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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. 10778989 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 10778989 (the "10778989 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**

An analysis of U.S. Patent 10,778,898 reveals the following details. There is no public record of this patent being involved in any legal disputes before the Court of Appeals for the Federal Circuit (CAFC) in 2026.

Summary of U.S. Patent 10,778,989

- Title: Rolling intra prediction for image and video coding
- Assignee: As of the latest records, the assignee is Malikie Innovations Ltd. The original assignee was BlackBerry Ltd.
- Inventors: Dake He
- Filing Date: February 5, 2016
- Issue Date: September 15, 2020
- Abstract: The patent describes methods and devices for image and video compression that use a technique called "rolling intra prediction." An encoder selects a specific mode for...

## **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 10778989 Patent:

Based on the patent documentation for US 10,778,989, the following prior art references were

cited by the USPTO during prosecution.

#### Analysis of Cited Prior Art

The following patent documents were considered by the examiner in determining the patentability of the '989 patent's claims. An analysis of their potential to anticipate the independent claims under 35 U.S.C. § 102 is provided. For a reference to anticipate a claim, it must disclose, either explicitly or inherently, every single element and limitation of that claim.

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#### 1. U.S. Patent Application Publication No. US 2010/0111175 A1

- Full Citation: US 2010/0111175 A1, "Reference data buffer for intra-prediction of digital video"
- Inventor: Wen-Shan Wang
- Publication Date: May 6, 2010 (Filed March 31, 2005)
- Brief Description: This patent application describes a method for managing reference data used in intra-prediction for video coding. It proposes a dedicated reference data buffer to store reconstructed reference pixels from neighboring blocks (i.e., the row above and the column to the left of the current block)....

### **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:

Based on the provided prior art analysis, here is an analysis of the obviousness of US patent 10,778,989 under 35 U.S.C. § 103.

#### Obviousness Analysis (35 U.S.C. § 103)

An invention is considered obvious if the differences between the invention and the prior art are such that the invention as a whole would have been obvious at the time of invention to a person having ordinary skill in the art (PHOSITA). This analysis considers whether a PHOSITA would have been motivated to combine or modify existing prior art references to arrive at the claimed invention with a reasonable expectation of success.

For the purpose of this analysis, a PHOSITA in the field of video coding circa 2016 would be an engineer or computer scientist with a degree in a relevant field and practical experience with video compression standards like H.264/AVC and H.265/HEVC. This individual would be intimately familiar with block-based predictive coding, including various intra-prediction modes and the goal of minimizing the prediction residual to achieve higher compression efficiency. The core inventive concept of...

### **4. 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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