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14 RESIDEO TECHNOLOGIES INC.

15 **UNITED STATES DISTRICT COURT**  
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 RESIDEO TECHNOLOGIES INC.,  
18 Plaintiff,  
19 v.  
20 ECOFACTOR, INC.  
21 Defendant.

Case No. 5:21-cv-1496

**COMPLAINT FOR DECLARATORY  
JUDGMENT**

**DEMAND FOR JURY TRIAL**

22 Plaintiff Resideo Technologies Inc. (“Resideo”), by and through its attorneys, files this  
23 Complaint against Defendant EcoFactor, Inc. (“EcoFactor”) as follows:

24 **NATURE OF ACTION**

25 1. This is an action for declaratory judgment of non-infringement of U.S. Patent Nos.  
26 8,423,322, 8,019,567, 10,612,983, and 8,886,488 (collectively, the “Asserted Patents,” attached as  
27 Exhibits 1-4, respectively) against EcoFactor, pursuant to the Declaratory Judgment Act, 28 U.S.C  
28 §§ 2201-02, and the patent laws of the United States, 35 U.S.C. § 100 et seq., and for other relief the  
Court deems just and proper.

2. Resideo requests this relief because EcoFactor has filed a complaint with the  
International Trade Commission (“ITC”), Docket No. 3535, claiming that Resideo, among other  
respondents, has infringed the Asserted Patents because Resideo designed, developed,

1 manufactured, tested, used, offered for sale, sold, and/or imported “smart thermostat systems,  
2 smart HVAC systems, smart HVAC control systems, and components thereof.” A true and correct  
3 copy of EcoFactor’s public ITC complaint is attached as Exhibit 5 (“ITC Complaint”). The  
4 Resideo products accused in the ITC Complaint include at least the Wi-Fi Smart Thermostat, Wi-  
5 Fi 7-Day Programmable Thermostat, WiFi 9000 Color Touchscreen Thermostat, WiFi  
6 Programmable Thermostat, T5 Programmable Thermostat, T5+ Programmable Thermostat, T6  
7 Pro Smart Thermostat, The Round Smart Thermostat, T10 Pro Smart Thermostat, T9 Smart  
8 Thermostat, Wi-Fi Smart Color Thermostat, Wi-Fi Touchscreen Thermostat (collectively, the  
9 “Accused Products”).

10 3. An actual and justiciable controversy therefore exists under 28 U.S.C. §§ 2201-  
11 2202 between Resideo and EcoFactor as to whether Resideo is infringing or has infringed the  
12 Asserted Patents.

### 13 **THE PARTIES**

14 4. Plaintiff Resideo Technologies Inc. is a corporation organized and existing under  
15 the laws of Delaware. Resideo has a principal place of business at 901 E. 6th Street, Austin,  
16 Texas 78702.

17 5. Upon information and belief, Defendant EcoFactor, Inc. is a privately held  
18 company organized and existing under the laws of the state of Delaware, having its principal place  
19 of business at 441 California Avenue, Number 2, Palo Alto, California 94306.

### 20 **JURISDICTION AND VENUE**

21 6. Resideo files this complaint against EcoFactor pursuant to the patent laws of the  
22 United States, Title 35 of the United States Code, with a specific remedy sought based upon the  
23 laws authorizing actions for declaratory judgment in the federal courts of the United States, 28  
24 U.S.C. §§ 2201 and 2202, and under the patent laws of the United States, 35 U.S.C. §§ 1-390.

25 7. This Court has subject matter jurisdiction over this action, which arises under the  
26 United States’ patent laws, pursuant to 28 U.S.C. §§ 1331, 1338(a), and 2201(a).

27 8. This Court has personal jurisdiction over EcoFactor, which has its principal place  
28 of business in Palo Alto, California.



1 assignee was EcoFactor, Inc. of Millbrae, California. On information and belief, the '567 Patent is  
2 currently assigned to EcoFactor.

3 14. U.S. Patent No. 10,612,983 (the "'983 Patent"), entitled "System and Method for  
4 Evaluating Changes in the Efficiency of an HVAC System" and attached hereto as Exhibit 3, states on  
5 its face that it was issued on April 7, 2020 to named inventors John Steinberg of Millbrae, California  
6 and Scott Hublou of Redwood City, California. The '983 Patent also states that the initial assignee was  
7 EcoFactor, Inc. of Redwood City, California. On information and belief, the '983 Patent is currently  
8 assigned to EcoFactor.

9 15. U.S. Patent No. 8,886,488 (the "'488 Patent"), entitled "System and Method for  
10 Calculating the Thermal Mass of a Building" and attached hereto as Exhibit 4, states on its face that it  
11 was issued on November 11, 2014 to named inventors John Steinberg of Millbrae, California and Scott  
12 Hublou of Redwood City, California. The '488 Patent also states that the initial assignee was EcoFactor,  
13 Inc. of Millbrae, California. On information and belief, the '488 Patent is currently assigned to  
14 EcoFactor.

15 **DISPUTE BETWEEN RESIDEO AND ECOFACTOR**

16 **CONCERNING THE ASSERTED PATENTS**

17 16. On February 26, 2021, EcoFactor filed the ITC Complaint alleging that Resideo, among  
18 others, purportedly infringes certain claims of the Asserted Patents. Ex. 5 at ¶¶ 80, 120-126; Exs. 6-9.  
19 EcoFactor's ITC Complaint alleges that the Accused Products purportedly infringe "either literally  
20 or pursuant to the doctrine of equivalents, and either directly or indirectly under a theory of  
21 inducement or contributory infringement." Ex. 5 at ¶ 122.

22 17. Accordingly, an actual and justiciable controversy exists between Resideo and  
23 EcoFactor concerning whether Resideo infringes one or more claims of any of the Asserted Patents.  
24 Resideo now seeks a declaratory judgment that Resideo does not infringe the claims of the Asserted  
25 Patents.

**FIRST CLAIM FOR RELIEF**

**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '322 PATENT**

18. This is a claim for declaratory judgment of non-infringement of the '322 Patent. Resideo hereby restates and incorporates by reference the allegations set forth in paragraphs 1 through 17 of this Complaint as if fully set forth herein.

19. EcoFactor claims to own all right, title, and interest in the '322 Patent by assignment. Ex. 5 at ¶ 43.

20. In its ITC Complaint, EcoFactor alleges that Resideo directly and indirectly infringes the '322 Patent. *See, e.g.*, Ex. 5 at ¶¶ 4, 123; Ex. 6.

21. Resideo and its Accused Products do not include, practice, induce others to practice, or contribute to others practicing at least the following limitations of the claims of the '322 Patent: “one or more processors that receive measurements of outside temperatures from at least one source other than said HVAC system and compare said temperature measurements from said first structure, wherein said one or more processors compares the inside temperature of said first structure and the outside temperature over time” and “wherein said one or more processors compares an inside temperature recorded inside the first structure with an inside temperature of said first structure recorded at a different time to determine whether the operational efficiency of the HVAC system has decreased over time.”

22. An actual and justiciable controversy therefore exists between Resideo and EcoFactor regarding whether any of the accused devices have infringed any of the asserted claims of the '322 Patent. A judicial declaration is necessary to determine the parties' respective rights regarding the '322 Patent.

23. Resideo seeks a judgment declaring that Resideo does not directly or indirectly infringe any asserted claims of the '322 Patent, either literally or under the doctrine of equivalents.

**SECOND CLAIM FOR RELIEF**

**DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '567 PATENT**

24. This is a claim for declaratory judgment of non-infringement of the '567 Patent. Resideo hereby restates and incorporates by reference the allegations set forth in paragraphs 1 through 17 of this Complaint as if fully set forth herein.

25. EcoFactor claims to own all right, title, and interest in the '567 Patent by assignment. Ex. 5 at ¶ 50.

26. In its ITC Complaint, EcoFactor alleges that Resideo directly and indirectly infringes the '567 Patent. *See, e.g.*, Ex. 5 at ¶¶ 4, 124; Ex. 7.

27. Resideo and its Accused Products do not include, practice, induce others to practice, or contribute to others practicing at least the following limitations of the claims of the '567 Patent: “one or more processors that receive measurements of outside temperatures from at least one source other than said HVAC system and compare said temperature measurements from said first structure,” “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 when said HVAC system is in a first state of repair,” “wherein said one or more processors compares 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 operational efficiency of the HVAC system has decreased over time,” “wherein if said operational efficiency has decreased, said one or more processors analyzes the changes in the operational efficiency over time to suggest a cause of degradation,” “comparing with one or more processors said temperature measurements from said first structure with outside temperature measurements over time to derive expected temperature measurements of a rate of change in inside temperature of said first structure when the HVAC system is in a first state of repair,” “wherein the expected temperature measurements are based at least in part upon past temperature measurements and based at least in part on outside temperature measurements,” and “wherein said one or more processors compares an inside temperature recorded inside the first

1 structure with said expected temperature measurements to determine whether the operational  
2 efficiency of the HVAC system has decreased.”

3 28. An actual and justiciable controversy therefore exists between Resideo and  
4 EcoFactor regarding whether any of the accused devices have infringed any of the asserted claims  
5 of the '567 Patent. A judicial declaration is necessary to determine the parties' respective rights  
6 regarding the '567 Patent.

7 29. Resideo seeks a judgment declaring that Resideo does not directly or indirectly  
8 infringe any asserted claims of the '567 Patent, either literally or under the doctrine of equivalents.

9 **THIRD CLAIM FOR RELIEF**

10 **DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '983 PATENT**

11 30. This is a claim for declaratory judgment of non-infringement of the '983 Patent.  
12 Resideo hereby restates and incorporates by reference the allegations set forth in paragraphs 1  
13 through 17 of this Complaint as if fully set forth herein.

14 31. EcoFactor claims to own all right, title, and interest in the '983 Patent by assignment.  
15 Ex. 5 at ¶ 57.

16 32. In its ITC Complaint, EcoFactor alleges that Resideo directly and indirectly infringes  
17 the '983 Patent. *See, e.g.*, Ex. 5 at ¶¶ 4, 125; Ex. 8.

18 33. Resideo and its Accused Products do not include, practice, induce others to practice,  
19 or contribute to others practicing at least the following limitations of the claims of the '983 Patent:  
20 “the one or more processors further configured to predict, based at least on the first data from the  
21 sensor, the second data from the network connection, and the first temperature setpoint, the time  
22 necessary for the HVAC system to operate in order to reach the temperature value by the time  
23 value” and “the processor configured to predict, based at least on analyzing the first data, the second  
24 data, and the first setpoint, the time necessary for a HVAC system at the user's building to operate  
25 in order to reach the temperature value by the time value.”

26 34. An actual and justiciable controversy therefore exists between Resideo and  
27 EcoFactor regarding whether any of the accused devices have infringed any of the asserted claims  
28

1 of the '983 Patent. A judicial declaration is necessary to determine the parties' respective rights  
2 regarding the '983 Patent.

3 35. Resideo seeks a judgment declaring that Resideo does not directly or indirectly  
4 infringe any asserted claims of the '983 Patent, either literally or under the doctrine of equivalents.

5 **FOURTH CLAIM FOR RELIEF**

6 **DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '488 PATENT**

7 36. This is a claim for declaratory judgment of non-infringement of the '488 Patent.  
8 Resideo hereby restates and incorporates by reference the allegations set forth in paragraphs 1  
9 through 17 of this Complaint as if fully set forth herein.

10 37. EcoFactor claims to own all right, title, and interest in the '488 Patent by assignment.  
11 Ex. 5 at ¶ 71.

12 38. In its ITC Complaint, EcoFactor alleges that Resideo directly and indirectly infringes  
13 the '488 Patent. *See, e.g.*, Ex. 5 at ¶¶ 4, 126; Ex. 9.

14 39. Resideo and its Accused Products do not include, practice, induce others to practice,  
15 or contribute to others practicing at least the following limitations of the claims of the '488 Patent:  
16 “wherein said one or more processors are configured to calculate one or more predicted rates of  
17 change in said inside temperature measurements at said first location based on the status of the  
18 HVAC system and to relate said one or more predicted rates of change to said outside temperature  
19 measurements,” and “the processor configured to predict, based at least on analyzing the first data,  
20 the second data, and the first setpoint, the time necessary for a HVAC system at the user's building  
21 to operate in order to reach the temperature value by the time value.”

22 40. An actual and justiciable controversy therefore exists between Resideo and  
23 EcoFactor regarding whether any of the accused devices have infringed any of the asserted claims  
24 of the '488 Patent. A judicial declaration is necessary to determine the parties' respective rights  
25 regarding the '488 Patent.

26 41. Resideo seeks a judgment declaring that Resideo does not directly or indirectly  
27 infringe any asserted claims of the '488 Patent, either literally or under the doctrine of equivalents.  
28



**PRAYER FOR RELIEF**

WHEREFORE, Resideo prays for judgment as follows:

A. Declaring that Resideo does not directly or indirectly infringe any claim of the '322 Patent, either literally or under the doctrine of equivalents;

B. Declaring that Resideo does not directly or indirectly infringe any claim of the '567 Patent, either literally or under the doctrine of equivalents;

C. Declaring that Resideo does not directly or indirectly infringe any claim of the '983 Patent, either literally or under the doctrine of equivalents;

D. Declaring that Resideo does not directly or indirectly infringe any claim of the '488 Patent, either literally or under the doctrine of equivalents;

E. Declaring that judgment be entered in favor of Resideo and against EcoFactor on Resideo's claims;

F. Order that this case is "exceptional" pursuant to 35 U.S.C. § 285 entitling Resideo to an award of its reasonable and necessary attorneys' fees, expenses, and costs, and pre-judgment interest thereon;

G. Order awarding Resideo its costs of suit incurred in this action; and

H. Granting to Resideo such other and further relief as this Court deems just and proper.

**JURY DEMAND**

Pursuant to Federal Rule of Civil Procedure 38 and Civil Local Rule 3-6, Resideo demands a jury trial on all issues and claims so triable.

Dated: March 2, 2021

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