26, 2017. Order No. 13 (Jan. 26, 2017). With respect to the ’319 patent, the ALJ construed “wall console” to require the inclusion of “a passive infrared detector.” *Id.* at 18. As a result, the ALJ granted Techtronic’s motion for summary determination of non-infringement of the ’319 patent because the wall console of Techtronic’s accused products does not include a passive infrared detector. Order No. 23 (Mar. 27, 2017).

¹ Ryobi Technologies, Inc. was also initially named as a respondent but was later terminated from the investigation. Order No. 6 (Oct. 17, 2016), *not rev’d*, Comm’n Notice (Nov. 7, 2016).

² The ’319 patent uses the term “microcontroller” in claim 1 and “controller” in claim 9. The differences between a “microcontroller” and “controller,” if any, are not pertinent to the modification proceeding or this final determination. *See* RX-0474C (Lipoff) at Q/A 79 (a microcontroller is a type of controller). For ease of presentation, the Commission will use the term “controller” unless quoting from the claims, the RD, or other document.

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On May 1-3, 2017, the ALJ held an evidentiary hearing with respect to the remaining '336 patent. Initial Determination (“ID”) at 2 (Oct. 23, 2017). On May 3, 2017, the Commission determined to review the ALJ’s claim construction and summary determination of non-infringement of the '319 patent. Comm’n Notice at 2 (May 3, 2017). On review, the Commission construed the claim term “wall console” to have its plain and ordinary meaning as a “wall-mounted control unit,” vacated the summary determination of non-infringement, and remanded the '319 patent for further proceedings. *Id.*; Comm’n Op. at 19 (May 5, 2017).

On July 12-13, 2017, the ALJ held a second evidentiary hearing on issues relating to the remanded '319 patent. ID at 2. On October 23, 2017, the ALJ issued a final ID with respect to both the '319 and '336 patents. *Id.* at 5, 294. In pertinent part, the ID finds that Techtronic violated Section 337 by infringing the asserted claims of the '319 patent, but it finds no infringement and hence no violation with respect to the '336 patent. *Id.* at 294.

The Commission did not review, and thereby adopted, the ID’s claim construction and infringement findings with respect to the '319 patent and limited its review to invalidity. *See* Comm’n Notice at 3-4 (Dec. 22, 2017). The Commission ultimately affirmed the ID’s findings that Respondents failed to show that the '319 patent claims are invalid. Comm’n Notice at 4 (Mar. 23, 2018). The Commission concluded that Techtronic violated Section 337 through the importation, sale for importation, or sale in the United States after importation of garage door openers that infringe asserted claims 1-4, 7-12, 15, and 16 the '319 patent. *Id.* Accordingly, the Commission issued a limited exclusion order (“LEO”) and cease and desist orders (“CDOs”) prohibiting Techtronic from further importing or selling infringing products in the United States. *See id.*; Comm’n Op. at 34-38 (Mar. 23, 2018). Chamberlain and Techtronic have cross-appealed the Commission’s final determination to the U.S. Court of Appeals for the Federal

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Circuit, where those appeals are currently pending. *The Chamberlain Group, Inc. v. Int'l Trade Comm'n*, Appeal Nos. 18-2002, 18-2191 (consolidated).

B. Techtronic's Redesigned Garage Door Opener Products

In the original Techtronic products at issue in the underlying investigation, the controllers in the indoor keypad (or “wall console”) and head unit (or “motor drive unit”) communicate with each other via a wired, conductive connection. RX-600C (Lipoff) at Q/A 167-169; RX-601C (Huggins) at Q/A 22, 29, 35-38; RX-261 at ITC-TTI000005832 (wired keypad).³ This wired connection in the original products satisfied the “digital data bus” limitations of the ’319 patent claims, and thus was part of the final determination of infringement. ID at 134-35, 294.

In September 2017, while the investigation was still before the ALJ, Techtronic decided to redesign its garage door openers to avoid infringement by eliminating the wired connection between the controllers that corresponded to the claimed “digital data bus.” RX-600C (Lipoff) at Q/A 170-71, 182, 183; RX-601C (Huggins) at Q/A 23-24, 44. Techtronic replaced the original keypad and its wired connection to the motor control unit with a new wireless keypad that communicates via radio frequency signals to a wireless receiver in the motor drive unit. RX-600C (Lipoff) at Q/A 159, 170-71, 176-178, 182-83; RX-601C (Huggins) at Q/A 20-22, 29, 39-42, 64; RX-609 at ITC-MMOD-00000499 (wireless keypad); RX-610; Hr’g Tr. (Lipoff) at 133:2-8. The wireless receiver is connected to the controller in the motor drive unit via two short conductive wires. RX-600C (Lipoff) at Q/A 172-75; RX-601C (Huggins) at Q/A 43, 53-57; RX-616; RX-618; CX-1656C (Davis) at Q/A 52-53.⁴ Chamberlain characterizes the connection

³ Mr. Lipoff is a technical expert for Techtronic. RX-600C (Lipoff) at Q/A 1-3. Mr. Huggins is Senior Vice President of Product Development at One World Technologies, one of the named Techtronic respondents, and was in charge of developing Techtronic’s wired and wireless garage door products. RX-601C (Huggins) at Q/A 1-9, 11-13.

⁴ Dr. Davis is a technical expert for Chamberlain. CX-1656C (Davis) at Q/A 1-3.

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between the controllers in the keypad and motor drive unit in the redesigned products as “part-wired, part-wireless.” CX-1656C (Davis) at Q/A 51. Techtronic’s redesigned products include its RYOBI brand GD126 and GD201 garage door openers. RX-601C (Huggins) at Q/A 13.

As a result of its redesign, Techtronic’s wireless keypad no longer draws electrical power from the motor drive unit via a wired connection, as its original wired keypad did. RX-600C (Lipoff) at Q/A 193-95, 197, 206-09, 213; Hr’g Tr. (Davis) at 201:7-202:15. Techtronic’s new wireless keypad is powered instead by replaceable AA batteries. RX-600C (Lipoff) at Q/A 177, 196; RX-0616; RX-0618; Hr’g Tr. (Lipoff) at 126:18-21. Additionally, the new wireless keypad cannot receive data from the head unit. RX-0600C (Lipoff) at Q/A 171 (“Unlike the wired keypad in the Original GDOs [garage door openers] that utilized two-way wired communication between the head unit and keypad, the wireless keypad in the Redesigned GDOs uses wireless, one-way communication. In particular, the wireless keypad broadcasts messages that are picked up by the receiver located at the head unit.”).

In March 2018, Techtronic completed its redesign and began selling its wireless garage door openers to Home Depot. RX-601C (Huggins) at Q/A 26-28. Techtronic, however, did not present its redesigned products for adjudication in the underlying investigation. *See* 83 Fed. Reg. at 13517. As a result, neither the ALJ nor the Commission considered during the original investigation whether the controllers in the wall console and motor drive unit in Techtronic’s redesigned products are “connected . . . by means of a digital data bus” or whether those redesigned products infringe the ’319 patent.

C. The Modification Proceeding

1. Evidentiary proceedings

On August 2, 2018, Techtronic filed a petition with the Commission to institute a modification proceeding, pursuant to 19 U.S.C. § 1337(k), to determine whether its redesigned

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