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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. 11461828 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 11461828 (the "11461828 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 Overview: US 11,461,828 B2

Title: System and method for receiving data at a merchant device from a user device over a wireless link

Assignee: Monticello Enterprises LLC

Inventors: Thomas M. Isaacson, Ryan Connell Durham

Filing Date: January 25, 2022

Issue Date: October 4, 2022

Abstract:

The patent describes a system and method for a unified approach to online searching and purchasing. It details a method where a user can input a search query into a single field on a user device. This input is then analyzed to determine the user's intent, such as whether they wish to perform a general search or make a purchase. Based on this analysis, the system presents various options to the...

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 11461828 Patent:

Analysis of Prior Art for U.S. Patent No. 11,461,828

As a senior patent analyst, a thorough review of the prior art cited during the prosecution of U.S. Patent No. 11,461,828 is essential to understand the landscape and potential vulnerabilities of its claims. This analysis focuses on the references cited by the USPTO examiner, as these were deemed most relevant to the patentability of the invention.

The independent claims of the '828 patent (claims 1, 10, and 16) center on a method and system for conducting a purchase transaction between a user's mobile device and a merchant's device. The key elements of these claims are:

1. Establishing a wireless link: The connection is initiated by a "gesture or a single function action" from the user.
2. Receiving purchase data: The user's device receives transaction details from the merchant's device.
3. Displaying the purchase data: The user is shown the details of the potential purchase on their device.
4. Single-interaction confirmation: The user confirms the purchase with a single interaction, which also acts as a security measure.
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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. 11,461,828 under 35 U.S.C. § 103

This analysis evaluates whether the independent claims of U.S. Patent No. 11,461,828 (the '828 patent) would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time of the invention, based on the prior art references cited during prosecution. The relevant priority date for this analysis is March 31, 2014.

A PHOSITA in this technical field circa 2014 would be an engineer or computer scientist with a bachelor's degree in a relevant field and several years of experience in mobile software development, particularly concerning mobile payments, near-field communication (NFC), and user interface design for secure transactions.

The independent claims (1, 10, and 16) of the '828 patent describe a system and method where a user device:

1. Establishes a wireless link to a merchant device based on a "gesture or a single function action."
2. Receives and displays purchase data.
3. Receives a "single-interaction" from the user to confirm the payment, which serves as a security measure.
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4. Litigation History of the Patent

Public records reflect that the 11461828 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Monticello Enterprises LLC v. Petco Animals Supply Stores Inc et al. — 26-1730 · Court of Appeals for the Federal Circuit · filed 2026-04-23 · Open

- Monticello Enterprises LLC v. Starbucks Corp — 26-1717 · Court of Appeals for the Federal Circuit · filed 2026-04-22 · Open
- Monticello Enterprises LLC v. Petco Animals Supply Stores Inc et al. — 26-1694 · Court of Appeals for the Federal Circuit · filed 2026-04-20 · Open
- Monticello Enterprises LLC v. Apple Inc. — 6:23-cv-00761 · U.S. District Court for the Western District of Texas · filed 2023-10-20 · active
- Monticello Enterprises LLC v. Samsung Electronics America, Inc. — 6:23-cv-00763 · U.S. District Court for the Western District of Texas · filed 2023-10-20 · ongoing
- Monticello Enterprises LLC v. Google LLC — 6:23-cv-00753 · U.S. District Court for the Western District of Texas · filed 2023-10-20 · active

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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