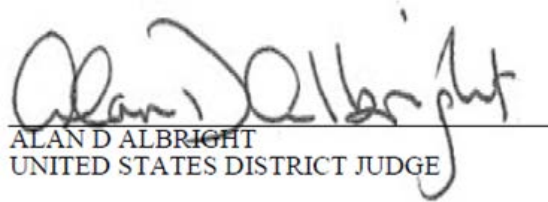




The Court issues this Order to memorialize the Court's final claim construction rulings for the parties in both cases, and to inform the parties that the Court plans to issue a more-detailed Order explaining its analysis in due course.

**SIGNED** this 10th day of May, 2023.

  
ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE

**I. AGREED CONSTRUCTIONS - W-20-CV-00078:**

<b>Term No.</b>	<b>Term</b>	<b>Agreed Construction</b>
1	“setpoint”  ’492 patent claims 1, 8-10, 17, 18	“a temperature setting for a thermostat to achieve or maintain”
2	“compare(s)”  ’488 patent claims 1, 9; ’327 patent claims 1, 11	“analyze to determine one or more similarities or differences between”
3	“measurement of the current outdoor temperature”  ’382 patent claim 5	“measurement of the outdoor temperature at the present time”

**II. DISPUTED CONSTRUCTIONS - W-20-CV-00078:**

<b>Term No.</b>	<b>Term</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Proposed Construction</b>
1	“rate of change in inside temperature”  ’488 patent claims 1, 9; ’327 patent claims 1,11  “rate of change in temperature inside the [said] structure”	“the difference between two inside temperature measurements over a particular span of time between the measurements”	“the difference between inside temperature measurements divided by the span of time between the measurements ( <i>i.e.</i> , $\Delta T/\Delta t$ )”	“the difference between inside temperature measurements divided by the span of time between the measurements”

	'488 patent claims 8, 16 '327 patent claims 5, 15			
2	<p>“measurement[s]”  “measurement[s]”;  “measurement of outside temperatures”;  “temperature measurement inside a structure”; temperature measurements from inside the structure”;  “measurement of at least one characteristic of the building”;  “measurement of the current outdoor temperature”</p> <p>'488, '327, and '382 patents, all claims</p>	Plain and ordinary meaning; no construction necessary.	“determination [of the claimed property] by an instrument by using standardized units”	Plain and
3	'488 Patent Claims 1 and 9 – Indefiniteness	Plain and ordinary meaning; no construction necessary.	Indefinite due to lack of essential structural connections, under <i>In re Collier</i> , 397 F.2d 1003 (C.C.P.A. 1968), and its progeny.	Plain and Not ind
4	“user interface actions intended to alter a state of one or more of said [networked] electronic devices”	Plain and ordinary meaning; no construction necessary.	“a user intentionally interacting with the device’s graphic user interface to alter the device’s state and indicate whether the structure is occupied”	Plain and

	'492 patent claims 1, 10			
5	<p>“receiving [receives] input from said one or more users”</p> <p>'492 patent claims 1, 10</p> <p>“said input from said one or more users”</p> <p>'492 patent claims 1, 9, 10, 18)</p>	Plain and ordinary meaning; no construction necessary.	“a user inputting a response to a prompt on the graphic user interface [display] of the one or more networked electronic devices”	Plain and ordinary meaning; no construction necessary.
6	<p>“outside temperature”</p> <p>'488 patent claims 1, 2, 9, 10;</p> <p>'327 patent claims 1, 2, 11, 12</p>	“the temperature at a location outside (or external to) [the structure]”	“the actual temperature at a location outside (or external to) [the structure]”	Plain and ordinary meaning; no construction necessary.
7	“programmable thermostat” ('327 patent claims 3, 13)	“thermostat that uses microprocessor-based circuitry to control the switch and operate based upon user determined protocols for temperature vs. time”	“thermostat that uses microprocessor-based circuitry to control the switch and to store and operate based upon user determined protocols for temperature vs. time”	“thermostat that uses microprocessor-based circuitry to control the switch and to store and operate based upon user determined protocols for temperature vs. time”

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.