

Tom Tamarkin

From: Tom Tamarkin <tt@usclcorp.com>
Sent: Tuesday, May 10, 2016 12:36
To: cole@chaienergy.net
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Subject: USPTO Notice Issue & Background

First Sent By Delivery & Read Receipt Requested Email

To: Cole Hershkowitz, CEO Chai Energy
From: Tom Tamarkin, President & CEO, USCL
Ref: Patent and IP Notice of Issues
Date: May 10. 2016

Dear Cole:

I am writing to you in your official capacity as CEO of Chai Energy Inc., with physical offices at 525 South Hewitt Street, Los Angeles, California 90013; care of LACI.

I noticed the ***Oberlin Review*** article of 8 February 2014 at <http://oberlinreview.org/4707/uncategorized/off-the-cuff-cole-hershkowitz-oc-11/> I do not know the depth of your due diligence prior to that article and your subsequent presentations to Microsoft regarding the IoT grant and your other venture partners. It appears there may have been material oversight and lack of disclosures.

In August 2004 I filed an application with the USPTO for system topology and specific hardware embodiments which resulted in the grant of seven patents, worldwide; i.e., the United States, Israel, the EU and China. The relevant [U.S. and Israel patents are listed on this page](#). The 8,369,390 requires your attention and that of your partners. The [26 claims of the 8,639,390](#) appear at the rear end of the patent.

By way of background I and my company, USCL, were directly responsible for the State of California adopting the CPUC AMI mandate requiring that all meters installed in CA include the ZigBee LAN transceiver. Thereafter, Southern California Edison based its Smart Meter RFI and RFP on our work and the [DM06 meter specification](#) we wrote for them as part of the SCE RFI, after our almost 40 presentations to SCE from 2002 onward and my letter to then SCE President Robert Foster along with the AMI Roadmap.

Whereas a relatively short term employee of SCE who became a VP filed for USPTO patent protection as the "inventor" on the Smart Meter topology, functionality, and in-home displays, etc., the SCE patent applications were rejected by the USPTO in the first office actions by the examiner and the SCE patents went abandon because those rejections were predicated on my previous disclosures as embodied in what became our parent application of 7,379,791 and its subsequent

divisionals/continuations. That became the subject of much media attention in the industry at the time in trade publications because everyone knew that USCL (and me) taught SCE the Smart Meter and Smart Grid functionality, best practices, etc., and the meter industry folks...Landis+Gyr, Itron, Elster (now Honeywell) and GE (now spun off as well) were shocked that a utility company would turn on its vendors and attempt to file for patents after the vendors spent large sums of money doing R&D, product development, etc., in pursuit of future commercial business.

I would suggest that you go to this address and then click on the "History" button. This is a detailed video presentation I did in Beer Sheva, Israel laying out our history and work.

<http://energycite.com/videos.php> You may also want to watch the EMS-2020 Background video produced before your "Oberlin pitch."

The important 50,000 feet down impact points of our work are listed on this page. You can "click" on each line for background presentations including some of the SCE work, Foster Letter with Roadmap, and SCE/USCL presentations showing that USCL was one of a very small number of approved bidder vendors in the AMI RFP. See: <http://fusion4freedom.us/tom-tamarkin-uscl-lead-the-way/>

Nationwide CBS news coverage of our early work with working technology is posted as video at: <http://fusion4freedom.us/news-videos-of-tamarkin-smart-meters/>

A close examination of the history [presented in the above referenced History](#) demonstrates our teaching of the "Internet of Things" concept going back to the 2003-04 time frame well before the IoT became an industry term. Our early work was done with Palm Pilots which later morphed into HP PDAs and later iPhones and Androids as those new supporting technologies evolved.

The bottom line is this. The U.S patent 8,639,390 covers your offering along with the Silver Spring Network module (Itron and Trilliant as well) the smart meter, the utility back office support and the utility company who owns the meter, meter radio/control module, back office support, and provides the customer with bills based on that topology.

As commercial business is generated including but not limited to the current activity with SCE, SDG&E, PGE, etc., it will become necessary for your firm (and the others) to practice our IP in such a fashion to prevent infringement thereof.

Congratulations on your IoT grant etc. and mazel tov on naming the company "Chai Energy"... Hebrew meaning energy for life. That was clever.

I look forward to working with you on this important set of IP issues and potentially on business opportunities beyond the limited pilot level potential SCE, et al, now offers.

Kindly contact me by return email or call me directly at the telephone numbers indicated below.

Cordially,

