

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ADEMCO INC. AND RESIDEO
TECHNOLOGIES, INC.,

Plaintiffs,

v.

ICM CONTROLS CORP.,

Defendant.

C.A. No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Ademco Inc. (“Ademco”) and Resideo Technologies, Inc. (collectively, “Resideo”) complain and allege as follows against Defendant ICM Controls Corp. (“ICM Controls”):

NATURE OF ACTION

1. This is a civil action for patent infringement.
2. ICM has infringed and continues to infringe, directly and/or indirectly, Ademco’s U.S. Patent No. 8,620,460 (“460 Patent”); U.S. Patent No. 9,033,255 (“255 Patent”); U.S. Patent No. 10,928,087 (“087 Patent”); U.S. Patent No. 9,784,467 (“467 Patent”); and U.S. Patent No. 7,633,743 (“743 Patent”) (collectively, “Asserted Patents”).

THE PARTIES

3. Plaintiff Ademco is a corporation organized under the laws of Delaware with a registered agent, Corporation Service Company, at 251 Little Falls Drive, Wilmington, Delaware, 19808.

4. Plaintiff Resideo Technologies, Inc. is a corporation organized under the laws of Delaware with a registered agent, Corporation Service Company, at 251 Little Falls Drive, Wilmington, Delaware, 19808. Resideo Technologies, Inc. is the parent company of Ademco.

5. On information and belief, Defendant ICM Controls is a Delaware Corporation with a registered agent at Harvard Business Services, Inc., 16192 Coastal Highway, Lewes, Delaware, 19958.

JURISDICTION AND VENUE

6. This lawsuit is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338.

7. This Court has personal jurisdiction over ICM Controls, at a minimum, because it is incorporated in the state of Delaware. In addition, on information and belief, ICM Controls sells and offers for sale products, including those accused of infringement in this action, in this judicial district.

8. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because ICM Controls is a resident of this judicial district.

FACTUAL BACKGROUND

9. Resideo is a leading global manufacturer and distributor of technology-driven products and solutions that provide comfort, security, energy efficiency and control to customers worldwide. Prior to a “spin-off” in 2018, in which Resideo Technologies, Inc. became an independent publicly traded company, Resideo was part of Honeywell International Inc. (“Honeywell”). Resideo thus benefits from Honeywell’s 130-year history of technological development and innovation, as well as Resideo’s independent technological developments since 2018.

10. Resideo continues to market products under the Honeywell Home brand. These include various products for thermal and humidity control. Resideo's product offerings encompass a range of thermostats, including Wi-Fi connected and programmable thermostats.

11. The development of Resideo's thermostat and related products has involved the creation of significant intellectual property, including the Asserted Patents.

12. Ademco is the owner of all rights, title, and interest in the '460 Patent titled "Controller Interface with Multiple Day Programming." The United States Patent and Trademark Office ("USPTO") duly and properly issued the '460 Patent on December 31, 2013. A copy of the '460 Patent is attached as **Exhibit 1**.

13. Ademco is the owner of all rights, title, and interest in the '255 Patent titled "Wireless Controller with Gateway." The USPTO duly and properly issued the '255 Patent on May 19, 2015. A copy of the '255 Patent is attached as **Exhibit 2**.

14. Ademco is the owner of all rights, title, and interest in the '087 Patent titled "Method of Associating an HVAC Controller with an External Web Service." The USPTO duly and properly issued the '087 Patent on February 23, 2021. A copy of the '087 Patent is attached as **Exhibit 3**.

15. Ademco is the owner of all rights, title, and interest in the '467 Patent titled "Thermostat with Display and Printed Circuit Board." The USPTO duly and properly issued the '467 Patent on October 10, 2017. A copy of the '467 Patent is attached as **Exhibit 4**.

16. Ademco is the owner of all rights, title, and interest in the '743 Patent titled "Wall Mounted Controller Assembly." The USPTO duly and properly issued the '743 Patent on December 15, 2009. A copy of the '743 Patent is attached as **Exhibit 5**.

17. Products sold by Resideo, before and/or after the spin-off from Honeywell, have been marked with one or more of the Asserted Patents.

18. ICM Controls' product offerings include thermostats that ICM Controls markets as the "I3 Wi-Fi Thermostat." The I3 Wi-Fi Thermostat is programmable. On information and belief, ICM Controls has marketed multiple models of the I3 Wi-Fi Thermostat including with numbers I1010WR, I2010WR, I2020WR, I3020WR, I1010WHR, I2010WHR, I2020WHR. The I3 Wi-Fi Thermostat includes an app that can be used to control the thermostat from a mobile device or computer:



See <https://www.captouchwifi.com/user/index.php>.

COUNT I

INFRINGEMENT OF THE '460 PATENT

19. Resideo realleges and incorporates by reference the allegations of Paragraphs 1-18 of this Complaint as though fully set forth herein.

20. ICM Controls has known of the '460 Patent at least since 2016, if not earlier. In connection with communications around that time between ICM Controls and Resideo's predecessor, ICM Controls received a claim chart detailing ICM's infringement of the '460 Patent, and was repeatedly informed of Resideo's belief that its products infringe the '460 Patent.

21. In violation of 35 U.S.C. § 271, ICM Controls is and has been directly infringing, contributing to the infringement of, and/or inducing others to infringe the '460 Patent by making, using, selling, and/or offering to sell in the United States, and/or importing into the United States, products or processes that practice the inventions claimed in the '460 Patent, including without limitation, the I3 Wi-Fi Thermostat. A chart with more detail on ICM's infringement with respect to a representative claim of the '460 Patent is attached as **Exhibit 6**.

22. On information and belief, ICM Controls' infringement of the '460 Patent is knowing, deliberate, and willful.

23. As a result of ICM Controls' unlawful infringement of the '460 Patent, Resideo has suffered and will continue to suffer damages. Resideo is entitled to recover those damages from ICM Controls.

COUNT II

INFRINGEMENT OF THE '255 PATENT

24. Resideo realleges and incorporates by reference the allegations of Paragraphs 1-23 of this Complaint as though fully set forth herein.

25. ICM Controls has known of the '255 Patent at least since 2016, if not earlier. In connection with communications around that time between ICM Controls and Resideo's predecessor, ICM Controls received a claim chart detailing ICM's infringement of the '255 Patent, and was repeatedly informed of Resideo's belief that its products infringe the '255 Patent.

26. In violation of 35 U.S.C. § 271, ICM Controls is and has been directly infringing, contributing to the infringement of, and/or inducing others to infringe the '255 Patent by making, using, selling, and/or offering to sell in the United States, and/or importing into the United States, products or processes that practice the inventions claimed in the '255 Patent, including without limitation, the I3 Wi-Fi Thermostat. A chart with more detail on ICM's infringement with respect to a representative claim of the '255 Patent is attached as **Exhibit 7**.

27. On information and belief, ICM Controls' infringement of the '255 Patent is knowing, deliberate, and willful.

28. As a result of ICM Controls' unlawful infringement of the '255 Patent, Resideo has suffered and will continue to suffer damages. Resideo is entitled to recover those damages from ICM Controls.

COUNT III

INFRINGEMENT OF THE '087 PATENT

29. Resideo realleges and incorporates by reference the allegations of Paragraphs 1-28 of this Complaint as though fully set forth herein.

30. ICM Controls has known of a parent of the '087 Patent (U.S. Patent No. 9,594,384) at least since October 2018, if not earlier. It has also been aware of the '087 Patent from at least the date of the filing of this Complaint, or earlier.

31. In violation of 35 U.S.C. § 271, ICM Controls is and has been directly infringing, contributing to the infringement of, and/or inducing others to infringe the '087 Patent by making, using, selling, and/or offering to sell in the United States, and/or importing into the United States, products or processes that practice the inventions claimed in the '087 Patent, including without limitation, the I3 Wi-Fi Thermostat. A chart with more detail on ICM's infringement with respect to a representative claim of the '087 Patent is attached as **Exhibit 8**.

32. On information and belief, ICM Controls' infringement of the '087 Patent is knowing, deliberate, and willful.

33. As a result of ICM Controls' unlawful infringement of the '087 Patent, Resideo has suffered and will continue to suffer damages. Resideo is entitled to recover those damages from ICM Controls.

COUNT IV

INFRINGEMENT OF THE '467 PATENT

34. Resideo realleges and incorporates by reference the allegations of Paragraphs 1-33 of this Complaint as though fully set forth herein.

35. ICM Controls has known of the '467 Patent from at least the date of the filing of this Complaint, or earlier.

36. In violation of 35 U.S.C. § 271, ICM Controls is and has been directly infringing, contributing to the infringement of, and/or inducing others to infringe the '467 Patent by making, using, selling, and/or offering to sell in the United States, and/or importing into the United States, products or processes that practice the inventions claimed in the '467 Patent, including without limitation, the I3 Wi-Fi Thermostat. A chart with more detail on ICM's infringement with respect to a representative claim of the '467 Patent is attached as **Exhibit 9**.

37. On information and belief, ICM Controls' infringement of the '467 Patent is knowing, deliberate, and willful.

38. As a result of ICM Controls' unlawful infringement of the '467 Patent, Resideo has suffered and will continue to suffer damages. Resideo is entitled to recover those damages from ICM Controls.

COUNT V

INFRINGEMENT OF THE '743 PATENT

39. Resideo realleges and incorporates by reference the allegations of Paragraphs 1-38 of this Complaint as though fully set forth herein.

40. ICM Controls has known of the '743 Patent from at least the date of the filing of this Complaint, or earlier.

41. In violation of 35 U.S.C. § 271, ICM Controls is and has been directly infringing, contributing to the infringement of, and/or inducing others to infringe the '743 Patent by making, using, selling, and/or offering to sell in the United States, and/or importing into the United States, products or processes that practice the inventions claimed in the '743 Patent, including without limitation, the I3 Wi-Fi Thermostat. A chart with more detail on ICM's infringement with respect to a representative claim of the '743 Patent is attached as **Exhibit 10**.

42. On information and belief, ICM Controls' infringement of the '743 Patent is knowing, deliberate, and willful.

43. As a result of ICM Controls' unlawful infringement of the '743 Patent, Resideo has suffered and will continue to suffer damages. Resideo is entitled to recover those damages from ICM Controls.

DEMAND FOR JURY TRIAL

44. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs hereby demand a trial by jury as to all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully requests that this Court:

- A. enter judgment that Defendant ICM Controls has infringed one or more claims of one or more of the Asserted Patents;
- B. enter an order requiring Defendant ICM Controls to pay to Plaintiffs all damages caused by reason of ICM Controls' infringement of the Asserted Patents as provided for by 35 U.S.C. § 284;
- C. enter an order, pursuant to 35 U.S.C. § 285, deeming this to be an "exceptional" case and awarding to Plaintiffs its reasonable attorneys' fees, costs, and expenses;
- D. enter an order, requiring Defendant ICM Controls to pay treble damages, pursuant to 35 U.S.C. § 284, for willful infringement of the Asserted Patents;
- E. enter an order awarding to Plaintiffs pre- and post-judgment interest at the maximum rates allowable under the law; and
- F. enter an order awarding to Plaintiffs such other and further relief, whether at law or in equity, that this Court deems just and proper.

Dated: August 12, 2022

/s/ Stephanie S. Riley
Stephanie S. Riley (#5803)
WOMBLE BOND DICKINSON (US) LLP
1313 North Market Street, Suite 1200
Wilmington, DE 19801
Telephone: (302) 252-4339
Stephanie.Riley@wbd-us.com

Of Counsel:

Counsel for Plaintiffs

John Caracappa (*pro hac vice* forthcoming)
Katherine D. Cappaert (*pro hac vice*
forthcoming)
Christopher A. Suarez (*pro hac vice*
forthcoming)
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
jcaracappa@Steptoe.com
kcappaert@Steptoe.com
csuarez@Steptoe.com