EXHIBIT B-26

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Invalidity Contentions: U.S. Patent No. 10,534,382

W.D. Tex., Case Nos. 6:20-cv-00075-ADA, 6:20-cv-00078, 6:20-cv-00080[1]

PRESENTATIVE CLAIM LIMITATION: "wherein the memory is configured to store historical values of the first data and second data"

ERTED CLAIMS: This limitation is present in the following Asserted Claims: '382 patent claims 1-20.

CLOSURE: To the extent Plaintiff alleges that any anticipatory reference identified in Exhibit A does not disclose any portion of the above ation, the following exemplary pincites show that those allegedly missing portions would have been obvious to one of ordinary skill in the art at ime the alleged invention was made in light of the prior art references identified in the table below. Moreover, it would have been obvious to bine any anticipatory reference identified in Exhibit A with any one or more of the following references for at least the reasons explained in the r document of Defendants' Invalidity Contentions or as identified herein. All emphasis added unless otherwise indicated.

Reference	Disclosure*
emand response enabling nnology development" ("Arens")	*Arens discloses "wherein the memory is configured to store historical values of the first data and second data."* "We want to save sets of data during the real-time test of the DR system in Summer 05 in order to analyze them later. These data will be stored in a database located on a server of UC Berkeley. **They will be stored in the laptop in the house**, thus the controller should rely on access to them for processing (even for learning). **The data we want to save are:** **- Input from real sensors:** o **Temperature measurement of all the different areas**

se contentions are being served by defendants in the following actions: *EcoFactor, Inc. v. Google LLC*, No. 6:20-cv-00075-ADA; *EcoFactor, Inc. v. Ecobee, Inc.*, No. 6:20-cv-00078-ADA; and *ctor, Inc. v. Vivint, Inc.*, No. 6:20-cv-00080-ADA.

he extent that these Invalidity Contentions rely on or otherwise embody particular constructions of terms or phrase in the Asserted Claims, Defendants are not proposing any such contentions as constructions of those terms or phrases. Various positions put forth in this document are predicated on Plaintiff's incorrectly and overly broad interpretation of the claims as evidenced by its gement Contentions provided to Defendants. Those positions are not intended to and do not necessarily reflect Defendants' interpretation of the true and proper scope of Plaintiff's claims, and dants reserve the right to adopt claim construction positions that differ from or even conflict with various positions put forth in this document.

Reference	Disclosure*
	o On/Off status of all the appliances o Consumption of all the appliances o Occupancy of all the areas o **Weather station: anemometer, pyranometer (both global and diffuse radiation)**" Arens at p. 68.
3. Patent No. 2004/0117330 ("Ehlers")	*Ehlers discloses "wherein the memory is configured to store historical values of the first data and second data."* "In one aspect of the invention data various data elements are stored within the system 1.02. In one embodiment**, the data may be stored in gateway node 1.10D**. However, each node 1.10 in the system 1.02 includes a node processor 2.02 and **memory 2.04**. Therefore, any node 1.10 in the system may assume the processing and/or the control of one or more devices and/or the storage of system data 1.02 in the event the gateway node 1.10D becomes disabled. **In one embodiment, the following data may be maintained or stored by the system 1.02**. … 10. A history of temperature set points for the day. 11. An average of temperature set points for the week and billing period … 13. The current temperature set point both user set and fixed. … 15. The average temperature maintained for the day, week and billing period.

Reference	Disclosure*
	… 25. **Weather information and history data including at a minimum outside temperature lows and highs**, humidity, chance of precipitation wind speed and direction, solar exposure time and angle and UV indexes by day, by week, by billing period." 27. Computed thermal recovery time for heating and cooling adjusted to compensate for the **external temperature**, wind speed, direction, UV index, humidity and cooling or heating degree day factors. This computed factor is used to more accurately compute the recovery time for thermal gain or loss when combined with the average normalized thermal gain or loss for the site 1.04. This factor may also be computed centrally and transmitted, frequently enough to permit adequate factoring of recovery times to maximize efficiency and reduce operating costs. Transmitting centrally computer factors will eliminate the need for external sensors at each location thus lowering the cost of installation and ongoing maintenance." Ehlers at [0268], [0278]-[0279], [0281], [0283]-[0285], [0295]. FIG. 2A is a block diagram of a gateway node used in the energy management system of FIG. 1A; Ehlers at [0022].

Reference	Disclosure*
	  Ehlers at FIG. 2A.
3. Patent App. Pub. No. 05/0171645 ("Oswald '645")	Oswald '645 discloses "wherein the memory is configured to store historical values of the first data and second data." "Terms in the thermal model would include: Heat transfer coefficient inside house. Heat transfer coefficient outside house—terms including effect of wind, rain, humidity etc. **Temperature inside**. **Temperature outside.** Materials of construction including thickness, thermal insulation qualities, mass, specific heat. Wind resistance of apertures such as doors and windows."

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