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[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. 10355863 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 10355863 (the "10355863 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

Patent Analysis: US 10,355,863

Date of Analysis: May 7, 2026

This report provides a concise summary of United States Patent 10,355,863, including its key bibliographic information, a plain-language overview of its independent claims, and its current litigation status at the U.S. Court of Appeals for the Federal Circuit (CAFC).

Summary of US Patent 10,355,863

- Title: System and method for authenticating electronic content
- Assignee: Authentixx LLC
- Inventors: Fred Bishop, Danielle R. Domenica, Vicki R. Mendivil, Hermes H. Villalobos
- Filing Date: December 8, 2017
- Issue Date: July 16, 2019
- Abstract: The patent describes a method to embed an "authenticity marker" into electronic...

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 10355863 Patent:

Prior Art Analysis for US 10,355,863

This section details the prior art cited during the prosecution of US patent 10,355,863. Each reference is analyzed for its potential to anticipate the independent claim under 35 U.S.C. § 102. The analysis is based on the information available in the patent's file wrapper and the content of the references themselves.

The independent claim (Claim 1) of US 10,355,863 outlines a server-side method for authenticating data. The key steps are:

1. Receiving a data request from a client.
2. Retrieving the data.
3. Generating an authenticity marker, specifically a fractal, from an algorithm.
4. Formatting the data in real-time by inserting the generated fractal.
5. Returning the formatted data to the client.

The novelty appears to hinge on the real-time generation and insertion of a fractal as the specific authenticity marker.

U.S. Patent Citations

1. US 6,243,468 B1

- Full Citation: Stefik, et al., "Method for authenticating electronic documents using identifiable bit-maps," issued June 5, 2001, filed May 2, 1997.
- Brief Description: This...

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:

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

This analysis examines the obviousness of the single independent claim of U.S. Patent 10,355,863 ('863 patent) in light of prior art existing before its earliest priority date of September 9, 1999.

Person of Ordinary Skill in the Art (PHOSITA)

As of September 1999, a person of ordinary skill in the art (PHOSITA) would have possessed a Bachelor's degree in Computer Science or a similar discipline, coupled with approximately 2-3 years of professional experience in web development. This individual would be proficient in client-server architecture, HTTP, HTML, and server-side scripting technologies such as the Common Gateway Interface (CGI). A PHOSITA would also be aware of prevalent internet security issues of the era, including website spoofing (the precursor to modern "phishing"), and have a working knowledge of computer graphics generation and basic cryptographic concepts.

Claim 1 Analysis

Independent claim 1 of the '863 patent can be broken down into the following key elements:

- a) A server-side method for authenticating data.
- b)...

4. Litigation History of the Patent

Public records reflect that the 10355863 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Authentixx LLC v. Wix Com Ltd — 2:26-cv-00327 · Texas Eastern District Court · filed

2026-04-22 · Open

• Authentixx LLC v. Parler Technologies Inc — 2:26-cv-00326 · Texas Eastern District Court · filed 2026-04-22 · Open

• Authentixx LLC v. Udemy Inc — 7:26-cv-00166 · Texas Western District Court · filed 2026-04-22 · Open

• Authentixx LLC v. First United Bank — 6:23-cv-00237 · U.S. District Court for the Western District of Texas · filed 2023-04-03 · Terminated

• Authentixx LLC v. Hartman Newspapers, L.P. — 4:25-cv-02867 · U.S. District Court for the Southern District of Texas · filed 2025-06-19 · Open

• Authentixx LLC v. 121 Media, LLC et al. — Multiple · U.S. District Court for the Eastern, Southern, Northern, and Western Districts of Texas · Open

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]

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