

# HUSCH BLACKWELL

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April 2, 2021

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Re: *Inter Partes* Review Proceeding Case No. 2021-00054;  
U.S. Patent No. 10,534,382

Dear Counsel:

I write on behalf of Defendant ecobee, Inc. (“ecobee”) regarding the matter of *Ecofactor, Inc. v. ecobee, Inc.*, No. 6:20-cv-00078-ADA (W.D. Tex.) (“the Litigation”). ecobee is accused of infringing U.S. Patent No. 10,534,382 (“the ‘382 Patent”) in the Litigation.

This letter is in relation to Google LLC’s Petition for *Inter Partes* Review of the ‘382 Patent (the “‘382 IPR Petition”), IPR No. 2021-00054.

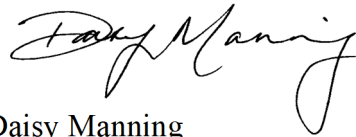
ecobee hereby stipulates not to present the combination of prior art references specifically set forth in the Grounds of the ‘382 IPR Petition before the District Court in the Litigation so long as (i) the Board institutes *inter partes* review, and (ii) at the time of trial in the Litigation, the ‘382 IPR has not been terminated for reasons other than a decision on the merits.

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Sincerely,

HUSCH BLACKWELL LLP



Daisy Manning  
*Counsel for ecobee, Inc.*

cc: Counsel of Record for Google LLC  
Counsel of Record for ecobee, Inc.