EXHIBIT B-27

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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]

REPRESENTATIVE CLAIM LIMITATION: "the first processor with circuitry and code designed to execute instructions to communicate with the memory"

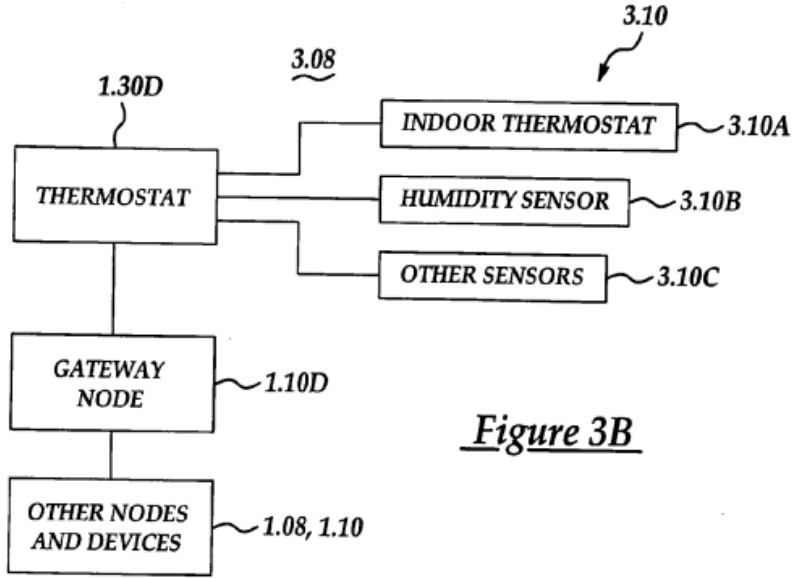**ASSERTED CLAIMS:** This limitation is present in the following Asserted Claims: '382 patent claims 1-20.

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

Reference	Disclosure*
"...emand response enabling ...hnology development" ("Arens")	*Arens discloses "the first processor with circuitry and code designed to execute instructions to communicate with the memory." For example, Arens's data is stored in two places: the server at UC Berkeley (the claimed first processor with circuitry and code) and the laptop in the house (the claimed memory).* "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). … We can use **a MySQL database located on a server at UC Berkeley to store the data.** All the required software is free and familiar for many of us."

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[1] ...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 ...actor, 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 ...r 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*
	Arens at p. 68.
S. Patent No. 2004/0117330 hlers")	*Ehlers discloses "the first processor with circuitry and code designed to execute instructions to communicate with the memory."* "Using the input buttons, the customer can control the HVAC system and other parts of the system 1.02 (see below). **The thermostat 1.30D is in communication with the gateway node 1.10D** (see above) and the gateway node 1.10D can query the current temperature and setpoint values of the thermostat 1.30D. Further, the gateway node 1.10D can change the heating and cooling setpoint(s) and offset values of the thermostat 1.30D (see below)." In one aspect of the present invention, **the thermostat 1.30D may inform the gateway node 1.10D when its relay outputs or contact inputs change state, or the gateway node 1.10D can poll for this status. When this occurs, the gateway node 1.10D can query the thermostat 1.30D and send the current temperature and corresponding input or output status to the system 1.02.** The thermostat 1.30D may operate in a fallback mode upon loss of communication with the gateway node 1.10D. **When communication resumes, the gateway node 1.10D can ascertain the state of the thermostat 1.30D and restore the desired functionality.** **All changes made at the thermostat 1.30D can be communicated to the gateway node 1.10D or be received during a poll of the thermostat 1.30D.** In one embodiment, the following functions can be accessible directly from the thermostat 1.30D:" Ehlers at [0150]-[0153]. "As discussed, in one aspect of the present invention the thermostat 1.30D is an advanced thermostatic control device linked to the power distribution network. **The thermostat 1.30D is also linked to the nodes 1.10 within the customer site 1.04 either directly or through the gateway node 1.10D** and receives information from and regarding the power distribution network and the devices 1.08. As a result of the availability of information from up and down the supply chain, the thermostat 1.30D may more efficiently manage and offer additional functionality to the user." Ehlers at [0224].

Reference	Disclosure*
	 Ehlers at FIG. 3B.

Reference	Disclosure*
	Ehlers at FIG. 1B.
5. Patent App. Pub. No. 05/0171645 ("Oswald '645")	*Oswald '645 discloses "the first processor with circuitry and code designed to execute instructions to communicate with the memory." For example, Oswald's server(s) (the claimed first processor with circuitry and code) performs the modelling functions, which accesses the data stored in the database (the claimed execute instructions to communicate with the memory).* "The single central sensor 2 monitors the electrical power feeding into the house (e.g. current, voltage and power factor), stores appropriate data and analyses the data to determine what is happening with the house's appliances and with the occupants. The single central sensor 2 contains electronic computing capability including **storage (long and short term)**, processing power, battery back up (not shown) and **communications capability with the wider network** and local **devices**.

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