

**SAMPLE — NOT LEGAL ADVICE.** This response letter was generated automatically from publicly available analysis. It has NOT been reviewed by a licensed attorney and SHOULD NOT BE SENT to any party without substantial review and customization by qualified patent counsel. Use as a starting point only.

[Your Name]

[Your Title]

[Your Company]

[Street Address, City, State ZIP]

May 14, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

**Re: U.S. Patent No. 10018371 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 10018371 (the "10018371 Patent"). After preliminary review, we have substantial concerns about the validity, enforceability, and scope of the asserted claims, summarized below. We reserve all rights and defenses.

## **1. Subject Patent — Summary**

As a senior US patent analyst, I have reviewed US Patent 10,018,371. Below is a concise summary of my findings as of April 30, 2026.

Summary of U.S. Patent 10,018,371

Title: System, method and apparatus for identifying manual inputs to and adaptive programming of a thermostat

Assignee: Ecofactor, Inc.

Inventors: John Douglas Steinberg, Scott Douglas Hublou, Leo Cheung

Filing Date: October 8, 2015

Issue Date: July 10, 2018

Abstract:

Systems and methods are disclosed for incorporating manual changes to the setpoint for a thermostatic controller into long-term programming of the thermostatic controller. For example, one or more of the exemplary systems compares the actual setpoint at a...

## **2. Validity Concerns under 35 U.S.C. § 102 — Prior Art**

We have identified prior-art references that, in our preliminary view, anticipate one or more asserted claims of the 10018371 Patent:

## Analysis of Prior Art for U.S. Patent 10,018,371

As of April 26, 2026, the following is a technical analysis of the prior art cited by the applicant and the examiner for U.S. Patent 10,018,371. The analysis is based on the citations listed in the patent's file wrapper. The core invention of patent '371 revolves around detecting a manual change to a thermostat's setpoint by comparing the actual setpoint to a scheduled or automated setpoint and then using that manual input to adapt future programming.

Under 35 U.S.C. § 102, a claim is anticipated if every element of that claim is found, either expressly or inherently, in a single prior art reference that predates the invention's effective filing date. For patent '371, with a priority date of May 12, 2009, any relevant prior art must have been publicly available before this date.

---

### Key Prior Art and Potential Anticipation

Below are the most relevant prior art references and an analysis of which claims of US 10,018,371 they potentially anticipate.

1. U.S. Patent 6,580,950 B1

• Full Citation: US 6,580,950 B1, "Internet based home...

## 3. Obviousness under 35 U.S.C. § 103

Independent of § 102, we believe the asserted claims are obvious in view of combinations of prior art that a person having ordinary skill in the art would have been motivated to combine:

### Analysis of Obviousness under 35 U.S.C. § 103

As a senior US patent analyst, I have analyzed the claims of U.S. Patent 10,018,371 ('371 patent) for obviousness under 35 U.S.C. § 103. This analysis considers whether the claimed invention would have been obvious on May 12, 2009 (the priority date) to a person having ordinary skill in the art (PHOSITA).

A PHOSITA in the field of HVAC control and home automation at the time would likely have possessed a bachelor's degree in electrical engineering or computer science, combined with several years of experience in developing networked control systems, embedded devices, and server-side applications. They would be familiar with programmable thermostats, client-server architectures, and the general concept of adaptive control systems.

The analysis below concludes that the independent claims of the '371 patent would have been obvious to a PHOSITA by combining existing prior art references.

---

### Primary Obviousness Combination

A strong case for obviousness can be made by combining the teachings of U.S. Patent 6,580,950 B1 ('950 patent) and...

## 4. Litigation History of the Patent

Public records reflect that the 10018371 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Ecofactor, Inc. v. ecobee, Inc. — 2:22-cv-00016 · U.S. District Court for the Western District of Texas · filed 2022-01-18 · Dismissed
- Ecofactor, Inc. v. Emerson Electric Co. — 6:22-cv-00049 · U.S. District Court for the Western

District of Texas · filed 2022-01-18 · Dismissed

• Ecofactor, Inc. v. Resideo Technologies, Inc. — 6:22-cv-00050 · U.S. District Court for the Western District of Texas · filed 2022-01-18 · Dismissed

## 5. Request

In light of the foregoing, we request that your client (i) provide a detailed claim chart identifying each accused product or service and mapping every limitation of each asserted claim, (ii) identify any prior art known to your client, including any references cited during prosecution or reexamination, and (iii) substantiate the basis for any damages or licensing demand. We are prepared to discuss the matter further once we have received and reviewed the foregoing.

Sincerely,

[Your Name]

**DISCLAIMER. This document is a machine-generated sample. The factual assertions, prior-art citations, and legal arguments above are AI-produced and may contain errors, omissions, or outdated information. Do not transmit this letter, in whole or in part, to any party. This is not legal advice; no attorney-client relationship is created by its existence. Consult a licensed patent attorney before responding to any patent-infringement assertion.**

*Generated May 14, 2026 by ihatepatenttrolls.com — sample only.*