UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

ECOFACTOR, INC, Plaintiff, v. SCHNEIDER ELECTRIC USA, INC. and SCHNEIDER ELECTRIC SE, Defendants.	Case No. 6:20-cv-00079 **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, in which Plaintiff EcoFactor, Inc. ("Plaintiff" or "EcoFactor") makes the following allegations against Defendants Schneider Electric USA, Inc. and Schneider Electric SE ("Defendants"):

INTRODUCTION

1. This complaint arises from Defendants' unlawful infringement of the following United States patents owned by EcoFactor: U.S. Patent No. 8,180,492 ("'492 Patent"); U.S. Patent No. 8,412,488 ("'488 Patent"); U.S. Patent No. 8,738,327 ("'327 Patent"); and U.S. Patent No. 10,534,382 ("'382 Patent") (collectively the "Asserted Patents").

PARTIES

2. EcoFactor is a privately held company, having its principal place of business at 441

California Avenue, Number 2, Palo Alto, CA 94301.[1] EcoFactor was founded in 2006 and is headquartered in Palo Alto, California. EcoFactor is a leader in smart home energy management services. EcoFactor delivers smart home energy management services that improve energy efficiency, reduce energy bills and vastly increase demand response efficacy – all while maintaining consumer comfort. EcoFactor's patented big-data analytics and machine learning algorithms collect and process massive amounts of residential data – including home thermodynamics, family comfort preferences and schedules, plus external data such as weather – to continually monitor, adapt and learn for optimum energy savings. The company provides homeowners significant cost savings and energy usage benefits. EcoFactor's award-winning service has been offered through channel partners such as utilities, energy retailers, broadband service providers and HVAC companies.

3. EcoFactor has transformed how homes use energy by applying advanced analytics to connected devices in the home. EcoFactor's platform actively manages thermostats on occupants' behalf in intelligent ways that improve comfort while helping them save time, energy and money. Utilities, home service providers and homeowners rely on EcoFactor for demand response, energy efficiency, and HVAC performance monitoring services.

4. The HVAC industry and researchers in the field recognize the technological and commercial impact of EcoFactor's patented technologies and innovations. For example, EcoFactor's demand response solution has been recognized multiple times from the Association of Energy Services Professionals (AESP) for outstanding achievement in pricing and demand response. EcoFactor was also named "Innovator of the Year" by San Mateo County Economic

[1] Prior to October 2019, EcoFactor's principal place of business was at 1450 Veterans Blvd., Suite 100, Redwood City, CA 94063.

Development Association for EcoFactor's automated approach to energy efficiency and demand response services, and has also been named Owler HOT in Redwood City, CA. Moreover, EcoFactor received Powergrid International's Demand Response/Energy Efficiency Project of the Year award, and was assessed as one of the top innovators with some of the most commercially important smart home patents.

5. Schneider Electric USA, Inc. is a Delaware corporation with its principal place of business at 800 Federal Street, Andover, MA, USA 01810. Schneider Electric SE is a French company with its principal place of business at 35 Rue Joseph Monier - CS 30323, F-92506 Rueil-Malmaison Cedex (France).

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendants in this action because Defendants have committed acts within this District giving rise to this action, and have established minimum contacts with this forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice. Defendants, directly and through subsidiaries or intermediaries, have committed and continue to commit acts of infringement in this District by, among other things, importing, offering to sell, and selling products that infringe the asserted patents.

8. Venue is proper in this District under 28 U.S.C. § 1400(b). Upon information and belief, Defendants have transacted business in this District and have committed acts of direct and indirect infringement in this District by, among other things, making, using, offering to sell, selling,

and importing products that infringe the asserted patents. Defendant Schneider Electric SE is a foreign company and subject to venue in any District, including this District. Defendant Schneider Electric USA, Inc. has a regular and established places of business in the District, including, e.g., at 576 Commercial Drive Buda, TX, 78610.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 8,180,492

9. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

10. Plaintiff is the owner and assignee of United States Patent No. 8,180,492 titled "System and method for using a networked electronic device as an occupancy sensor for an energy management system." The '492 Patent was duly and legally issued by the United States Patent and Trademark Office on May 15, 2012. Plaintiff is the owner and assignee, possessing all substantial rights, to the '492 Patent. A true and correct copy of the '492 Patent is attached as Exhibit 1..

11. Defendants make, use, offer for sale, sell, and/or import into the United States certain products and services that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '492 Patent, and continue to do so. By way of illustrative example, these infringing products and services include, without limitation, Defendant's products and services, *e.g.*, Wiser Air Smart Thermostat, and the SE8000 and SE7000 Room Controllers with the ZigBee Pro option and all versions and variations thereof since the issuance of the '492 Patent ("Accused Instrumentalities").

12. Defendants have had knowledge of the '492 patent from a date no later than the date of filing of this complaint. Defendants have known how the Accused Products are made and

has known, or has been willfully blind to the fact, that making, using, offering to sell, and selling the accused products within the United States, or importing the Accused Products into the United States, would constitute infringement.

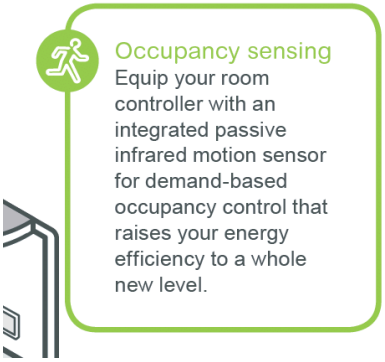
13. Defendants have induced, and continue to induce, infringement of the ’492 patent by actively encouraging others (including distributors and end customers) to use, offer to sell, sell, and import the Accused Products. On information and belief, these acts include providing information and instructions on the use of the Accused Products; providing information, education and instructions supporting sales by distributors; providing the Accused Products to distributors; and indemnifying patent infringement within the United States.

14. Defendants have also infringed, and continue to infringe, claims of the ‘492 patent by offering to commercially distribute, commercially distributing, making, and/or importing the Accused Products, which are used in practicing the process, or using the systems, of the patent, and constitute a material part of the invention. Defendants know the components in the Accused Products to be especially made or especially adapted for use in infringement of the patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. Accordingly, Defendants have been, and currently are, contributorily infringing the ’492 patent, in violation of 35 U.S.C. § 271(c).

15. The Accused Products satisfy all claim limitations of one or more claims of the ’492 Patent. For example the Accused Instrumentalities infringe claim 10 of the ’492 Patent. One, non-limiting, example of the Accused Instrumentalities’ infringement is presented below.

16. The Accused Instrumentalities include: “A system for altering the setpoint on a thermostat for space conditioning of a structure comprising: at least one thermostat having at least a first temperature setpoint associated with a non-occupied structure, and at least a second

temperature setpoint associated with the existence of occupants in said structure." For example, the Accused Instrumentalities will receive signals from an occupancy sensor and adjust the temperature in the room to one of two setpoints base on whether the room is occupied.



Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 6.

17. The Accused Instrumentalities include "one or more electronic devices having at least a graphic user interface comprising a display wherein said electronic devices receive input from one or more users and wherein use of said electronic devices comprises at least one of cursor movement, keystrokes or other user interface actions intended to alter a state of one or more of said electronic devices by one or more users wherein activity of one or more networked electronic devices indicates whether said thermostat should be changed from said first temperature setpoint to said second temperature setpoint." The Accused Instrumentalities include a graphic user interface on the room controller and that can be used to change the setpoints, in addition, units with the ZigBee Pro Option can be controlled via a graphic user interface on a laptop or other mobile device.

SER8300 | Line-voltage fan coil controller with SC3000 relay pack

This two component retrofit option consists of the SER8300 terminal equipment controller and the SC3000 relay pack. Together, they provide an easy solution for retrofitting fan coil unit thermostats without requiring other components such as relays, transformers, controllers, sensors, and network wiring to be upgraded. Existing line voltage wiring between the fan coil unit and temperature Controller can be reused further minimizing overall labor and installation costs for both retrofit and new construction control projects. Additional flexibility and energy savings can be achieved with optional wireless door and window switches. An elegantly simple casing combines with configurable screen colors to match decor. Display your own logo and custom messages on screen to reinforce your brand and provide a more enjoyable occupant experience.

Description	
Dimension	Height: 12cm/4.72in / Width: 8.6cm/3.38in /

Product highlights

- Elegant style combinations, designed to complement any decor
- Customizable color digital touch screen interface with multi- language support
- 2 Pipe or 4 Pipe configuration
- Line voltage applications
- On board configuration interface utility
- Alarm monitoring
- Suitable for both commercial and hospitality markets and systems
- Fully programmable control sequences using scripting
- Configurable fan sequence of operation
- Configurable scheduler
- Change of value (COV) function for BMS integration
- Humidity sensor with on-board dehumidification strategy (model dependent)
- Configurable I/O
- Optional PIR motion sensor
- Advanced occupancy functions for commercial and lodging applications
- Optional wireless door and window switches available for wireless communicating models only

Communication

- ZigBee Pro (P) option for direct MPM integration (Optional with communication module purchased separately)
- BACnet MS/TP (B) (Optional with BACnet integration purchased separately)
- Network-ready Stand-alone (A)
- Modbus (B) (selectable)

Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 9.

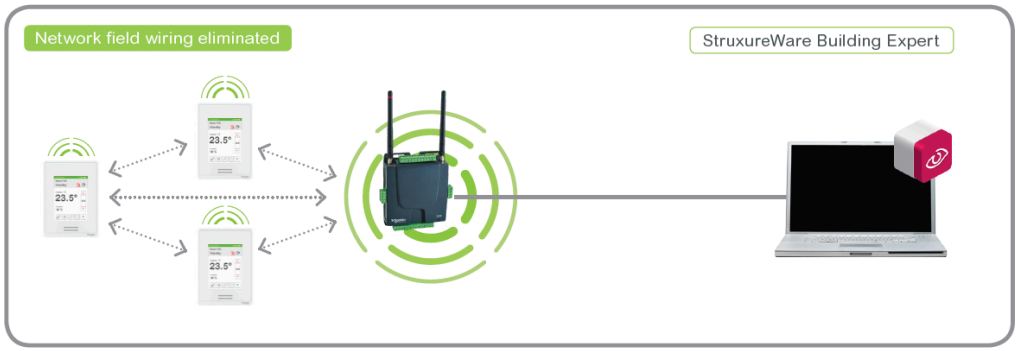
Wireless integration

The wireless versions of the SE8000 room controllers provide a simple yet powerful solution which targets such retrofit installations where running new communication wiring is cost prohibitive. The wireless room controllers can dramatically reduce project installation costs by re-using the existing control wiring already in place between older electronic thermostats and the terminal equipment. No new network wires are required since the controllers rely on a fully integrated ZigBee wireless mesh network infrastructure. Connecting wireless SE8000 room controller devices into an integrated BMS network is made easy with two integration methods, either via a gateway or a wireless serial adapter.

SmartStruxure Lite solution

Designed for small and medium commercial buildings, SmartStruxure Lite integrates room controllers using Multi-Purpose Managers (MPM-GW, MPM-UN, MPM-VA), and provides remote management and supervision of the system through StruxureWare Building Expert, a Web integrated BMS hosted directly by the MPM. For more information, vist the Schneider Electric Exchange Downloads Center at https://ecobuilding.schneider-electric.com

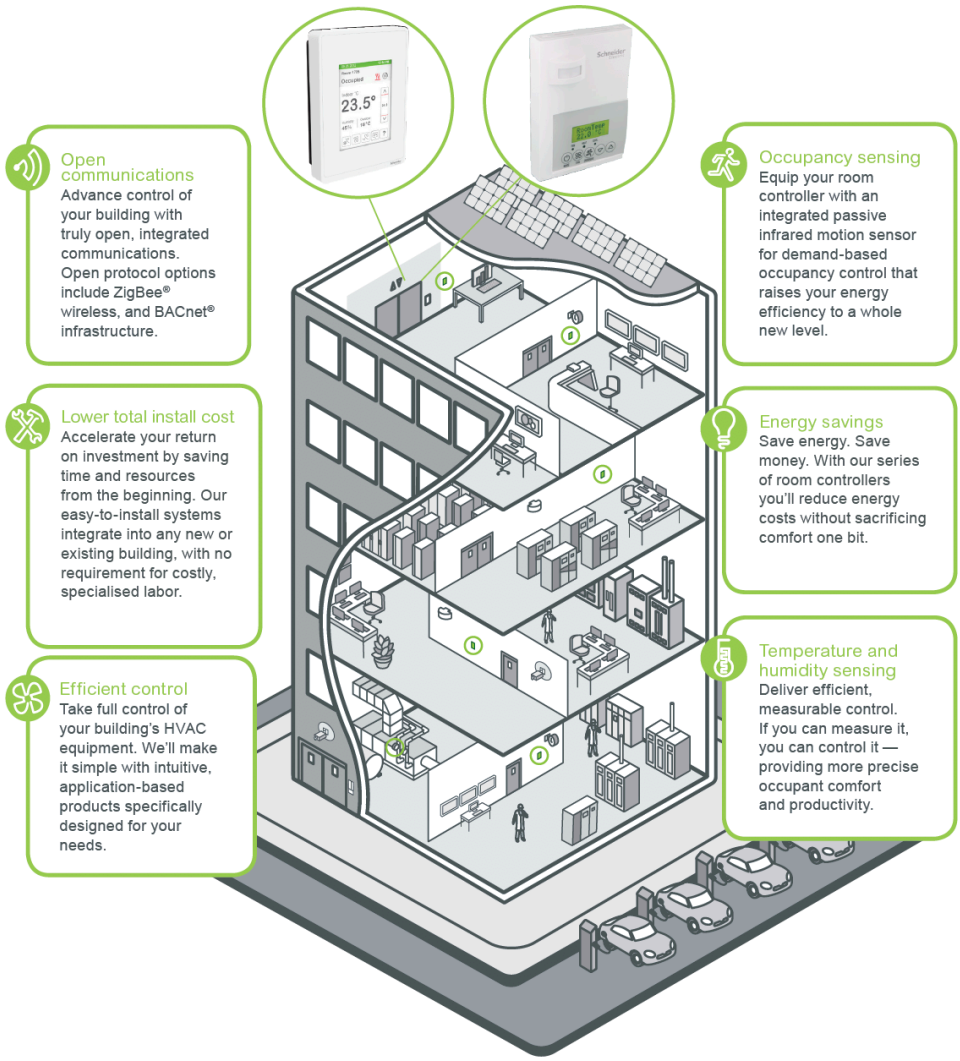
Part Number	Description
MPM-GW, MPM-UN, MPM-VA	Managers (MPM) from the SmartStruxure Lite line of products



Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 15

18. The Accused Instrumentalities include "wherein said electronic devices and said thermostat are connected to a network; an application comprising one or more computer processors in communication with said network, wherein said application determines whether said one or more electronic devices are in use and in response, whether said thermostat is set to said first temperature setpoint that indicates said structure is not occupied."

The Accused Instrumentalities with the ZigBee Pro Option are connected via a wireless room controller to a network, which can then be controlled via a laptop or other wireless device, which can determine, inter alia, whether the occupancy sensor has determined that room is occupied and the temperature of the room.



Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 6.

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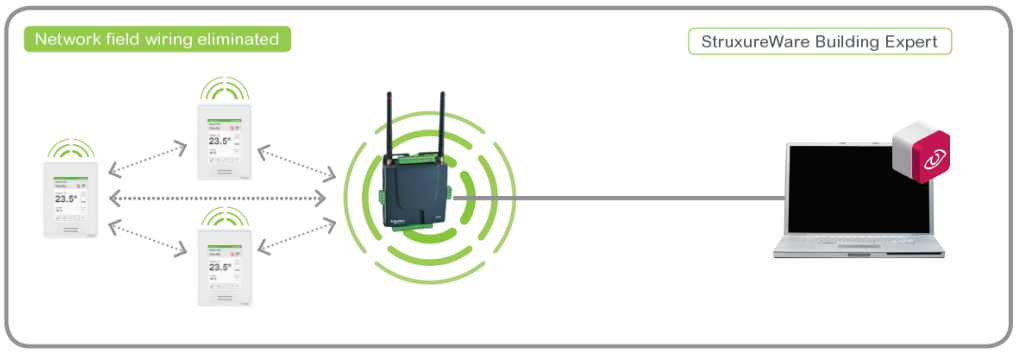
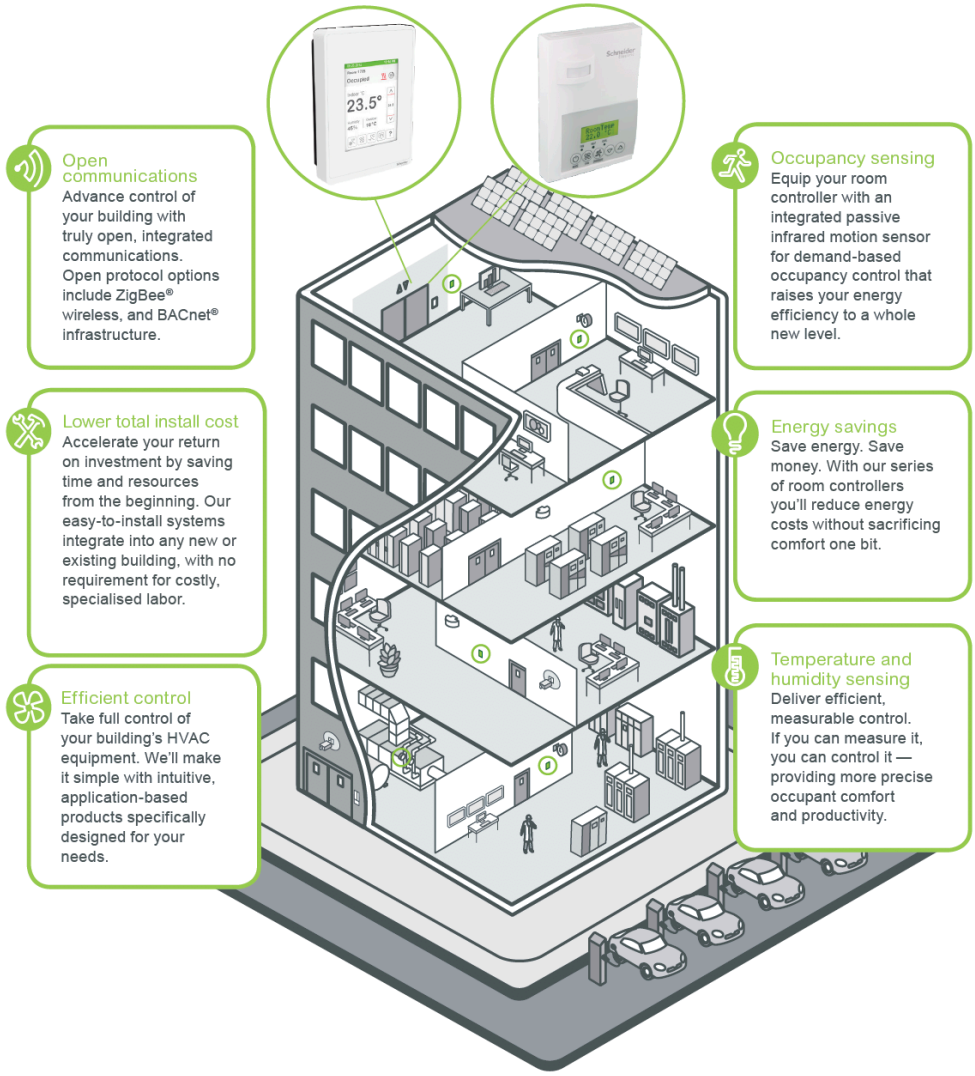


Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 15.

19. The Accused Instrumentalities include "said application determining that said one or more users has previously indicated a preference that said user's input be obtained before automatically changing said first HVAC temperature setpoint to said second HVAC temperature setpoint indicating that said structure is deemed to be occupied; said application prompting said one or more users based on said determining that said one or more of said user's input should be

obtained, wherein said application provides electronic notice to one or more of said users of said electronic devices that said thermostat is set for a non-occupied structure and whether to keep said first temperature setpoint or change to said second temperature setpoint; and

wherein said application in response to said prompting, receives input from said one or more users to keep said first HVAC temperature setpoint; and wherein said thermostat is kept at said first temperature setpoint based upon said input from said one or more users." The Accused Instrumentalities with the ZigBee Pro option, will keep the setpoint for the unoccupied building in place until changed by a user, including a user at a remote laptop or other mobile device. This device provides information as to the current setpoint and allows the user to change the setpoint.



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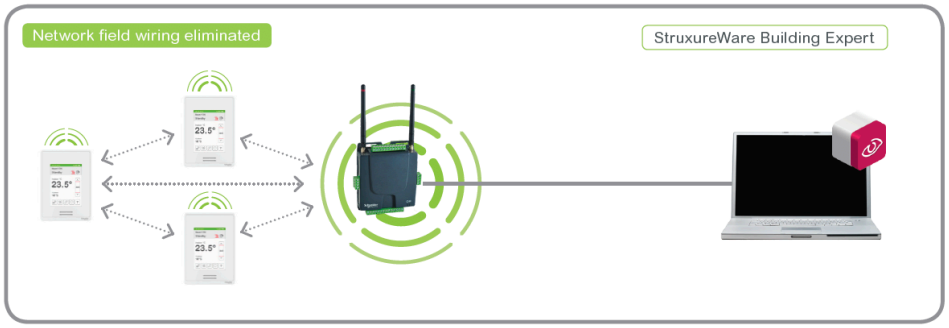


Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 15.

20. By making, using, offering for sale, selling and/or importing into the United States the Accused Products, Defendants have injured Plaintiff and are liable for infringement of the ’492 Patent pursuant to 35 U.S.C. § 271.

21. As a result of Defendants’ infringement of the ’492 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for Defendants’ infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the Court.

22. Defendants' infringing activities have injured and will continue to injure Plaintiff, unless and until this Court enters an injunction prohibiting further infringement of the '492 Patent, and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that come within the scope of the patent claims.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 8,412,488

23. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

24. Plaintiff is the owner and assignee of United States Patent No. 8,412,488 titled "System and method for using a network of thermostats as tool to verify peak demand reduction." The '488 patent was duly and legally issued by the United States Patent and Trademark Office on April 2, 2013. Plaintiff is the owner and assignee, possessing all substantial rights, to the '488 Patent. A true and correct copy of the '488 Patent is attached as Exhibit 2.

25. Defendants make, use, offer for sale, sell, and/or import into the United States certain products and services that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '488 Patent, and continue to do so. By way of illustrative example, these infringing products and services include, without limitation, Defendant's products and services, *e.g.*, Wiser Air Smart Thermostat, and the SE8000 and SE7000 Room Controllers with the ZigBee Pro option and all versions and variations thereof since the issuance of the '488 Patent ("Accused Instrumentalities").

26. Defendants have had knowledge of the '488 patent from a date no later than the date of filing of this complaint. Defendants have known how the Accused Products are made and have known, or have been willfully blind to the fact, that making, using, offering to sell, and

selling the accused products within the United States, or importing the Accused Products into the United States, would constitute infringement.

27. Defendants have induced, and continue to induce, infringement of the ’488 patent by actively encouraging others (including distributors and end customers) to use, offer to sell, sell, and import the Accused Products. On information and belief, these acts include providing information and instructions on the use of the Accused Products; providing information, education and instructions supporting sales by distributors; providing the Accused Products to distributors; and indemnifying patent infringement within the United States.

28. Defendants have also infringed, and continue to infringe, claims of the ‘488 patent by offering to commercially distribute, commercially distributing, making, and/or importing the Accused Products, which are used in practicing the process, or using the systems, of the patent, and constitute a material part of the invention. Defendants know the components in the Accused Products to be especially made or especially adapted for use in infringement of the patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. Accordingly, Defendants have been, and currently are, contributorily infringing the ’488 patent, in violation of 35 U.S.C. § 271(c).

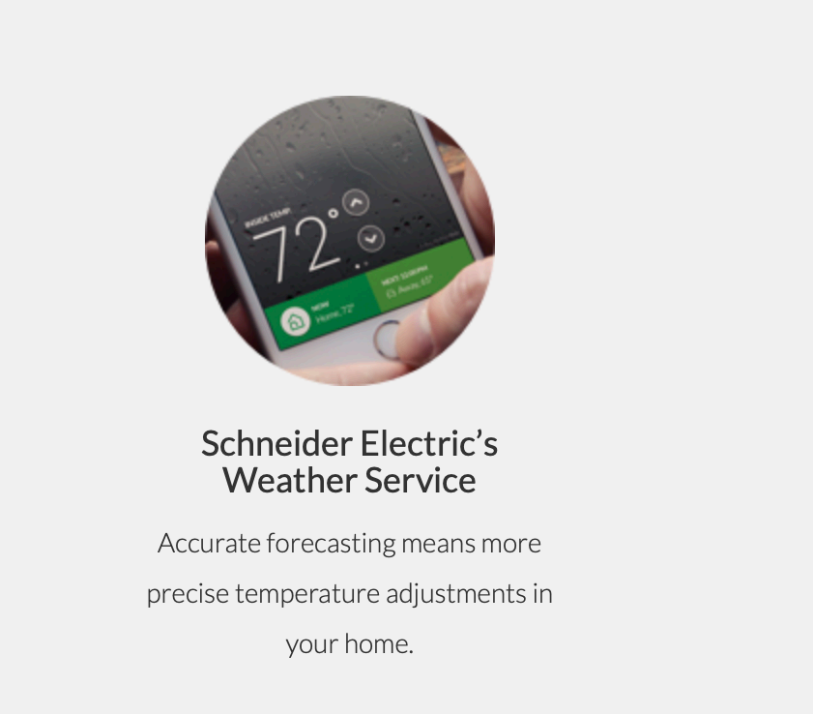
29. The Accused Products satisfy all claim limitations of one or more claims of the ’488 Patent. For example the Accused Instrumentalities infringe claim 1 of the ’488 Patent. One, non-limiting, example of the Accused Instrumentalities’ infringement is presented below.

30. The Accused Instrumentalities include “[a] system for monitoring the operational status of an HVAC system comprising: at least one HVAC control system associated with a first structure that receives temperature measurements from at least a first structure conditioned by at least one HVAC system.” For example, the Accused Instrumentalities receive temperature

measurements from inside the building that it is servicing.

https://www.wiserair.com/up-close/

31. The Accused Instrumentalities include "one or more processors that receive measurements of outside temperatures from at least one source other than said HVAC system." For example, the Accused Instrumentalities receive measurements of outside temperature from the internet from Schneider's Electric Weather Service.



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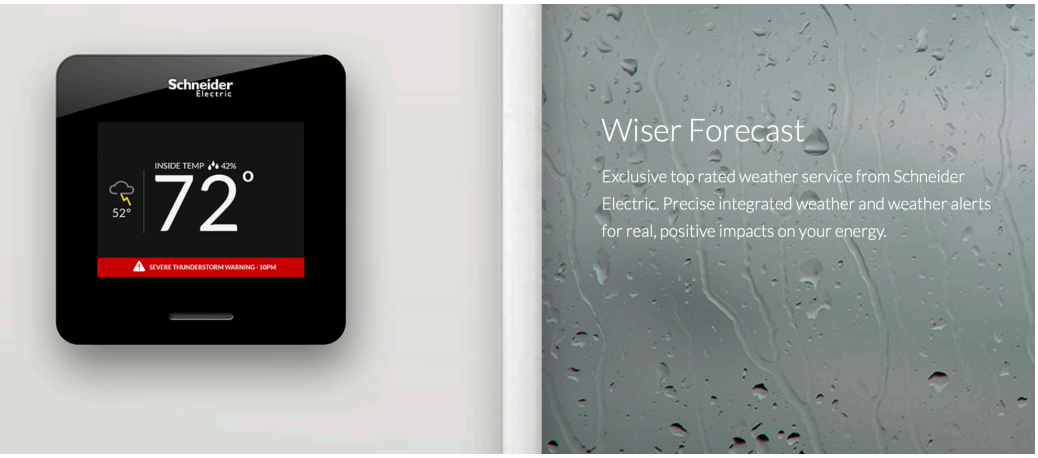
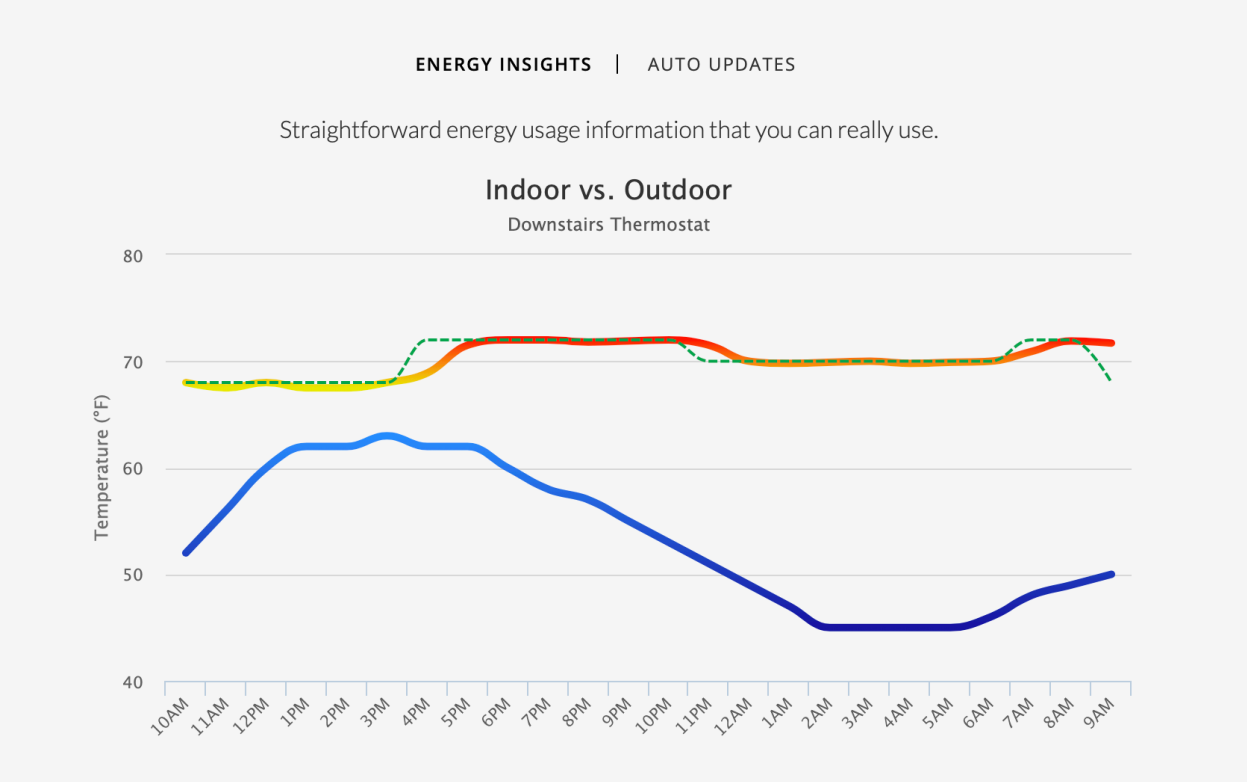


https://www.wiserair.com

32. The Accused Instrumentalities include "wherein said one or more processors compares the inside temperature of said first structure and the outside temperature over time to derive an estimation for the rate of change in inside temperature of said first structure in response to outside temperature, and wherein said one or more processors compare an inside temperature recorded inside the first structure with said estimation for the rate of change in inside temperature

of said first structure to determine whether the first HVAC system is on or off." For example, the Accused Instrumentalities will compare internal temperature and external temperature and, other factors, to calculate the rate of change of inside temperature, and use this calculation to determine when to turn the HVAC system on or off.



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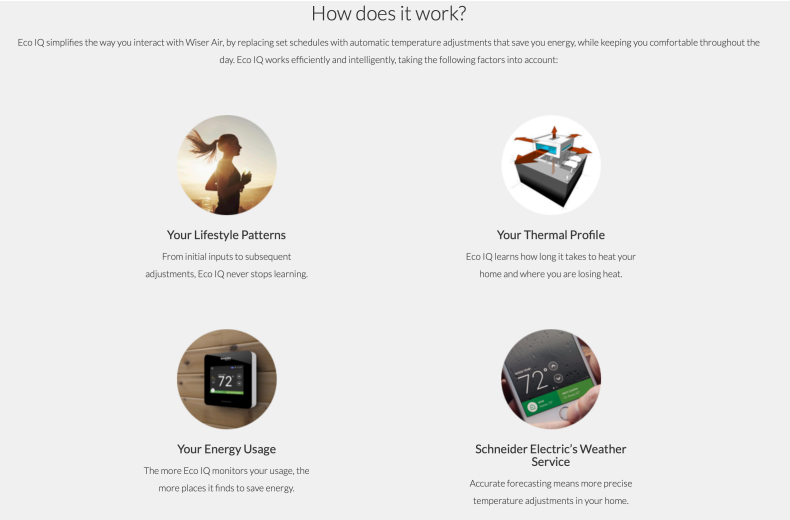

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33. By making, using, offering for sale, selling and/or importing into the United States the Accused Products, Defendants have injured Plaintiff and are liable for infringement of the '488 Patent pursuant to 35 U.S.C. § 271.

34. As a result of Defendants' infringement of the '488 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for Defendants' infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the Court.

35. Defendants' infringing activities have injured and will continue to injure Plaintiff, unless and until this Court enters an injunction prohibiting further infringement of the '488 Patent, and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that come within the scope of the patent claims.

COUNT III

INFRINGEMENT OF U.S. PATENT NO. 8,738,327

36. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

37. Plaintiff is the owner and assignee of United States Patent No. 8,738,327 titled "System and method for using a network of thermostats as tool to verify peak demand reduction." The '327 patent was duly and legally issued by the United States Patent and Trademark Office on May 27, 2014. Plaintiff is the owner and assignee, possessing all substantial rights, to the '327 Patent. A true and correct copy of the '327 Patent is attached as Exhibit 3.

38. Defendants make, use, offer for sale, sell, and/or import into the United States certain products and services that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ’327 Patent, and continue to do so. By way of illustrative example, these infringing products and services include, without limitation, Defendant’s products and services, *e.g.*, Wiser Air Smart Thermostat, and the SE8000 and SE7000 Room Controllers with the ZigBee Pro option and all versions and variations thereof since the issuance of the ’382 Patent (“Accused Instrumentalities”).

39. Defendants have had knowledge of the ’327 patent from a date no later than the date of filing of this complaint. Defendants have known how the Accused Products are made and have known, or have been willfully blind to the fact, that making, using, offering to sell, and selling the accused products within the United States, or importing the Accused Products into the United States, would constitute infringement.

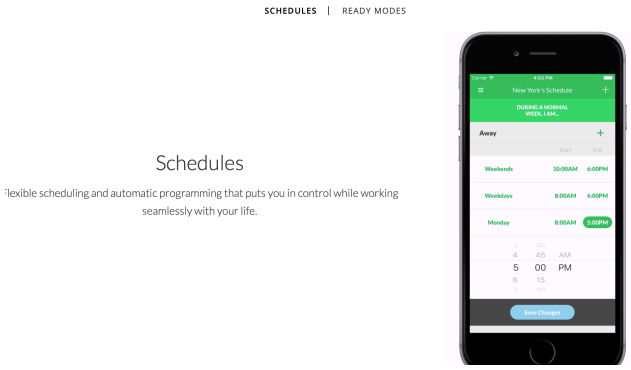
40. Defendants have induced, and continue to induce, infringement of the ’327 patent by actively encouraging others (including distributors and end customers) to use, offer to sell, sell, and import the Accused Products. On information and belief, these acts include providing information and instructions on the use of the Accused Products; providing information, education and instructions supporting sales by distributors; providing the Accused Products to distributors; and indemnifying patent infringement within the United States.

41. Defendants have also infringed, and continue to infringe, claims of the ‘327 patent by offering to commercially distribute, commercially distributing, making, and/or importing the Accused Products, which are used in practicing the process, or using the systems, of the patent, and constitute a material part of the invention. Defendants know the components in the Accused Products to be especially made or especially adapted for use in infringement of the patent, not a

staple article, and not a commodity of commerce suitable for substantial noninfringing use. Accordingly, Defendants have been, and currently are, contributorily infringing the ’327 patent, in violation of 35 U.S.C. § 271(c).

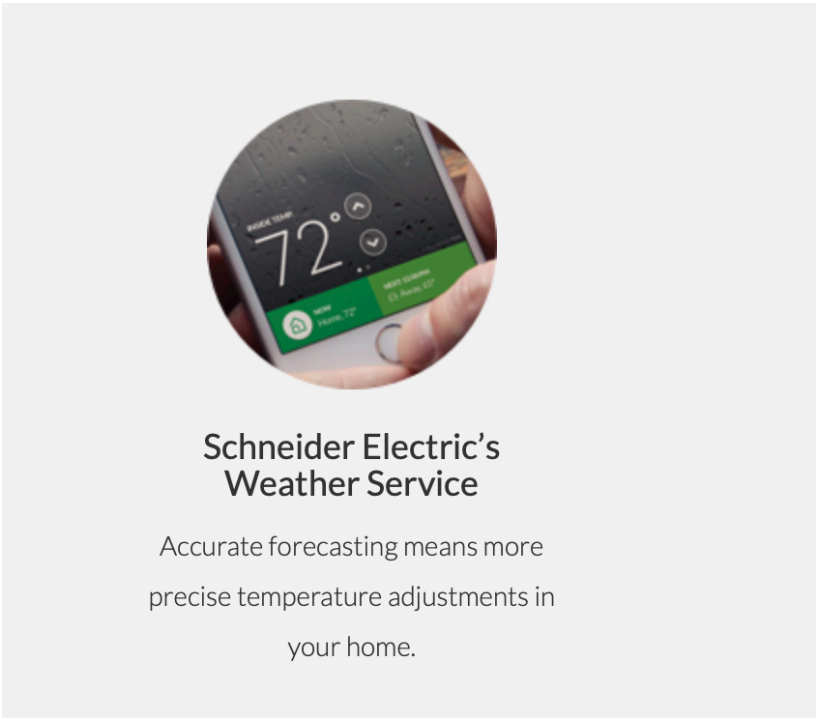
42. The Accused Products satisfy all claim limitations of one or more claims of the ’327 Patent. For example the Accused Instrumentalities infringe claim 1 of the ’327 Patent. One, non-limiting, example of the Accused Instrumentalities’ infringement is presented below.

43. For example, the Accused Instrumentalities include “[a] system for controlling the operational status of an HVAC system comprising: at least one thermostat associated with a structure that receives temperature measurements from inside the structure, the structure conditioned by at least one HVAC system, the thermostat having at least a first setting stored therein.” For example, the Accused Instrumentalities have a thermostat that receives temperature settings from inside the structure which can store settings, including a schedule for heating and cooling.



https://www.wiserair.com/up-close/

44. For example, the Accused Instrumentalities include "one or more servers located remotely from the structure, the one or more servers configured to receive measurements of outside temperatures from at least one source other than the HVAC system." For example, the Accused Instrumentalities receive measurements of outside temperature from the internet from Schneider's Electric Weather Service.



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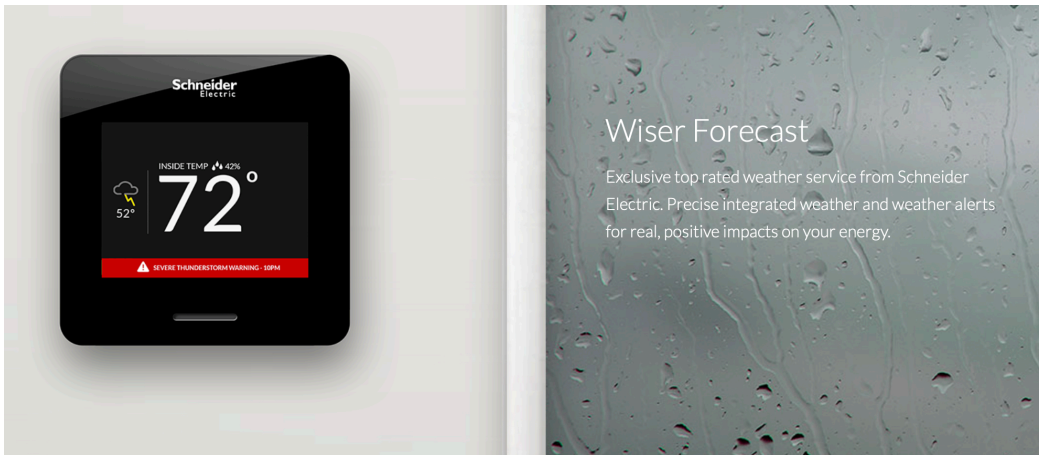
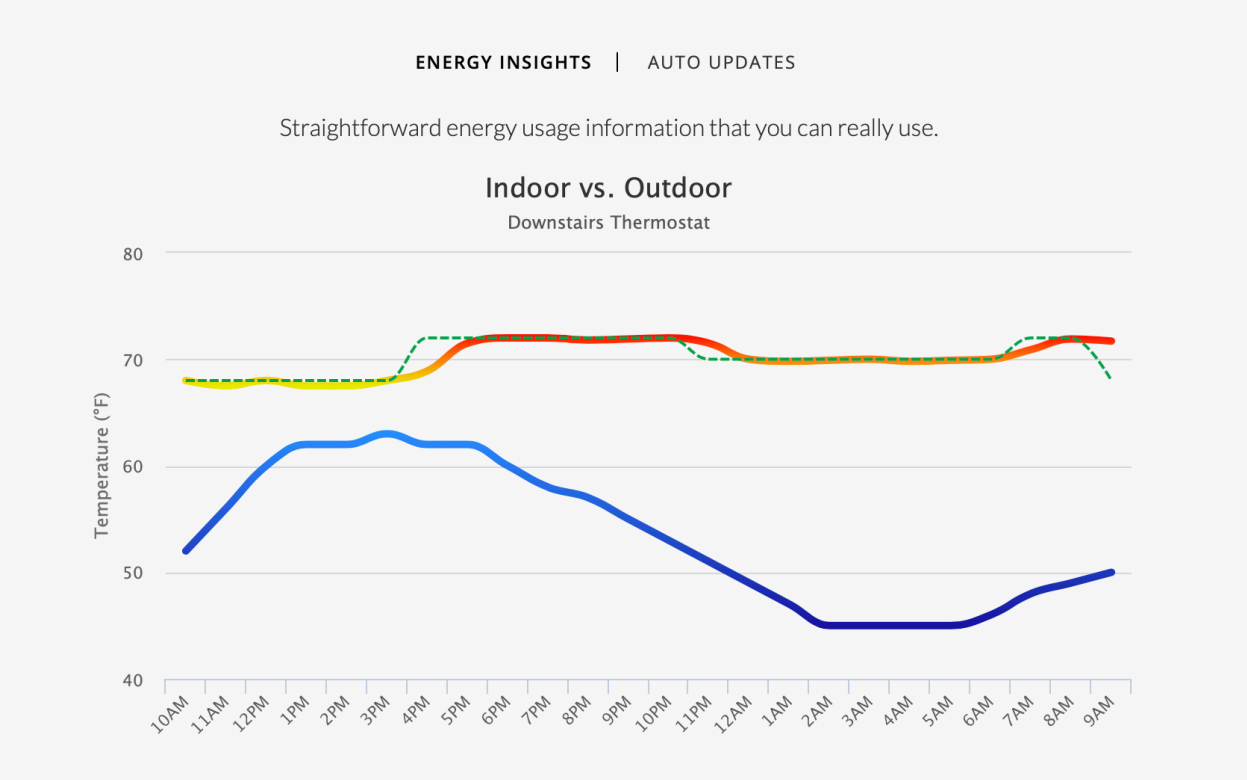
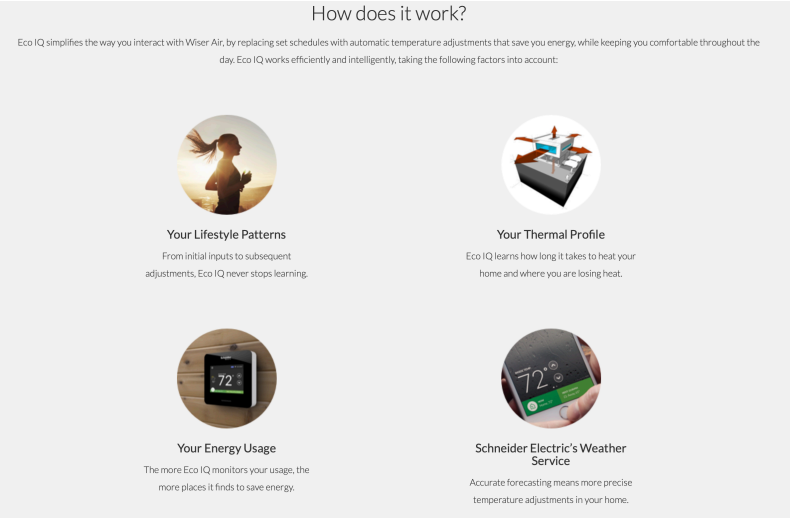


https://www.wiserair.com

45. For example, Accused Instrumentalities include "the one or more servers are further configured to communicate with the thermostat via a network, wherein the one or more servers receive inside temperatures from the thermostat and compares the inside temperatures of the structure and the outside temperatures over time to derive an estimation for the rate of change in inside temperature of the structure in response to outside temperature." For example, the Accused Instrumentalities will compare internal temperature and external temperature and, other factors, to calculate the rate of change of inside temperature.

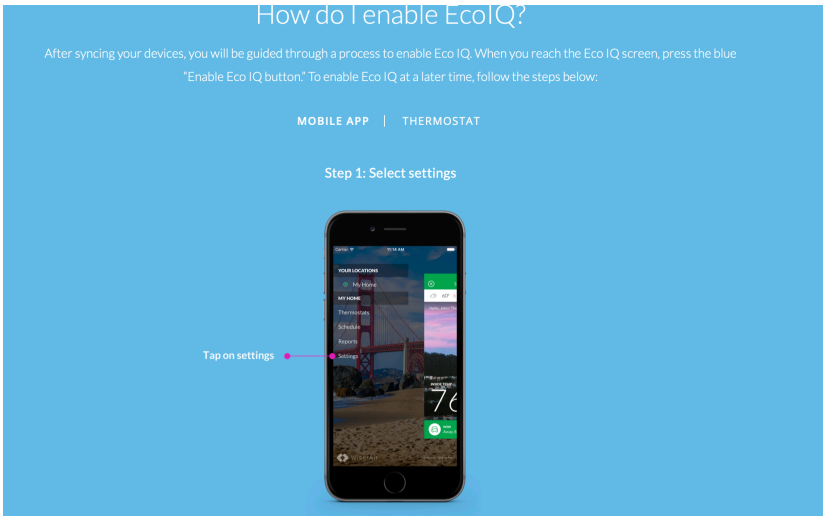


https://www.wiserair.com/up-close/

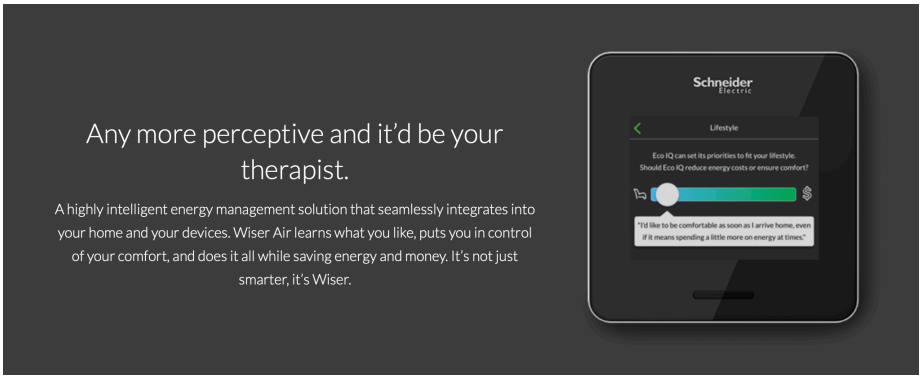


https://www.wiserair.com/up-close/eco-iq/

46. The Accused Instrumentalities further include "the one or more servers are further configured to receive a demand reduction request and determine whether the structure is associated with demand rejection request, and based on the determination that the structure is associated with the demand reduction request, the one or more servers are further configured to send a signal to the thermostat to change the setting to a second setting to reduce electricity demand by the HVAC system." For example, using the EcoIQ feature, which enables communications between a mobile device and the Accused Instrumentalities through an application, the user can instruct the device save money, a demand reduction request.



https://www.wiserair.com/up-close/eco-iq/



https://www.wiserair.com/up-close/

47. By making, using, offering for sale, selling and/or importing into the United States

the Accused Products, Defendants have injured Plaintiff and are liable for infringement of the '327 Patent pursuant to 35 U.S.C. § 271.

48. As a result of Defendants' infringement of the '327 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for Defendants' infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the Court.

49. Defendants' infringing activities have injured and will continue to injure Plaintiff, unless and until this Court enters an injunction prohibiting further infringement of the '327 Patent, and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that come within the scope of the patent claims.

COUNT IV

INFRINGEMENT OF U.S. PATENT NO. 10,534,382

50. Plaintiff realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

51. Plaintiff is the owner and assignee of United States Patent No. 10,534,382 titled "System and method for using a wireless device as a sensor for an energy management system." The '382 patent was duly and legally issued by the United States Patent and Trademark Office on January 14, 2020. Plaintiff is the owner and assignee, possessing all substantial rights, to the '382 Patent. A true and correct copy of the '382 Patent is attached as Exhibit 4.

52. Defendants make, use, offer for sale, sell, and/or import into the United States certain products and services that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the '382 Patent, and continue to do so. By way of illustrative example, these infringing products and services include, without limitation, Defendant's products

and services, *e.g.*, Wiser Air Smart Thermostat, and the SE8000 and SE7000 Room Controllers with the ZigBee Pro option and all versions and variations thereof since the issuance of the '382 Patent ("Accused Instrumentalities").

53. Defendants have had knowledge of the '382 patent from a date no later than the date of filing of this complaint. Defendants have known how the Accused Products are made and have known, or have been willfully blind to the fact, that making, using, offering to sell, and selling the accused products within the United States, or importing the Accused Products into the United States, would constitute infringement.

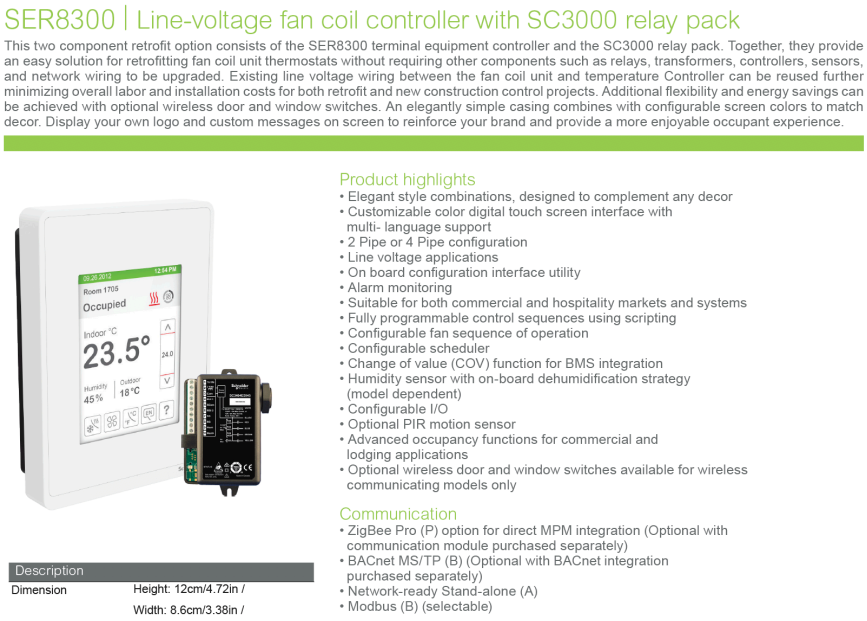
54. Defendants have induced, and continue to induce, infringement of the '382 patent by actively encouraging others (including distributors and end customers) to use, offer to sell, sell, and import the Accused Products. On information and belief, these acts include providing information and instructions on the use of the Accused Products; providing information, education and instructions supporting sales by distributors; providing the Accused Products to distributors; and indemnifying patent infringement within the United States.

55. Defendants have also infringed, and continue to infringe, claims of the '382 patent by offering to commercially distribute, commercially distributing, making, and/or importing the Accused Products, which are used in practicing the process, or using the systems, of the patent, and constitute a material part of the invention. Defendants know the components in the Accused Products to be especially made or especially adapted for use in infringement of the patent, not a staple article, and not a commodity of commerce suitable for substantial noninfringing use. Accordingly, Defendants have been, and currently are, contributorily infringing the '382 patent, in violation of 35 U.S.C. § 271(c).

56. The Accused Products satisfy all claim limitations of one or more claims of the

'382 Patent. For example the Accused Instrumentalities infringe claim 1 of the '382 Patent. One, non-limiting, example of the Accused Instrumentalities' infringement is presented below.

57. The Accused Instrumentalities include: "[a] system for controlling an HVAC system at a user's building, the system comprising: a memory; and one or more processors with circuitry and code designed to execute instructions." For example, the SER 8300 includes memory to store a "logo and custom messages" and a processor with circuitry and code designed to execute instructions including a "configurable scheduler," "configurable fan sequence of operation," and a "configurable I/O."



SER8300 | Line-voltage fan coil controller with SC3000 relay pack

This two component retrofit option consists of the SER8300 terminal equipment controller and the SC3000 relay pack. Together, they provide an easy solution for retrofitting fan coil unit thermostats without requiring other components such as relays, transformers, controllers, sensors, and network wiring to be upgraded. Existing line voltage wiring between the fan coil unit and temperature Controller can be reused further minimizing overall labor and installation costs for both retrofit and new construction control projects. Additional flexibility and energy savings can be achieved with optional wireless door and window switches. An elegantly simple casing combines with configurable screen colors to match decor. Display your own logo and custom messages on screen to reinforce your brand and provide a more enjoyable occupant experience.

Product highlights

- Elegant style combinations, designed to complement any decor
- Customizable color digital touch screen interface with multi- language support
- 2 Pipe or 4 Pipe configuration
- Line voltage applications
- On board configuration interface utility
- Alarm monitoring
- Suitable for both commercial and hospitality markets and systems
- Fully programmable control sequences using scripting
- Configurable fan sequence of operation
- Configurable scheduler
- Change of value (COV) function for BMS integration
- Humidity sensor with on-board dehumidification strategy (model dependent)
- Configurable I/O
- Optional PIR motion sensor
- Advanced occupancy functions for commercial and lodging applications
- Optional wireless door and window switches available for wireless communicating models only

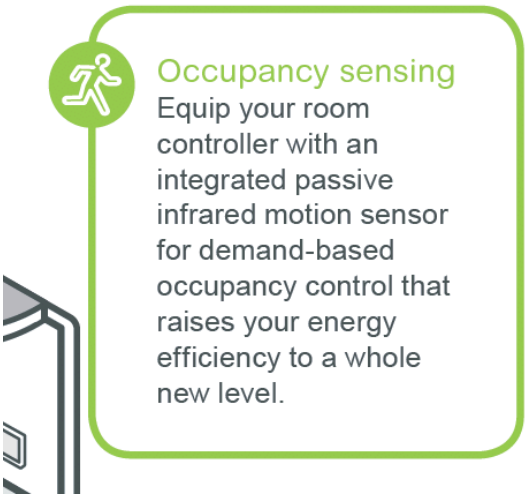
Communication

- ZigBee Pro (P) option for direct MPM integration (Optional with communication module purchased separately)
- BACnet MS/TP (B) (Optional with BACnet integration purchased separately)
- Network-ready Stand-alone (A)
- Modbus (B) (selectable)

Description	
Dimension	Height: 12cm/4.72in / Width: 8.6cm/3.38in /

Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 9.

58. The Accused Instrumentalities include "the one or more processors with circuitry and code designed to execute instructions to receive a first data from at least one sensor, wherein the first data from the at least one sensor includes a measurement of at least one characteristic of the building." For example, the Accused Instrumentalities can receive data from an occupancy sensor in the building demonstrating whether or not a room is occupied.



Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 6.

59. The Accused Instrumentalities include "the one or more processors with circuitry and code designed to execute instructions to receive a second data from a network connection, wherein the second data from the network connection is collected from a source external to the building, wherein the second data from the network connection is received via the Internet." For example, the Accused Instrumentalities receive information concerning "outdoor temperature" which, on information and belief is received from the internet.

SER8300 | Line-voltage fan coil controller with SC3000 relay pack

This two component retrofit option consists of the SER8300 terminal equipment controller and the SC3000 relay pack. Together, they provide an easy solution for retrofitting fan coil unit thermostats without requiring other components such as relays, transformers, controllers, sensors, and network wiring to be upgraded. Existing line voltage wiring between the fan coil unit and temperature Controller can be reused further minimizing overall labor and installation costs for both retrofit and new construction control projects. Additional flexibility and energy savings can be achieved with optional wireless door and window switches. An elegantly simple casing combines with configurable screen colors to match decor. Display your own logo and custom messages on screen to reinforce your brand and provide a more enjoyable occupant experience.

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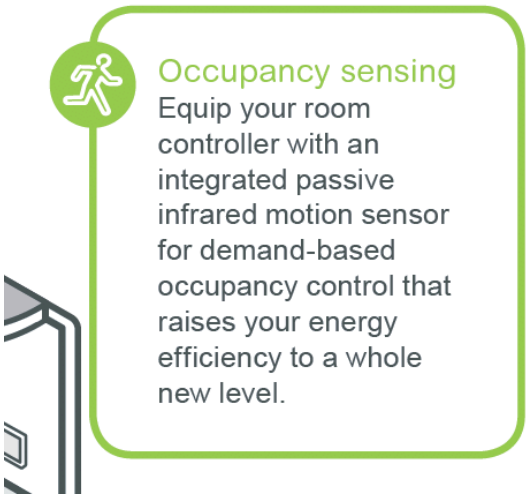
Description	
Dimension	Height: 12cm/4.72in / Width: 8.6cm/3.38in /

Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 9.

60. The Accused Instrumentalities include "the one or more processors with circuitry and code designed to execute instructions to receive a first temperature setpoint for the building corresponding to a desired temperature setting when the building is occupied, and a second temperature setpoint for the building corresponding to a desired temperature setting when the building is unoccupied." For example, the Accused Instrumentalities will adjust the temperature of a room to a desired temperature based on whether or not the occupancy sensor detects that the room is occupied.



Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 6.

61. The Accused Instrumentalities include "the one or more processors with circuitry and code designed to execute instructions to receive commands through the Internet by way of a remote interface on a mobile, wireless device running software application code; wherein the interface is configured to allow the user to adjust temperature setpoints for the HVAC system; the one or more processors with circuitry and code designed to execute instructions to send user-specific data through the Internet, wherein user-specific information about the building and HVAC system is generated based at least in part on the user-specific data, wherein the user-specific information is configured to be presented on a user interface on a mobile, wireless device running software application code via the Internet." For example, using the ZigBee pro option, a user with a laptop or other mobile device can control the Accused Instrumentalities via the internet or other wireless network:

Wireless communication adapter

SE8000 room controllers can be adapted to communicate using the ZigBee Pro wireless mesh networking protocol by the addition of an adapter card. This allows the SE8000 room controllers to pair with a variety of wireless sensors and switches for more precise control of HVAC systems in response to occupancy, as well as to communicate wirelessly for integration with BMS and networks.

Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 12.

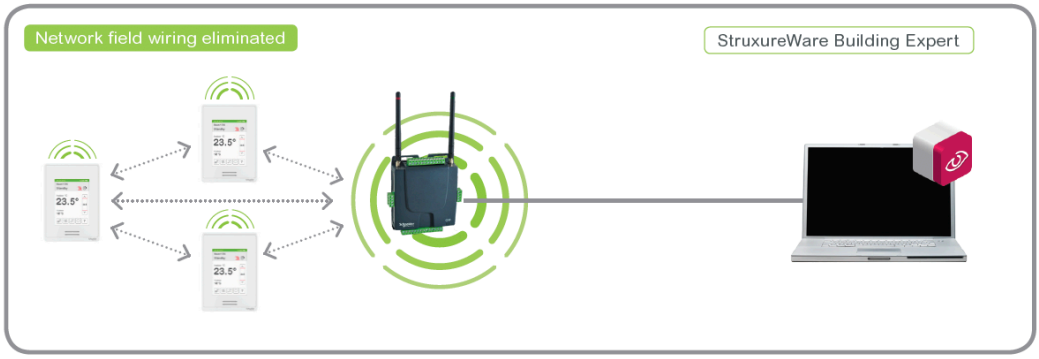
Wireless integration

The wireless versions of the SE8000 room controllers provide a simple yet powerful solution which targets such retrofit installations where running new communication wiring is cost prohibitive. The wireless room controllers can dramatically reduce project installation costs by re-using the existing control wiring already in place between older electronic thermostats and the terminal equipment. No new network wires are required since the controllers rely on a fully integrated ZigBee wireless mesh network infrastructure. Connecting wireless SE8000 room controller devices into an integrated BMS network is made easy with two integration methods, either via a gateway or a wireless serial adapter.

SmartStruxure Lite solution

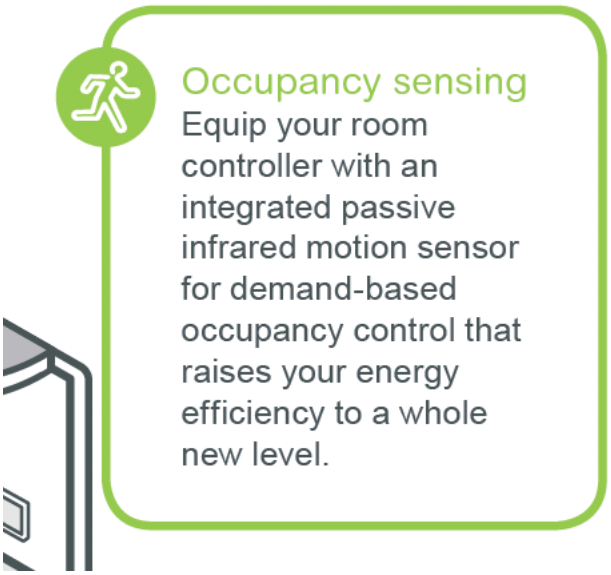
Designed for small and medium commercial buildings, SmartStruxure Lite integrates room controllers using Multi-Purpose Managers (MPM-GW, MPM-UN, MPM-VA), and provides remote management and supervision of the system through StruxureWare Building Expert, a Web integrated BMS hosted directly by the MPM. For more information, vist the Schneider Electric Exchange Downloads Center at https://ecobuilding.schneider-electric.com

Part Number	Description
MPM-GW, MPM-UN, MPM-VA	Managers (MPM) from the SmartStruxure Lite line of products



Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 15.

62. The Accused Instrumentalities include "the one or more processors with circuitry and code designed to execute instructions to determine whether the building is occupied or unoccupied, and based on that determination, to control the HVAC system to provide heating or cooling to the building at an operational temperature." For example, the Accused Instrumentalities will provide heating or cooling based on whether a building is occupied or unoccupied.



Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 6.

63. The Accused Instrumentalities include "wherein the one or more processors comprises a first processor with circuitry and code designed to execute instructions, which is located remotely from the memory and is not electrically connected to the memory; the first processor with circuitry and code designed to execute instructions to communicate with the memory." For example, the Accused Instrumentalities include wireless room controllers located remotely from the room controllers and designed to communicated with memory located on the room controllers.

Wireless integration

The wireless versions of the SE8000 room controllers provide a simple yet powerful solution which targets such retrofit installations where running new communication wiring is cost prohibitive. The wireless room controllers can dramatically reduce project installation costs by re-using the existing control wiring already in place between older electronic thermostats and the terminal equipment. No new network wires are required since the controllers rely on a fully integrated ZigBee wireless mesh network infrastructure. Connecting wireless SE8000 room controller devices into an integrated BMS network is made easy with two integration methods, either via a gateway or a wireless serial adapter.

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Part Number	Description
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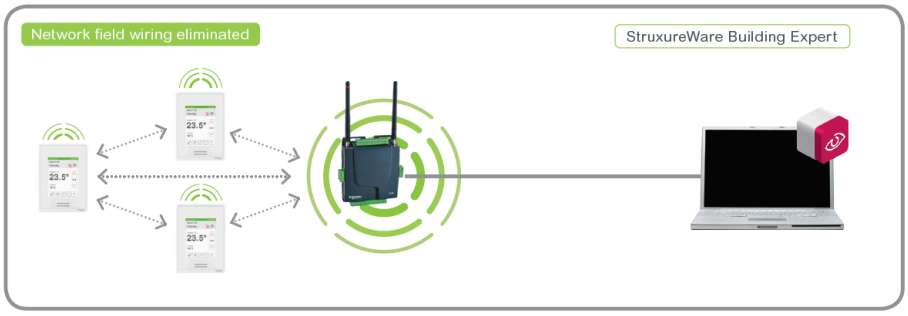

Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 15.

64. The Accused Instrumentalities include "wherein the memory is configured to store historical values of the first data and second data." For example, on information and belief, the Accused Instrumentalities store historical information about when the room was occupied and the external temperature, among other things.

SER8300 | Line-voltage fan coil controller with SC3000 relay pack

This two component retrofit option consists of the SER8300 terminal equipment controller and the SC3000 relay pack. Together, they provide an easy solution for retrofitting fan coil unit thermostats without requiring other components such as relays, transformers, controllers, sensors, and network wiring to be upgraded. Existing line voltage wiring between the fan coil unit and temperature Controller can be reused further minimizing overall labor and installation costs for both retrofit and new construction control projects. Additional flexibility and energy savings can be achieved with optional wireless door and window switches. An elegantly simple casing combines with configurable screen colors to match decor. Display your own logo and custom messages on screen to reinforce your brand and provide a more enjoyable occupant experience.

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- BACnet MS/TP (B) (Optional with BACnet integration purchased separately)
- Network-ready Stand-alone (A)
- Modbus (B) (selectable)

Description	
Dimension	Height: 12cm/4.72in / Width: 8.6cm/3.38in /

Product Comparison Guide, SE8000 and SE7000 Series Room Controllers, Version 8, at 9.

65. By making, using, offering for sale, selling and/or importing into the United States the Accused Products, Defendants have injured Plaintiff and are liable for infringement of the ’382 Patent pursuant to 35 U.S.C. § 271.

66. As a result of Defendants’ infringement of the ’382 Patent, Plaintiff is entitled to monetary damages in an amount adequate to compensate for Defendants’ infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the Court.

67. Defendants’ infringing activities have injured and will continue to injure Plaintiff, unless and until this Court enters an injunction prohibiting further infringement of the ’382 Patent, and, specifically, enjoining further manufacture, use, sale, importation, and/or offers for sale that

come within the scope of the patent claims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

a. A judgment in favor of Plaintiff that Defendants have infringed, either literally and/or under the doctrine of equivalents, the ’492 Patent, the ’488 Patent, the ’327 Patent, and the ’382 Patent;

b. A permanent injunction prohibiting Defendants from further acts of infringement of the ’492 Patent, the ’488 Patent, the ’327 Patent, and the ’382 Patent;

c. A judgment and order requiring Defendants to pay Plaintiff its damages, enhanced damages, costs, expenses, and pre-judgment and post-judgment interest for Defendants’ infringement of the ’492 Patent, the ’488 Patent, the ’327 Patent, and the ’382 Patent;

d. A judgment and order requiring Defendants to provide an accounting and to pay supplemental damages to Plaintiff, including without limitation, pre-judgment and post-judgment interest;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees against Defendants; and

f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: January 31, 2020

Respectfully submitted,

/s/ Reza Mirzaie

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Paul A. Kroeger
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