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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. 11104245 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 11104245 (the "11104245 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

A comprehensive analysis of U.S. Patent No. 11,104,245 reveals its focus on the burgeoning field of vehicle e-key technology, a technology that has also become the subject of significant patent litigation.
Patent Details:
• Title: Vehicles and cloud systems for sharing e-keys to access and use vehicles
• Assignee: Emerging Automotive LLC
• Inventors: Angel A. Penilla, Albert S. Penilla
• Filing Date: October 15, 2019
• Issue Date: August 31, 2021
• Abstract: The patent describes systems and methods for generating and sharing electronic keys (e-Keys) for vehicles. These e-Keys can be distributed to users and managed through cloud-based systems, allowing for shared access and use of 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 11104245 Patent:

To effectively analyze the prior art for US Patent 11,104,245, a thorough examination of the

patent's own cited references is the most logical and direct approach. These references were considered by the USPTO examiner during the prosecution of the patent application and are therefore highly relevant to its patentability.
A detailed analysis of the prior art cited by the patent examiner for US Patent 11,104,245, "Vehicles and cloud systems for sharing e-keys to access and use vehicles," reveals several key patents and their potential impact on the novelty and non-obviousness of the claimed invention. The core of this patent revolves around a cloud-based system for generating, managing, and sharing electronic vehicle keys (e-keys) with specific privileges and restrictions.
Analysis of Cited Prior Art:
Below is a breakdown of the most pertinent prior art references and their relationship to the claims of US Patent 11,104,245.
1. US Patent 8,903,736 B2
• Full Citation: Prosser, et al., "System and method for managing vehicle access and use," assigned to General Motors LLC.
•…

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 of U.S. Patent No. 11,104,245
Introduction
This analysis examines the obviousness of the claims of U.S. Patent No. 11,104,245, titled "Vehicles and cloud systems for sharing e-keys to access and use vehicles," under 35 U.S.C. § 103. The '245 patent describes a system and method for a vehicle owner to generate and share a temporary electronic key (e-key) with another user, granting them access to and use of the vehicle with specific, remotely-defined privileges.
A claimed invention is considered obvious if the differences between the claimed invention and the prior art are such that the invention as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art (POSITA). This analysis will demonstrate that the key elements of the '245 patent's claims were present in the prior art and that a POSITA would have been motivated to combine these elements to arrive at the claimed invention.
Summary of Key Claim Elements
The independent claims of the '245 patent generally recite a method and system comprising:
• A…

4. Litigation History of the Patent

Public records reflect that the 11104245 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

• Emerging Automotive LLC v. General Motors Company et al. — 2:25-cv-00782 · U.S. District Court for the Eastern District of Texas · Pending

• Emerging Automotive LLC v. Hyundai Motor Company et al. — 2:25-cv-00799 · U.S. District Court for the Eastern District of Texas · Pending

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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