

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

IOT INNOVATIONS LLC,

Plaintiff,

v.

ECOBEE TECHNOLOGIES ULC d/b/a  
ECOBEE,

Defendant.

Civil Action No. 2:24-cv-00131

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff IoT Innovations LLC (“IoT Innovations” or “Plaintiff”) files this Complaint against ecobee Technologies ULC d/b/a ecobee (“ecobee” or “Defendant”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This is a patent infringement action to stop ecobee’s infringement of the following United States Patents (collectively, the “Asserted Patents”) issued by the United States Patent and Trademark Office (“USPTO”):

| U.S. Patent No. | Title  | Available At  |
|-----------------|--|---|
| 7,408,872       | Modulation Of Signals For Transmission In Packets Via An Air Interface                             | USPTO.GOV,<br><a href="https://patentcenter.uspto.gov/applications/10483367">https://patentcenter.uspto.gov/applications/10483367</a> , <a href="https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7408872">https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7408872</a> |
| 7,539,212       | Method And Apparatus For Mac Layer Inverse Multiplexing In A Third Generation Radio Access Network | USPTO.GOV,<br><a href="https://patentcenter.uspto.gov/applications/10300668">https://patentcenter.uspto.gov/applications/10300668</a> , <a href="https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7539212">https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7539212</a> |

| U.S. Patent No. | Title   | Available At  |
|-----------------|---|---|
| 8,401,571       | Mobile Electronic System  | USPTO.GOV,<br><a href="https://patentcenter.uspto.gov/applications/10534012">https://patentcenter.uspto.gov/applications/10534012</a> , <a href="https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/8401571">https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/8401571</a>   |
| RE44742         | Dynamic Message Templates And Messaging Macros  | USPTO.GOV,<br><a href="https://patentcenter.uspto.gov/applications/13542351">https://patentcenter.uspto.gov/applications/13542351</a> , <a href="https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/RE44742">https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/RE44742</a>   |
| 6,920,486       | Method And Apparatus For Enabling Synchronizing Data In Different Devices Having Different Capabilities And Unmatched Data Fields                   | USPTO.GOV,<br><a href="https://patentcenter.uspto.gov/applications/10153170">https://patentcenter.uspto.gov/applications/10153170</a> , <a href="https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/6920486">https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/6920486</a>   |
| 7,974,260       | Method Of Transmitting Time-Critical Scheduling Information Between Single Network Devices In A Wireless Network Using Slotted Point-To-Point Links | USPTO.GOV,<br><a href="https://patentcenter.uspto.gov/applications/10489269">https://patentcenter.uspto.gov/applications/10489269</a> , <a href="https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7974260">https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7974260</a> . |
| 7,983,282       | Edge Side Assembler   | USPTO.GOV,<br><a href="https://patentcenter.uspto.gov/applications/12486008">https://patentcenter.uspto.gov/applications/12486008</a> , <a href="https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7983282">https://imageppubs.uspto.gov/dirsearch-public/print/downloadPdf/7983282</a>   |

2. IoT Innovations seeks injunctive relief and monetary damages.

**PARTIES**

3. IoT Innovations is a limited liability company formed under the laws of Texas with a registered office address located in Austin, Texas (Travis County).

4. On information and belief, ecobee is a British Columbia unlimited liability company with its principal place of business at 25 Dockside Drive, Suite 700, Toronto, ON, Canada, M5A 0B5.

5. On information and belief, ecobee directly and/or indirectly develops, designs, manufactures, distributes, markets, offers to sell and/or sells infringing products and services in

the United States and in the State of Texas, including in the Eastern District of Texas, and otherwise directs infringing activities to this District in connection with its products and services.

### **JURISDICTION AND VENUE**

6. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

7. This is an action for infringement of a United States patent arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because, among other things, Defendant is not a resident of the United States, and thus may be sued in any judicial district, including this one, pursuant to 28 U.S.C. § 1391(c)(3). *See also In re HTC Corporation*, 889 F.3d 1349, 1357 (Fed. Cir. 2018) (“The Court’s recent decision in *TC Heartland* does not alter” the alien-venue rule.).

9. Defendant is subject to this Court’s specific and general personal jurisdiction under due process because of Defendant’s substantial business in this District, in the State of Texas, and in the United States, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in this state, in this District, and in the United States.

10. Specifically, Defendant intends to do and does business in, has committed acts of infringement in, and continues to commit acts of infringement in the State of Texas, including in this District, and in the United States, directly, through intermediaries and agents, by contributing to and through inducement of third parties, and offers its products or services, including those

accused of infringement here, to customers and potential customers located in this state, including in this District, and in the United States.

11. Defendant has committed acts of infringement from this District, including, but not limited to, making, using, selling, offering for sale, and importing of the Accused Products.

12. Defendant has purposefully directed infringing activities at residents of the State of Texas, and this litigation results from those infringing activities. Defendant regularly sells (either directly or indirectly), its products within this District. For example, upon information and belief, Defendant has placed and continues to place the Accused Products into the stream of commerce *via* an established distribution channel with the knowledge or understanding that such products are being and will continue to be sold in this District and the State of Texas. Defendant is subject to this Court's specific and/or general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due to its substantial and pervasive business in this State and District, including its infringing activities alleged herein, from which Defendant derives substantial revenue from goods sold to Texas residents and consumers.

13. Defendant offers products and services and conducts business in this District as described below.

14. Defendant commits acts of infringement from this District, including, but not limited to, use of the Accused Products and inducement of third parties to use the Accused Products in an infringing manner.

15. Defendant has authorized sellers and sales representatives that offer and sell products in this Complaint through the State of Texas, including in this Judicial District, and to consumers throughout this Judicial District, such as the Home Depot stores located at 411 E Loop 281, Longview, TX 75605; and 2530 S Jefferson Ave., Mount Pleasant, TX 75455, as shown in **Figure**

1 below:

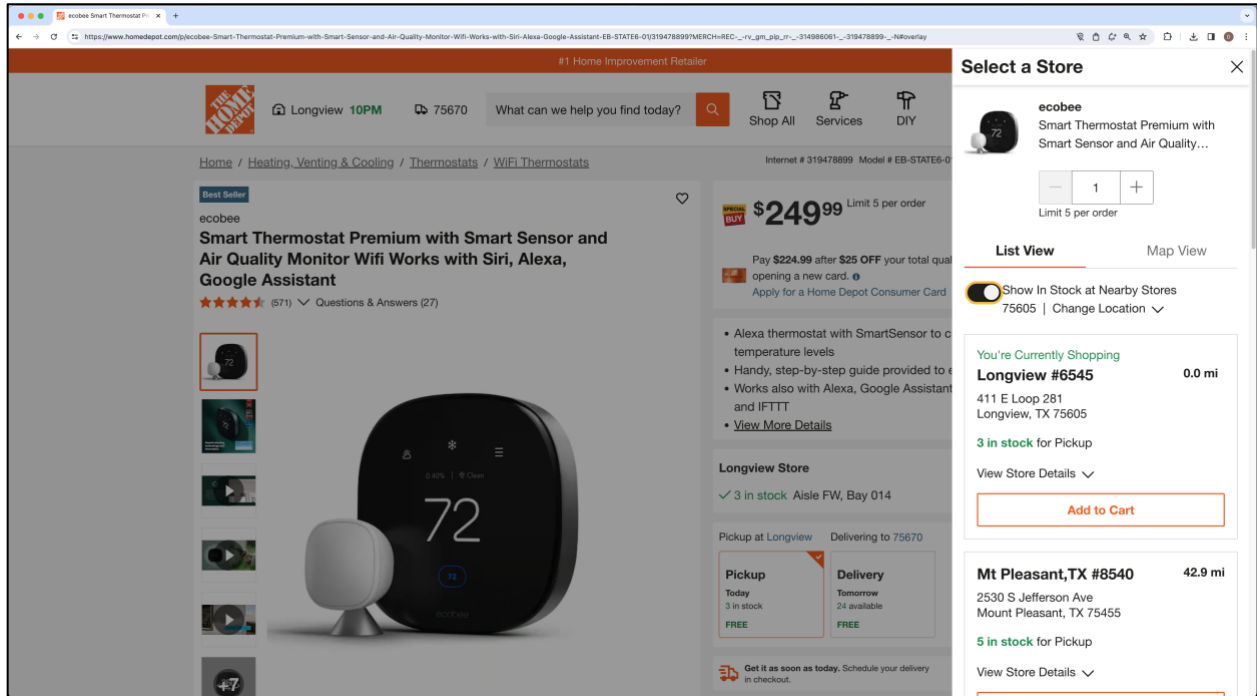


Figure 1

Source: HOME DEPOT, <https://www.homedepot.com/p/ecobee-Smart-Thermostat-Premium-with-Smart-Sensor-and-Air-Quality-Monitor-Wifi-Works-with-Siri-Alexa-Google-Assistant-EB-STATE6-01/319478899>

## THE ACCUSED PRODUCTS

16. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

17. Based upon public information, Defendant owns, operates, advertises, and/or controls the website and domain <https://www.ecobee.com>, through which it advertises, sells, offers to sell, provides and/or educates customers about its products and services.

18. Defendant uses, causes to be used, sells, offers for sale, provides, supplies, or distributes its home security and control platform and systems, including but not limited those marketed as ecobee's Smart Security systems and products, which include, at least, ecobee's Smart Thermostats (including but not limited to the ecobee Smart Thermostat Premium and ecobee Smart

Si Wi-Fi Thermostat), ecobee’s Smart Cameras (including but not limited to the ecobee Smart Camera with voice control), ecobee’s Smart Accessories (including but not limited to the ecobee Smart Plug and ecobee Smart Sensors), the ecobee application for android and iOS devices (“ecobee app”),<sup>1</sup> ecobee Smart Security features, ecobee’s sever(s), ecobee’s cellular and Wi-Fi and Bluetooth capabilities, and their associated hardware and software and functionalities (the “Accused Products”). See **Figures 2–25** (below); see also Specification Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf) (**ecobee Smart Thermostat Premium**); QUICK START GUIDE ECOBEE 3 [https://storage.googleapis.com/article\\_attachments/ecobee3\\_QuickStartGuide\\_EN.pdf](https://storage.googleapis.com/article_attachments/ecobee3_QuickStartGuide_EN.pdf) (**ecobee 3 Smart Thermostat**); NYSEG SMART SOLUTIONS, <https://nyseg-dev.myshopify.com/products/ecobee-smart-si-wi-fi-thermostat> (**ecobee Smart Si Wi-Fi Thermostat**); Instruction Manual, ECOBEE, <https://www.electronicdatasheets.com/download/5358d2ede34e243d7fa45722.pdf?format=pdf> (**ecobee Smart Plug**); ECOBEE, <https://www.ecobee.com/en-us/cameras/smart-camera-with-voice-control/>, and <https://support.ecobee.com/s/articles/How-do-I-watch-and-control-my-camera-from-the-ecobee-app> (**ecobee Smart Camera with voice control**); and ECOBEE, <https://www.ecobee.com/en-us/smart-security/> (**ecobee Smart Security and ecobee app**).

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<sup>1</sup> The ecobee app is available at the Defendant’s website, see ECOBEE, <https://www.ecobee.com/en-us/smart-security>, and *Support*, ECOBEE, <https://support.ecobee.com/s/articles/Downloading-the-ecobee-app>.

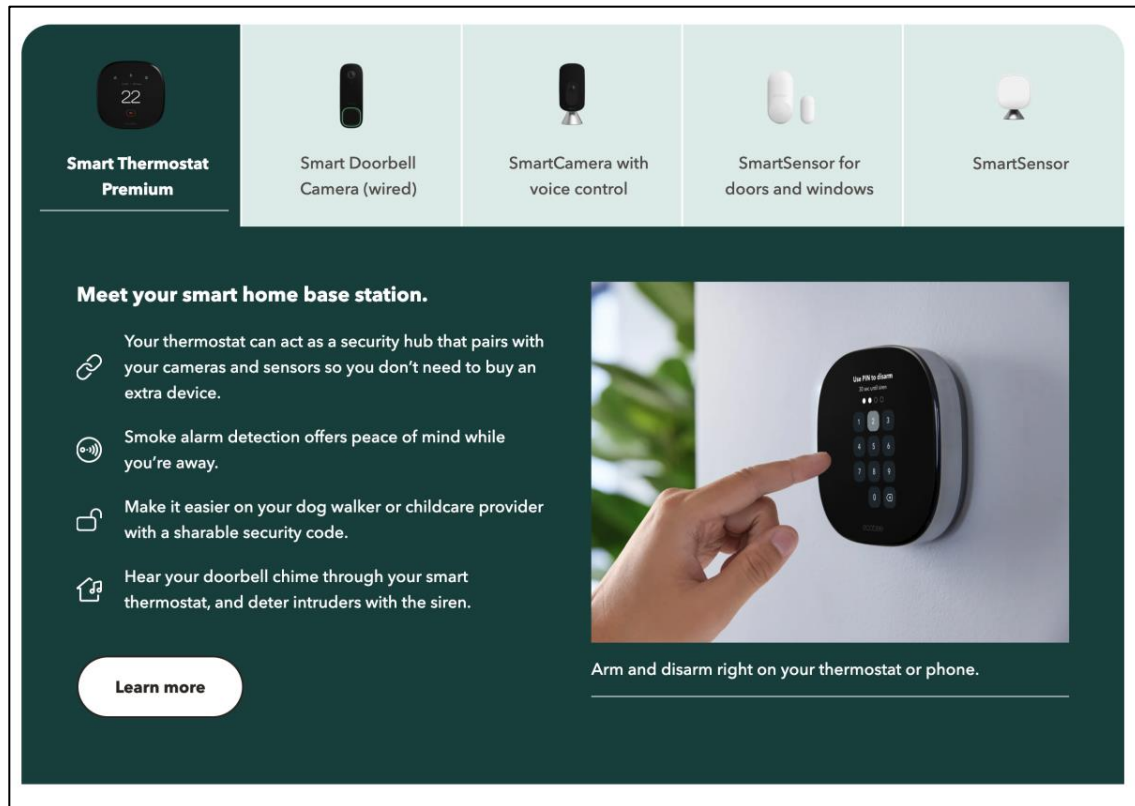


Figure 2

Source: ECOBEE, <https://www.ecobee.com/en-us/smart-security/>.

19. Defendant advertises that “[t]he ecobee app lets you set up and control your ecobee devices from anywhere[,]” asserting that “[y]ou can control your ecobee thermostat, cameras, sensors, lights, and ecobee Smart Security.” *Support*, ECOBEE, <https://support.ecobee.com/s/articles/How-to-use-the-ecobee-app>.

20. Defendant also advertises that “Your thermostat can act as a security hub that pairs with your cameras and sensors so you don’t need to buy an extra device.” ECOBEE, <https://www.ecobee.com/en-us/smart-security/>.

21. Defendant also instructs its customers, agents, employees, and affiliates regarding how to use the Accused Products for home security and control. *See, e.g., Support*, ECOBEE, <https://support.ecobee.com/s/articles/download-documents-included-with-your-ecobee-device>; *Support*, ECOBEE, <https://www.ecobee.com/en-us/installation/>.

22. For these reasons and the additional reasons detailed below, the Accused Products practice at least one claim of each of the Asserted Patents.

**COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,408,872**

23. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

24. The USPTO duly issued U.S. Patent No. 7,408,872 (hereinafter, the “’872 patent”) on August 5, 2008, after full and fair examination of Application No. 10/483,367, which was filed on July 13, 2004, which claims priority to a PCT application, filed July 9, 2001. *See* ’872 patent at 1.

25. IoT Innovations owns all substantial rights, interest, and title in and to the ’872 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

26. The claims of the ’872 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon signal modulation in a wireless network.

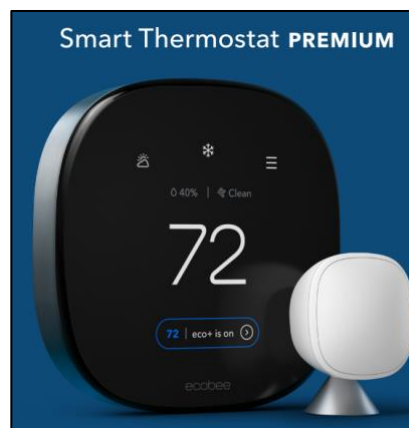
27. The written description of the ’872 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

28. Defendant has directly infringed infringe one or more claims of the ’872 patent by making, using, selling, offering to sell, providing, supplying, or distributing the Accused Products.



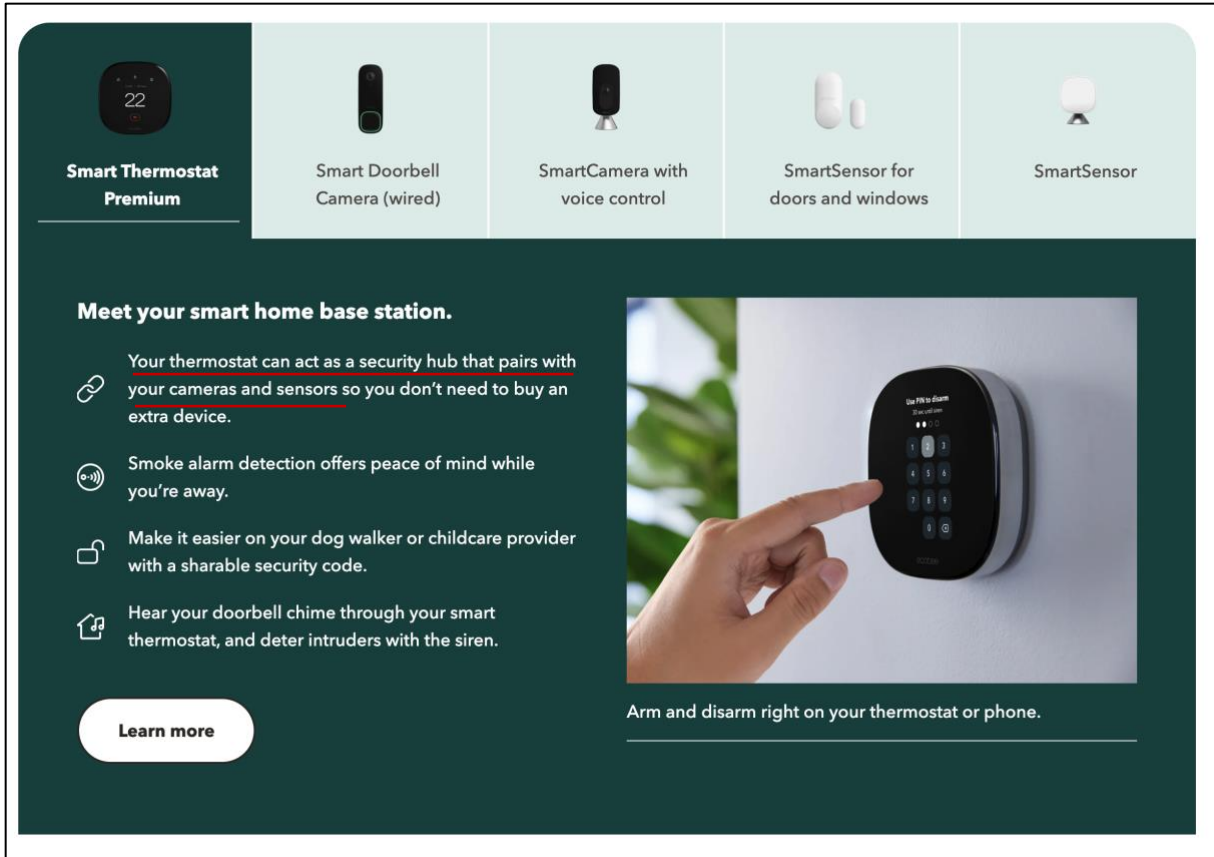
For instance, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '872 patent.

29. For example, Defendant, using the Accused Products, perform a method for modulating signals, wherein signals are to be transmitted by a device in packets via an air interface, the method comprising: receiving a first plurality of bits and a second plurality of bits, creating a pair of bits by adding a set bit to a first bit of said first plurality of bits, wherein one of said set bit and said first bit of said first plurality of bits has a fixed value, and mapping one of a first set of values to said pair of bits according to a selected modulation scheme and mapping a second set of values to said second plurality of bits according to said selected modulation scheme. See **Figures 3–5** (below); see also ECOBEE, <https://www.ecobee.com/en-us/smart-security/>; Specification Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf); Bluetooth Core Specification, v5.0, pp. 2564–2606.



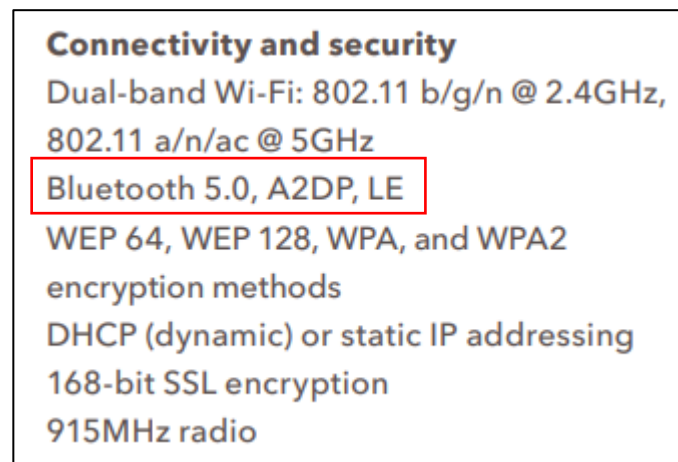
**Figure 3**

Source: Specification Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf) at p. 1.



**Figure 4**

Source: ECOBEE, <https://www.ecobee.com/en-us/smart-security/>.



**Figure 5**

Source: Specification Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf) at p. 2.

30. For instance, as one example, upon information and belief, Defendant provides a

mobile application which can connect with a device (e.g., ecobee Smart Thermostat Premium, ecobee Smart Camera, etc.) via Bluetooth. Upon information and belief, the Accused Products perform the step of modulating signals (e.g., according to the Bluetooth wireless protocol) wherein signals are to be transmitted by a device (e.g., a smartphone) in packets via an air interface. *See* **Figures 3–5** (above); *see also* Specification Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf); *see also* Bluetooth Core Specification, v5.0, pp. 2564–2606.

31. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '872 patent.

32. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

## **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,539,212**

33. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

34. The USPTO duly issued U.S. Patent No. 7,539,212 (hereinafter, the "'212 patent") on May 26, 2009, after full and fair examination of Application No. 10/300,668, which was filed on November 19, 2002. *See* '212 patent at 1.

35. IoT Innovations owns all substantial rights, interest, and title in and to the '212 patent, including the sole and exclusive right to prosecute this action and enforce the '212 patent against

infringers and to collect damages for all relevant times.

36. The claims of the '212 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of multiplexing in a wireless network.

37. The written description of the '212 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

38. Defendant has directly infringed and continues to infringe one or more claims of the '212 patent by using, providing, supplying, or distributing the Accused Products. For instance, Defendant has directly infringed and continues to infringe, either literally or under the doctrine of equivalents, at least claim 14 of the '212 patent.

39. For example, the installation and use of the Accused Products perform a method, comprising receiving a radio link control data flow at a first rate from a core network for communication to a user equipment; preparing a plurality of media access control data flows, at a media access sublayer, each of a lower rate than said first rate, so as to convey the radio link control data flow to the user equipment; including with the plurality of media access control data flows information indicating how the media access control data flows are to be combined by the user equipment into the radio link control data flow; and providing the plurality of media access control data flows for communication to the user equipment. *See* **Figures 6–9** (below); *see also* NYSEG SMART SOLUTIONS, <https://nyseg-dev.myshopify.com/products/ecobee-smartsi-wi-fi-thermostat>;

see also ecobee Smart Plug Instruction Manual, ECOBEE, <https://www.electronicsdatasheets.com/download/5358d2ede34e243d7fa45722.pdf?format=pdf>;  
see also NETWORKWORLD.COM, <https://www.networkworld.com/article/3238664/80211x-wi-fi-standards-and-speeds-explained.html> (Feb. 2, 2024); see also Zigbee Protocol in IoT, FOURFAITH.COM, <https://www.fourfaith.com/industry-news/zigbee-protocol-in-iot.html>; see also Zigbee Specifications, ZIGBEE ALLIANCE.ORG, <https://zigbeealliance.org/wp-content/uploads/2019/11/docs-05-3474-21-0csg-zigbee-specification.pdf> at 285–86.



**Figure 6**

Source: NYSEG SMART SOLUTIONS, <https://nyseg-dev.myshopify.com/products/ecobee-smart-wi-fi-thermostat>.

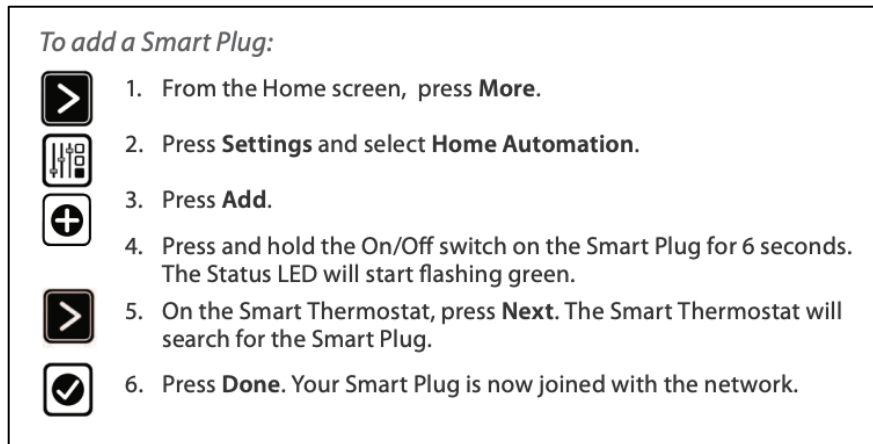
**Step 5. Adding Smart Plug to Network**

After you have set up your ZigBee network (step 4), you connect your Smart Plug to the Smart thermostat. The ecobee Smart Thermostat will scan the network and automatically detect any unconnected Smart Plugs.

The default name is the last 4 digits of the Smart Plug's MAC address (a unique number printed on the back of each device). You can give it an easier to remember name (like "Living Room Light"). Providing your own custom name makes it easier to identify the plug, especially if you have multiple plugs installed.

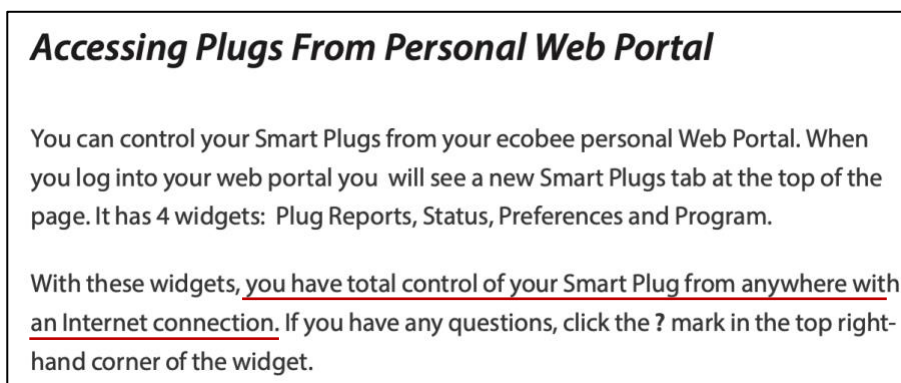
**Figure 7**

Source: ecobee Smart Plug Instruction Manual, ECOBEE, <https://www.electronicsdatasheets.com/download/5358d2ede34e243d7fa45722.pdf?format=pdf>.



**Figure 8**

Source: ecobee Smart Plug Instruction Manual, ECOBEE,  
<https://www.electronicsdatasheets.com/download/5358d2ede34e243d7fa45722.pdf?format=pdf>  
at p. 1.



**Figure 9**

Source: ecobee Smart Plug Instruction Manual, ECOBEE,  
<https://www.electronicsdatasheets.com/download/5358d2ede34e243d7fa45722.pdf?format=pdf>  
at p. 2.

40. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed the '212 patent by inducing others to directly infringe the '212 patent. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '212 patent by providing or requiring use of the Accused Products. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '212 patent, including, for

example, claim 14 of the '212 patent. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '212 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '212 patent. Defendant's inducement is ongoing. *See, e.g., Support*, ECOBEE, <https://support.ecobee.com/s/articles/download-documents-included-with-your-ecobee-device>.

41. Defendant has also indirectly infringed by contributing to the infringement of the '212 patent. Defendant has contributed to the direct infringement of the '212 patent by its personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '212 patent, including, for example, claim 14 of the '212 patent. The special features constitute a material part of the invention of one or more of the claims of the '212 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See, e.g., Support*, ECOBEE, <https://support.ecobee.com/s/articles/download-documents-included-with-your-ecobee-device>.

42. Defendant had knowledge of the '212 patent at least as of the date when it was notified of the filing of this action.

43. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of IoT Innovations' patent rights.

44. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

45. Defendant's direct infringement of one or more claims of the '212 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of IoT Innovations' rights under the patent.

46. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '212 patent.

47. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Plaintiff in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

48. IoT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IoT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '212 patent. Defendant's actions have interfered with and will interfere with IoT Innovations' ability to license technology. The balance of hardships favors IoT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IoT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

### **COUNT III: INFRINGEMENT OF U.S. PATENT NO. 8,401,571**

49. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

50. The USPTO duly issued U.S. Patent No. 8,401,571 (hereinafter, the "'571 patent") on



March 19, 2013 after full and fair examination of Application No. 10/534,012 which was filed on May 5, 2005, which claims priority to a PCT application, filed November 5, 2002. *See* '571 patent at 1. A Certificate of Correction was issued on March 11, 2014. *See id.* at 11.

51. IoT Innovations owns all substantial rights, interest, and title in and to the '571 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

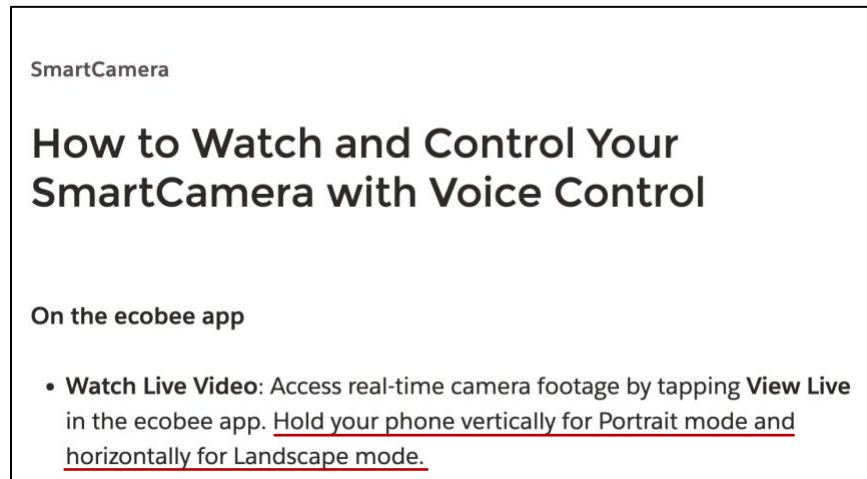
52. The claims of the '571 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the operation of previous devices and systems by using a posture of an apparatus to select a mode of presentation.

53. The written description of the '571 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

54. Defendant has directly infringed one or more claims of the '571 patent by using, providing, supplying, or distributing the Accused Products. For instance, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '571 patent.

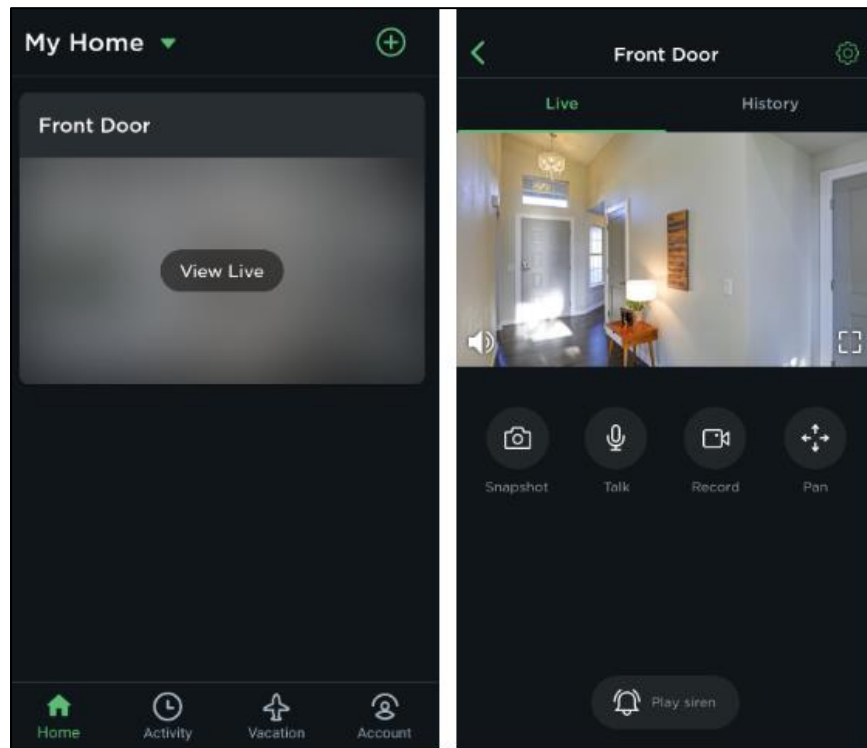
55. For example, the Accused Products comprise an apparatus with at least one processing component configured to process data indicative of the current posture of said apparatus for enabling a posture related presentation of information to a user *via* an output component, said processing including selecting one of at least two different modes of presentation depending on said current posture of said apparatus. *See Figures 10–12* (below); *see also* ECOBEE,

<https://support.ecobee.com/s/articles/How-do-I-watch-and-control-my-camera-from-the-ecobee-app>.



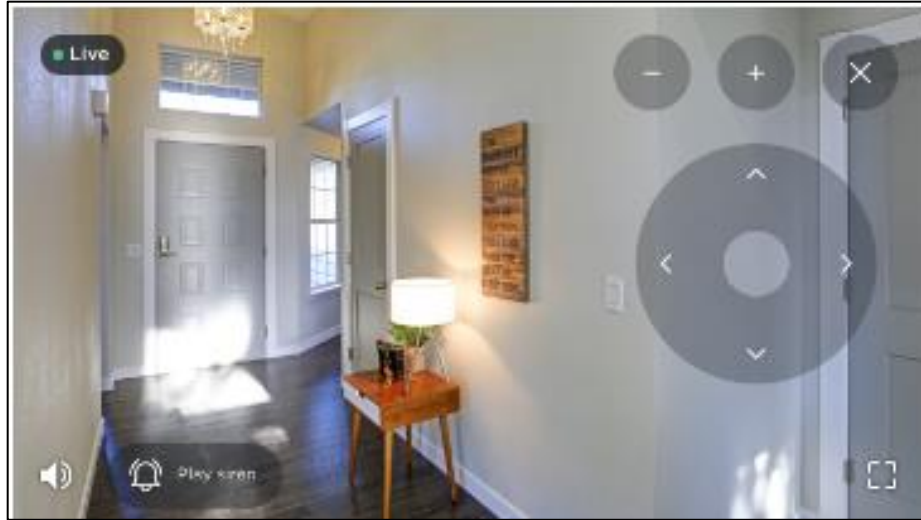
**Figure 10**

Source: ECOBEE, <https://support.ecobee.com/s/articles/How-do-I-watch-and-control-my-camera-from-the-ecobee-app>.



**Figure 11**

Source: Screenshots of the ecobee app on a mobile device in a “vertical” or “portrait” posture.



**Figure 12**

Source: Screenshot of the ecobee app on a mobile device in a “horizontal” or “landscape” posture.

56. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed one or more claims of the '571 patent by inducing others to directly infringe said claims. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '571 patent by providing or requiring use of the Accused Products. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '571 patent, including, for example, claim 1 of the '571 patent. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '571 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by

others would infringe the '571 patent. Defendant's inducement is ongoing. *See Support*, ECOBEE, <https://support.ecobee.com/s/articles/download-documents-included-with-your-ecobee-device>; *Support*, ECOBEE, <https://www.ecobee.com/en-us/installation/>.

57. Defendant has also indirectly infringed by contributing to the infringement of the '571 patent. Defendant has contributed to the direct infringement of the '571 patent by their personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '571 patent, including, for example, claim 1 of the '571 patent. The special features constitute a material part of the invention of one or more of the claims of the '571 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Support*, ECOBEE, <https://support.ecobee.com/s/articles/download-documents-included-with-your-ecobee-device>; *Support*, ECOBEE, <https://www.ecobee.com/en-us/installation/>.

58. Defendant had knowledge of the '571 patent at least as of the date when they were notified of the filing of this action.

59. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of IoT Innovations' patent rights.

60. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

61. Defendant's direct infringement of one or more claims of the '571 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of IoT Innovations' rights under the patent.

62. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '571 patent.

63. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

64. IoT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IoT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '571 patent. Defendant's actions have interfered with and will interfere with IoT Innovations' ability to license technology. The balance of hardships favors IoT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IoT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

#### **COUNT IV: INFRINGEMENT OF U.S. PATENT NO. RE44742**

65. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

66. The USPTO duly issued U.S. Patent No. RE44,742 (hereinafter, the "'742 patent") on February 4, 2014 after full and fair examination of Application No. 13/542,351 which was filed on July 5, 2012. *See* '742 patent at 1. The '724 patent is a reissue of U.S. Patent No. 7,751,533. *See id.* at 12.

67. IoT Innovations owns all substantial rights, interest, and title in and to the '742 patent, including the sole and exclusive right to prosecute this action and enforce the '742 patent against

infringers and to collect damages for all relevant times.

68. The claims of the '742 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of preexisting template-based messaging systems.

69. The written description of the '742 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

70. Defendant has directly infringed one or more claims of the '742 patent by using, providing, supplying, or distributing the Accused Products. For instance, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 22 of the '742 patent.

71. For example, Defendant, using the Accused Products, including but not limited to the ecobee 3/ecobee Smart Si Wi-Fi Thermostat/Smart Thermostat Premium, the ecobee app, ecobee Smart Security features, ecobee's sever(s), and their associated hardware and software and functionalities, perform a method comprising determining, by a processing device, a message to be generated from a message template; automatically populating, by the processing device, a dynamic field of the message template with message context data in response to the determination; and sending, by the processing device, the message having the message context data in the dynamic field of the message template to a remote device. See **Figures 13–15** (below); see also ECOBEE, <https://support.ecobee.com/s/articles/How-to-use-the-Activity-feed-to-view-activity-alerts-monitoring-state-information-and-more>.

Once your subscription to Smart Security is active, you will have access to a new tab on the ecobee app Home overview screen, the Activity tab.

Tap on **Activity** to open the **Home Monitoring feed**. You will find here a record of all of the critical information captured by your ecobee Smart Security system.

The home monitoring feed includes:

- Activity alerts  
*Tap an activity alert to open an incident report*
- Monitoring state changes
- Door and window openings/closings
- Camera clips and snapshots

**Figure 13**

Source: ECOBEE, <https://support.ecobee.com/s/articles/How-to-use-the-Activity-feed-to-view-activity-alerts-monitoring-state-information-and-more>.

### **Activity alerts**

Activity alerts are generated when activity is detected when the home is in one of the two armed modes: Arm Away or Arm Stay.

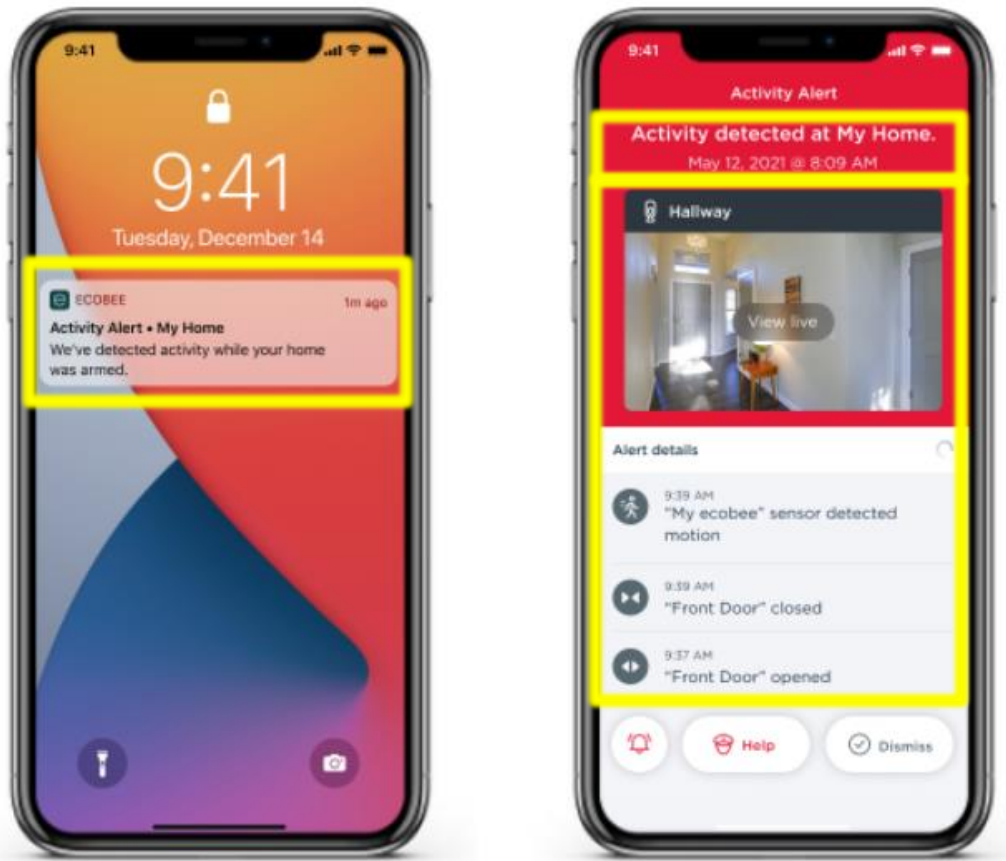
When activity is detected, you will receive a notification on your lock screen. Tap on the notification to open the activity alert in the ecobee app.

By gathering all of the data captured by your ecobee devices and sensors, activity alerts provide you with the context you need during an emergency. Motion and entry alerts are synced with your video history, so activity is easy to view and share.

When you receive an activity alert in real-time, you can sound the siren, request help from emergency services, or dismiss the alert.

**Figure 14**

Source: ECOBEE, <https://support.ecobee.com/s/articles/How-to-use-the-Activity-feed-to-view-activity-alerts-monitoring-state-information-and-more>.



**Figure 15**

Source: Screenshots of the ecobee app on a mobile device.

72. Since at least the time of receiving the original complaint in this action, Defendant has also indirectly infringed the '742 patent by inducing others to directly infringe the '742 patent. Defendant has induced end-users, including, but not limited to, Defendant's employees, partners, or contractors, to directly infringe, either literally or under the doctrine of equivalents, the '742 patent by providing or requiring use of the Accused Products. Defendant took active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '742 patent, including, for example, claim 22 of the '742 patent. Such steps by Defendant included, among other things, advising or directing personnel, contractors, or end-users to use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing



manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitute induced infringement with the knowledge of the '742 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '742 patent. Defendant's inducement is ongoing. *See Support*, ECOBEE, <https://support.ecobee.com/s/articles/download-documents-included-with-your-ecobee-device>; *Support*, ECOBEE, <https://www.ecobee.com/en-us/installation/>.

73. Defendant has also indirectly infringed by contributing to the infringement of the '742 patent. Defendant has contributed to the direct infringement of the '742 patent by their personnel, contractors, and customers. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '742 patent, including, for example, claim 22 of the '742 patent. The special features constitute a material part of the invention of one or more of the claims of the '742 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing. *See Support*, ECOBEE, <https://support.ecobee.com/s/articles/download-documents-included-with-your-ecobee-device>; *Support*, ECOBEE, <https://www.ecobee.com/en-us/installation/>.

74. Defendant had knowledge of the '742 patent at least as of the date when it was notified of the filing of this action.

75. Furthermore, on information and belief, Defendant has a policy or practice of not reviewing the patents of others, including instructing its employees to not review the patents of others, and thus have been willfully blind of IoT Innovations' patent rights.

76. Defendant's actions are at least objectively reckless as to the risk of infringing a valid

patent and this objective risk was either known or should have been known by Defendant.

77. Defendant's direct infringement of one or more claims of the '742 patent is, has been, and continues to be willful, intentional, deliberate, or in conscious disregard of IoT Innovations' rights under the patent.

78. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '742 patent.

79. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Plaintiff in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

80. IoT Innovations has suffered irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. IoT Innovations has and will continue to suffer this harm by virtue of Defendant's infringement of the '742 patent. Defendant's actions have interfered with and will interfere with IoT Innovations' ability to license technology. The balance of hardships favors IoT Innovations' ability to commercialize its own ideas and technology. The public interest in allowing IoT Innovations to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

#### **COUNT V: INFRINGEMENT OF U.S. PATENT NO. 6,920,486**

81. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

82. The United States Patent and Trademark Office ("USPTO") duly issued U.S. Patent No. 6,920,486 (the "'486 patent") on July 19, 2005, after full and fair examination of Application No. 10/153,170, which was filed on May 20, 2002. *See* '486 patent at 1.

83. IoT Innovations owns all substantial rights, interest, and title in and to the '486 patent, including the sole and exclusive right to prosecute this action and enforce the '486 patent against infringers and to collect damages for all relevant times.

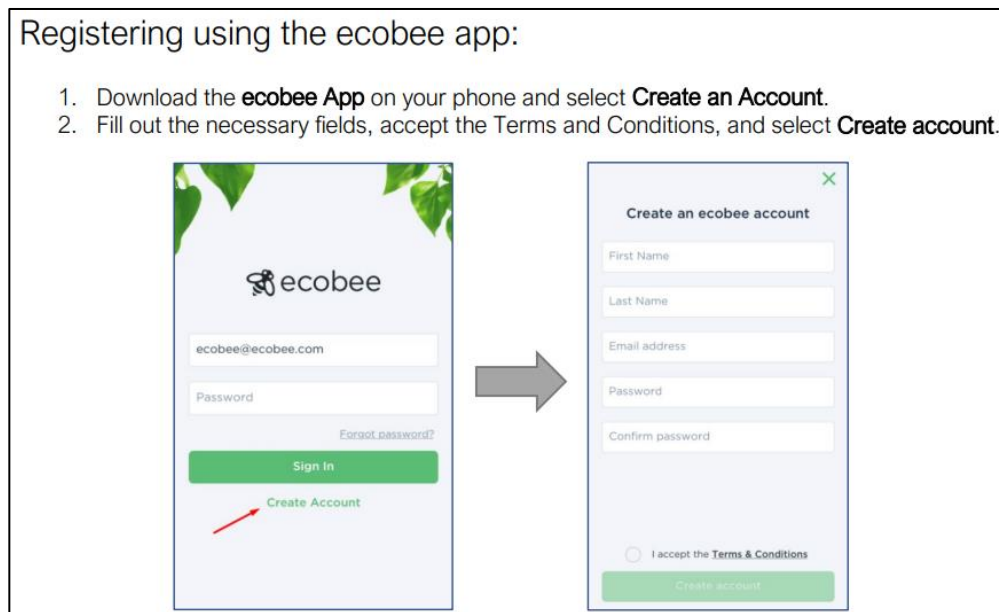
84. The claims of the '486 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of synchronizing data stores on different devices having data stores with disparate data components.

85. The written description of the '486 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

86. Defendant has directly infringed one or more claims of the '486 patent by using, providing, supplying, or distributing the Accused Products. For instance, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '486 patent.

87. For example, Defendant, using the Accused Products, including but not limited to the ecobee 3/ecobee Smart Si Wi-Fi Thermostat/Smart Thermostat Premium, the ecobee app, ecobee Smart Security features, ecobee's sever(s), and their associated hardware and software and functionalities, performs a method by which a first client data store hosted by a first client device is synchronized with respect to a second client data store hosted by a second client device by synchronizing the two client data stores with respect to a server data store hosted by a server device, the server having an established connection with the client devices, the two client data stores each including various data fields, the method characterized by: forming structure

information indicative of the structure of the two client data stores in respect to at least one data field of the first client data store, for which the second client data store does not have either one corresponding data field or does not have two or more data fields that in combination correspond to the at least one data field; detecting by the server or the first client device a use of the at least one data field in the first client data store; and setting a correspondence of the at least one data field in the first client data store in respect to the second client data store, in order for the at least one data field in the first client data store to be used by the second client. See **Figures 16–17**; see also Installation, Setup and User Guide, ECOBEE, [https://downloads.ctfassets.net/a3qyhfznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee\\_Premium\\_install-setup-user\\_manual\\_v1.pdf](https://downloads.ctfassets.net/a3qyhfznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee_Premium_install-setup-user_manual_v1.pdf); ecobee Smart Thermostat Premium, AMAZON.COM, [https://www.amazon.com/ecobee-Thermostat-Premium-Quality-Monitor/dp/B09XXS48P8/ref=sr\\_1\\_2?crid=T8BH6UGMW0IR&keywords=ecobee+smart+thermostat+premium&qid=1697700681&sprefix=ecobee+%2Caps%2C616&sr=8-2](https://www.amazon.com/ecobee-Thermostat-Premium-Quality-Monitor/dp/B09XXS48P8/ref=sr_1_2?crid=T8BH6UGMW0IR&keywords=ecobee+smart+thermostat+premium&qid=1697700681&sprefix=ecobee+%2Caps%2C616&sr=8-2); APP STORE, <https://apps.apple.com/us/app/ecobee/id916985674?platform=iphone>.



**Figure 16**

Source: Installation, Setup and User Guide, ECOBEE,

[https://downloads.ctfassets.net/a3qyhfznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee\\_Premium\\_install-setup-user\\_manual\\_v1.pdf](https://downloads.ctfassets.net/a3qyhfznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee_Premium_install-setup-user_manual_v1.pdf).



**Figure 17**

Source: ecobee Smart Thermostat Premium, AMAZON.COM, [https://www.amazon.com/ecobee-Thermostat-Premium-Quality-Monitor/dp/B09XXS48P8/ref=sr\\_1\\_2?crd=T8BH6UGMW0IR&keywords=ecobee+smart+thermostat+premium&qid=1697700681&srefix=ecobee+%2Caps%2C616&sr=8-2](https://www.amazon.com/ecobee-Thermostat-Premium-Quality-Monitor/dp/B09XXS48P8/ref=sr_1_2?crd=T8BH6UGMW0IR&keywords=ecobee+smart+thermostat+premium&qid=1697700681&srefix=ecobee+%2Caps%2C616&sr=8-2).

88. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '486 patent.

89. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

#### **COUNT VI: INFRINGEMENT OF U.S. PATENT NO. 7,974,260**

90. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

91. The USPTO duly issued U.S. Patent No. 7,974,260 (hereinafter, the “’260 patent”) on July 5, 2011, after full and fair examination of Application No. 10/489,269, which was filed on September 10, 2001. *See* ’260 patent at 1. A Certificate of Correction was issued on November 29, 2011. *See id.*

92. IoT Innovations owns all substantial rights, interest, and title in and to the ’260 patent, including the sole and exclusive right to prosecute this action and enforce the ’260 patent against infringers and to collect damages for all relevant times.

93. The claims of the ’260 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components that improve upon the function and operation of timing controls among devices in a wireless network setting.

94. The written description of the ’260 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

95. Defendant has directly infringed one or more claims of the ’260 patent by making, using, selling, offering for sale, providing, supplying, distributing, and/or internal and external testing the Accused Products. For instance, Defendant has directly infringed and continues to infringe, either literally or under the doctrine of equivalents, at least claim 1 of the ’260 patent.

96. For example, Defendant, using the Accused Products, including but not limited to the ecobee 3/ecobee Smart Si Wi-Fi Thermostat/Smart Thermostat Premium, ecobee Smart Camera, the ecobee app, ecobee Smart Security features, ecobee’s sever(s), and their associated hardware

and software and functionalities, include a device comprising: a processor; a non-transitory computer-readable medium including computer-executable instructions stored thereon that, if executed by the processor, cause the processor to: define a data sequence, the data sequence including a header portion and a payload portion, wherein the header portion includes an address code of a second device and the payload portion includes timing control information for communicating packets between devices in a communication network wherein the timing control information defines when the second device communicates, wherein the address code is a first active member address of the second device, and wherein the first active member address and a second active member address are assigned to the second device; and an antenna configured to transmit the defined data sequence in a data communication packet to the second device in a time defined contact slot. See **Figures 18–19** (below); see also Specification Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf); see also Bluetooth Core Specification v5.0, Vol. 6, pp. 40–52

|   |
|---|
| <b>Connectivity and security</b><br>Dual-band Wi-Fi: 802.11 b/g/n @ 2.4GHz,<br>802.11 a/n/ac @ 5GHz<br><u>Bluetooth 5.0, A2DP, LE</u><br>WEP 64, WEP 128, WPA, and WPA2<br>encryption methods<br>DHCP (dynamic) or static IP addressing<br>168-bit SSL encryption<br>915MHz radio |
|---|

**Figure 18**

Source: ECOBEE,

[https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf).

|                         |  |
|-------------------------|--|
| Connectivity & security | Dual-band Wi-Fi: 802.11 b/g/n @ 2.4GHz, 802.11 a/n/ac @ 5GHz |
|                         | <u>Bluetooth 5.0</u>   |
|                         | WEP 64, WEP 128, WPA, and WPA2 encryption methods            |
|                         | DHCP (dynamic) or static IP addressing                       |
|                         | 168-bit SSL encryption                                       |
|                         | 915MHz radio   |

**Figure 19**

Source: ECOBEE, <https://www.ecobee.com/en-us/cameras/smart-camera-with-voice-control/>.

97. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '260 patent.

98. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

#### **COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 7,983,282**

99. Plaintiff repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

100. The USPTO duly issued U.S. Patent No. 7,983,282 (hereinafter, the "'282 patent") on July 19, 2011 after full and fair examination of Application No. 12/486,008 which was filed on June.17, 2009. *See* '282 patent at 1. A Certificate of Correction was issued July 16, 2013. *See id.* at 19.

101. IoT Innovations owns all substantial rights, interest, and title in and to the '282 patent, including the sole and exclusive right to prosecute this action and enforce it against infringers and to collect damages for all relevant times.

102. The claims of the '282 patent are not directed to an abstract idea and are not limited to



well-understood, routine, or conventional activity. Rather, the claimed inventions include inventive components and functionalities that improve upon the function, operation, and security of communications devices and networks by personalizing a user experience across devices by using a personal digital gateway to communicate data associated with a common user to a plurality of communication devices.

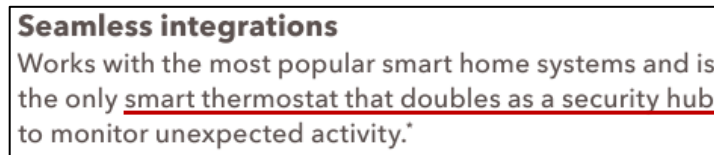
103. The written description of the '282 patent describes in technical detail each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the time of the invention.

104. Defendant has directly infringed one or more claims of the '282 patent by using, providing, supplying, or distributing the Accused Products. For instance, Defendant has directly infringed, either literally or under the doctrine of equivalents, at least claim 1 of the '282 patent.

105. For example, Defendant, using the Accused Products, including but not limited to the ecobee 3/ecobee Smart Si Wi-Fi Thermostat/Smart Thermostat Premium, ecobee Smart Camera, ecobee Smart Sensors, and ecobee Smart Switches, and their associated hardware and software and functionalities, performs a method, comprising: (a) identifying data associated with a common user of a personal digital gateway and of a plurality of communications devices; (b) receiving a selection of a communications device from the plurality of communications devices; (c) retrieving remote data from a selected communications device; and (d) forwarding the remote data to another one of the plurality of communications devices. *See Figures 20–25* (below); *see also* Specification Sheet, ECOBEE,

<https://assets.ctfassets.net/a3qyhfznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad803>

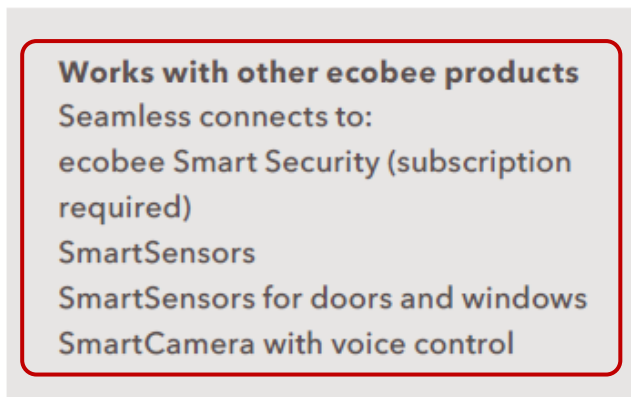
[3d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfnznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee_Premium_install-setup-user_manual_v1.pdf); Installation, Setup and User Guide, ECOBEE, [https://downloads.ctfassets.net/a3qyhfnznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee\\_Premium\\_install-setup-user\\_manual\\_v1.pdf](https://downloads.ctfassets.net/a3qyhfnznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee_Premium_install-setup-user_manual_v1.pdf) at pp. 55–59, 79–90; *Support*, ECOBEE, <https://support.ecobee.com/s/articles/How-to-use-the-ecobee-app>; *Newsroom*, ECOBEE, <https://www.ecobee.com/en-us/newsroom/press-releases/ecobee-launches-family-accounts-to-help-families-stay-connected/>; *Support*, ECOBEE, <https://support.ecobee.com/s/articles/ecobee-Family-Accounts-Frequently-Asked-Questions>.



**Seamless integrations**  
Works with the most popular smart home systems and is the only smart thermostat that doubles as a security hub to monitor unexpected activity.\*

**Figure 20**

Source: Specification Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf) (explaining that the ecobee Smart Thermostat Premium “doubles as a security hub”).



**Works with other ecobee products**  
Seamless connects to:  
ecobee Smart Security (subscription required)  
SmartSensors  
SmartSensors for doors and windows  
SmartCamera with voice control

**Figure 21**

Source: Specification Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf)

### Sensor participation and comfort setting:

Your ecobee's schedule consists of temperature profiles called Comfort Settings. By default, your ecobee has three Comfort Settings: Home, Away, and Sleep. You can also create additional custom Comfort Settings via the Web Portal and in the app itself.

Comfort Settings make sure your home is the right temperature during specific activities in your schedule. For example, when your home, your ecobee thermostat can turn the heating on if the temperature falls below 70°F (21°C) and turn the cooling on if the temperature rises above 78°F (25°C). Or when you are away, only turn heating on if the temperature falls below 62°F (16.7°C) and turn cooling on if the temperature rises above 85°F (27.8°C).

By choosing which sensors participate in each Comfort Setting, you will have complete control over which sensors your ecobee thermostat uses to calculate the average temperature. Keep in mind, each Comfort Setting must have at least one participating sensor.

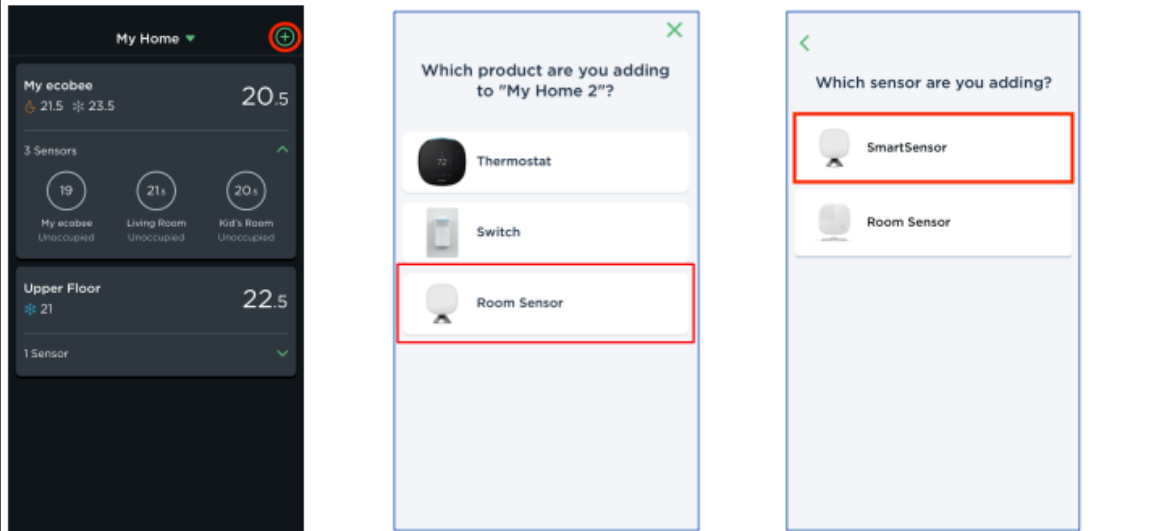
**Figure 22**

Installation, Setup and User Guide, ECOBEE,

[https://downloads.cffassets.net/a3qyhfnznts9y/55gpc6jhrTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee\\_Premium\\_install-setup-user\\_manual\\_v1.pdf](https://downloads.cffassets.net/a3qyhfnznts9y/55gpc6jhrTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee_Premium_install-setup-user_manual_v1.pdf) at p. 89.

**If you decided not to pair the sensor during first-run configuration, the pairing process prerequisites afterwards are: an ecobee account, the ecobee mobile app, and a Wi-Fi connection.**

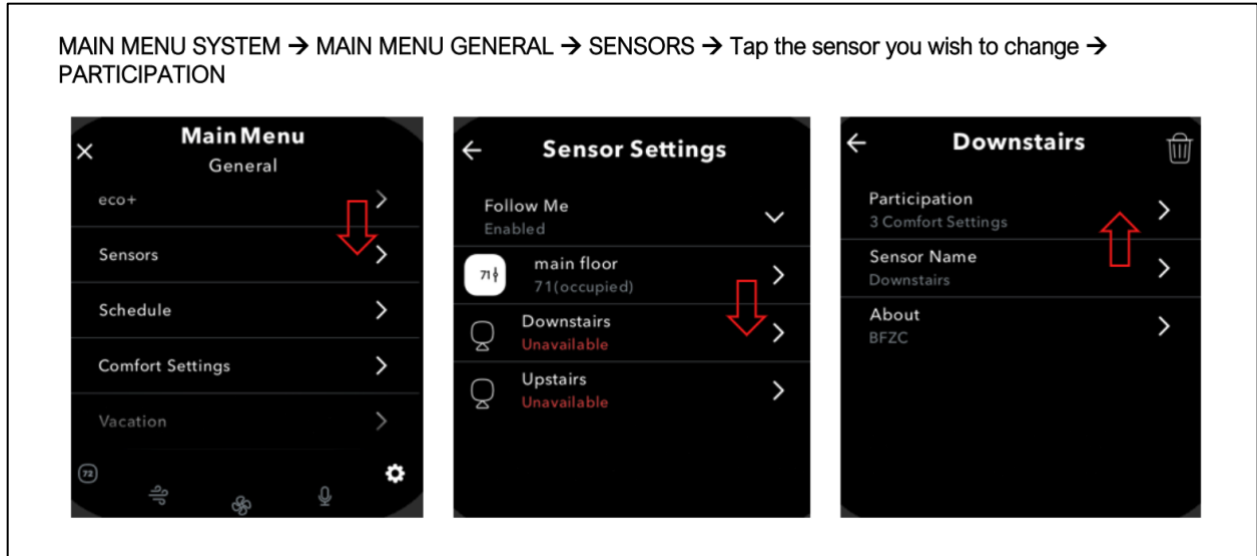
**1. Option A:** Open the ecobee app, on the app Home Screen, tap the + sign in the top-right corner, select Sensor, then SmartSensor.



**Figure 23**

Installation, Setup and User Guide, ECOBEE,

[https://downloads.cffassets.net/a3qyhfnznts9y/55gpc6jhrTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee\\_Premium\\_install-setup-user\\_manual\\_v1.pdf](https://downloads.cffassets.net/a3qyhfnznts9y/55gpc6jhrTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee_Premium_install-setup-user_manual_v1.pdf) at p. 84.



**Figure 24**

Installation, Setup and User Guide, ECOBEE,

[https://downloads.ctfassets.net/a3qyhfhznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee\\_Premium\\_install-setup-user\\_manual\\_v1.pdf](https://downloads.ctfassets.net/a3qyhfhznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee_Premium_install-setup-user_manual_v1.pdf) at p. 89.

Where can I see the status of each SmartSensor?

Go to MAIN MENU SYSTEM → MAIN MENU GENERAL → SENSORS on the thermostat, the ecobee app or the [Web Portal](#) and look for the following icons:



The sensor is currently active/participating (sensor is filled in with white)



The sensor is currently inactive/not participating (sensor is hollow)



The sensor is not connected and not participating (sensor is hollow and has no signal waves)

**Figure 25**

Installation, Setup and User Guide, ECOBEE,

[https://downloads.ctfassets.net/a3qyhfhznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee\\_Premium\\_install-setup-user\\_manual\\_v1.pdf](https://downloads.ctfassets.net/a3qyhfhznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee_Premium_install-setup-user_manual_v1.pdf) at p. 82.

106. IoT Innovations or its predecessors-in-interest have satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of one or more claims of the '282 patent.

107. IoT Innovations has been damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to IoT Innovations in an amount that compensates it for

such infringements, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**JURY DEMAND**

108. IoT Innovations hereby requests a trial by jury on all issues so triable by right.

**PRAYER FOR RELIEF**

109. IoT Innovations requests that the Court find in its favor and against Defendant, and that the Court grant IoT Innovations the following relief:

- a. Judgment that one or more claims of each of the Asserted Patents has been infringed, either literally or under the doctrine of equivalents, by Defendant or others acting in concert therewith;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the '212 patent, the '571 patent, and the '742 patent; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of said patents by such entities;
- c. Judgment that Defendant accounts for and pays to IoT Innovations all damages to and costs incurred by IoT Innovations because of Defendant's infringing activities and other conduct complained of herein;
- d. Judgment that Defendant's infringements be found willful as to the '212 patent, the '571 patent, and the '742 patent, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- e. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;

- f. That this Court declare this an exceptional case and award IoT Innovations its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- g. All other and further relief as the Court may deem just and proper under the circumstances.

Dated: February 23, 2024

Respectfully submitted,

By: /s/ James F. McDonough, III

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*Attorneys for Plaintiff IOT INNOVATIONS LLC*

\* Admitted to the Eastern District of Texas

### **List Of Supportive Links**

1. U.S. Patent No. 7,408,872, USPTO.GOV,  
<https://patentcenter.uspto.gov/applications/10483367>, <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7408872>.
2. U.S. Patent No. 7,539,212, USPTO.GOV,  
<https://patentcenter.uspto.gov/applications/10300668>, <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7539212>.
3. U.S. Patent No. 8,401,571, USPTO.GOV,  
<https://patentcenter.uspto.gov/applications/10534012>, <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/8401571>.
4. U.S. Patent No. RE44742, USPTO.GOV,

- <https://patentcenter.uspto.gov/applications/13542351>, <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/RE44742>.
5. U.S. Patent No. 6,920,486, USPTO.GOV, <https://patentcenter.uspto.gov/applications/10153170>, <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/6920486>.
  6. U.S. Patent No., 7,974,260, USPTO.GOV, <https://patentcenter.uspto.gov/applications/10489269>, <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7974260>.
  7. USPTO.GOV, 7,983,282, <https://patentcenter.uspto.gov/applications/12486008>, <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/7983282>.
  8. ECOBEE, <https://www.ecobee.com/en-us/smart-security/>.
  9. Specification Sheet, ECOBEE, [https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee\\_Premium\\_SpecSheets-PRO.pdf](https://assets.ctfassets.net/a3qyhfnznts9y/IED5IyoiUo3JOThXv9Vkn/2a13ccbabea79e40ffcad8033d4f4850/ecobee_Premium_SpecSheets-PRO.pdf).
  10. NYSEG SMART SOLUTIONS, <https://nyseg-dev.myshopify.com/products/ecobee-smarts-i-wi-fi-thermostat>.
  11. ecobee Smart Plug Instruction Manual, ECOBEE, <https://www.electronicdatasheets.com/download/5358d2ede34e243d7fa45722.pdf?format=pdf>.
  12. ECOBEE, <https://www.ecobee.com/en-us/cameras/smart-camera-with-voice-control/>.
  13. ECOBEE, <https://support.ecobee.com/s/articles/How-do-I-watch-and-control-my-camera-from-the-ecobee-app>.
  14. *Support*, ECOBEE, <https://support.ecobee.com/s/articles/Downloading-the-ecobee-app>.
  15. *Support*, ECOBEE, <https://support.ecobee.com/s/articles/download-documents-included-with-your-ecobee-device>.
  16. *Support*, ECOBEE, <https://www.ecobee.com/en-us/installation/>.
  17. NETWORKWORLD.COM, <https://www.networkworld.com/article/3238664/80211x-wi-fi-standards-and-speeds-explained.html> (Feb. 2, 2024).
  18. Zigbee Protocol in IoT, FOURFAITH.COM, <https://www.fourfaith.com/industry-news/zigbee-protocol-in-iot.html>.
  19. Zigbee Specifications, ZIGBEE ALLIANCE.ORG, <https://zigbeealliance.org/wp-content/uploads/2019/11/docs-05-3474-21-0csg-zigbee-specification.pdf> at 285–86.
  20. ECOBEE, <https://support.ecobee.com/s/articles/How-to-use-the-Activity-feed-to-view->



[activity-alerts-monitoring-state-information-and-more.](#)

21. Installation, Setup and User Guide, ECOBEE,  
[https://downloads.ctfassets.net/a3qyhfznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee\\_Premium\\_install-setup-user\\_manual\\_v1.pdf.](https://downloads.ctfassets.net/a3qyhfznts9y/55gpc6jhRTJ7KjXDjxDRzu/ad17b04461596be3b00b9c65d6e3a895/ecobee_Premium_install-setup-user_manual_v1.pdf)
22. ecobee Smart Thermostat Premium, AMAZON.COM, [https://www.amazon.com/ecobee-Thermostat-Premium-Quality-Monitor/dp/B09XXS48P8/ref=sr\\_1\\_2?crid=T8BH6UGMW0IR&keywords=ecobee+smart+thermostat+premium&qid=1697700681&srefix=ecobee+%2Caps%2C616&sr=8-2.](https://www.amazon.com/ecobee-Thermostat-Premium-Quality-Monitor/dp/B09XXS48P8/ref=sr_1_2?crid=T8BH6UGMW0IR&keywords=ecobee+smart+thermostat+premium&qid=1697700681&srefix=ecobee+%2Caps%2C616&sr=8-2)
23. APP STORE, [https://apps.apple.com/us/app/ecobee/id916985674?platform=iphone.](https://apps.apple.com/us/app/ecobee/id916985674?platform=iphone)