UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ECOBEE TECHNOLOGIES, ULC,
Petitioner

v.

ECOFACTOR, INC.,
Patent Owner

IPR2022-00969
Patent No. 8,596,550

DECLARATION OF JOHN A. PALMER, Ph.D.
PURSUANT TO 37 C.F.R. § 1.68

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3. Claim element [17g] - "the one or more computer processors configured to calculate scheduled setpoint programming of the programmable communicating thermostat for one or more times based on the predicted rate of change, the scheduled programming comprising one or more automated setpoints;". 63

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Exhibits

Exhibit No.	Description
2001	*Ecobee, Inc. v. EcoFactor, Inc.*, 1-21-cv-00323 (D. Del. March 2, 2012), Dkt. 20 (Ecobee's Motion to Dismiss)
2002	*Ecobee, Inc. v. EcoFactor, Inc.*, 1-21-cv-00323 (D. Del. March 2, 2012), Dkt. 1 (Complaint)
2003	*Ecobee, Inc. v. EcoFactor, Inc.*, 1-21-cv-00323 (D. Del. March 2, 2012), Dkt. 18 (ecobee Opposition to Motion to Stay)
2004	Ecobee's Disclosure of Initial Invalidity Contentions, March 17, 2022 in *Ecobee, Inc. v. EcoFactor, Inc.*, 1-21-cv-00323
2005	*Ecobee, Inc. v. EcoFactor, Inc.*, 1-21-cv-00323 (D. Del. March 2, 2012), Dkt. 26 (Order Denying EcoFactor's Motion to Stay)
2006	Expert Declaration of John A. Palmer
2007	Curriculum Vitae of John A. Palmer
2008	February 2, 2023, Deposition Transcripts of Dr. David Auslander, IPR2022-00969, -00983.
2009	*Smart Thermostat Systems, Smart HVAC Systems, Smart HVAC Control Systems, and Components Thereof*, U.S. Int'l Trade Comm'n, 337-TA-1258 1258 Investigation, Order No. 18 - Construing the Terms of the Asserted Claims, at 1
2010	U.S. Pat. No. 7,130,719 ("Ehlers '719")

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