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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. 10880592 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 10880592 (the "10880592 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 10,880,592

As of April 30, 2026, this analysis provides a concise summary of United States Patent 10,880,592, including its prosecution details and an overview of its independent claims.

Bibliographic Information:

- Title: Digital contents receiving apparatus
- Assignee: NL Giken Inc.
- Inventor: Masahide Tanaka
- Filing Date: March 16, 2018
- Issue Date: December 29, 2020
- Abstract: The patent describes a television set capable of receiving both broadcast programs from a television station and corresponding digital files of the same content from a server via the internet. The television set can keep information about the time limit for the server to provide the file...

## **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 10880592 Patent:

## Analysis of Prior Art for US Patent 10,880,592

As of April 30, 2026, an analysis of the prior art cited during the prosecution of US Patent 10,880,592 reveals several key references that the USPTO examiner considered before granting the patent. This analysis details the most relevant of those references and their potential impact on the patent's claims under 35 U.S.C. § 102, which governs novelty. The following references were cited on the face of the patent and in its prosecution history.

### Examiner-Cited Prior Art

#### 1. US Patent No. 8,438,610 B2 (Herigstad et al.)

- Full Citation: US Patent 8,438,610 B2, "Managing Playback of On-Demand Media Content," filed by Herigstad et al. on February 1, 2008, and issued on May 7, 2013. Assigned to Microsoft Corporation.
- Brief Description: The Herigstad patent discloses a system for managing on-demand media. A key feature is the ability to resume playback of media content from the point where a user previously stopped watching. It describes storing a "bookmark" or playback position associated with the content. The system can access 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:

Based on the provided analysis of prior art, the following is an obviousness analysis of the independent claims of US patent 10,880,592 under 35 U.S.C. § 103.

This analysis presumes a Person Having Ordinary Skill in the Art (PHOSITA) as of the patent's priority date of September 14, 2008. A PHOSITA would be an engineer or computer scientist with experience in digital television systems, set-top boxes, video-on-demand (VOD) platforms, and internet streaming technologies. Such a person would be aware of the market demand for a seamless and integrated user experience combining broadcast and internet-delivered content.

#### Analysis of Claim 1

Claim 1 describes a receiving apparatus that designates content, stores information to re-select it, and automatically obtains "information relating to control" (e.g., an expiration date) from the source, linking it to the stored selection information.

- Proposed Combination: US 8,332,492 B2 (Marsh) in view of US 8,438,610 B2 (Herigstad).

#### • Reasoning:

1. Marsh ('492) teaches the core elements of claim 1. Marsh's system for a "Personal Media...

### 4. Litigation History of the Patent

Public records reflect that the 10880592 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- NL Giken Inc. v. VIZIO, Inc. et al. — 1:24-cv-00028 · U.S. District Court for the District of Delaware · filed 2024-01-09 · Active
- Twitch Interactive, Inc. et al. v. NL Giken Inc. — IPR2025-00050 · Patent Trial and Appeal Board (PTAB) · filed 2024-11-25 · Settled

## 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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