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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. 11470138 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 11470138 (the "11470138 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 Details

- Title: Apparatus, system, and method for multi-bitrate content streaming
- Assignee: Dish Technologies LLC
- Inventors: David F. Brueck, Mark B. Hurst, R. Drew Major
- Filing Date: May 18, 2020 (Application No. 16/876,579)
- Issue Date: October 11, 2022
- Abstract: An apparatus for multi-bitrate content streaming includes a receiving module configured to capture media content, a streamlet module configured to segment the media content and generate a plurality of streamlets, and an encoding module configured to generate a set of streamlets. The system includes the apparatus, wherein the set of streamlets comprises a plurality of streamlets having identical time indices and...

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 11470138 Patent:

Prior Art Analysis for U.S. Patent No. 11,470,138

This analysis reviews prior art references cited during the prosecution of U.S. Patent No.

11,470,138 ("the '138 patent"). The independent claims (1, 14, and 19) of the '138 patent generally describe a method, system, and apparatus for streaming media by:

1. Segmenting media content into sequential "streamlets."
 2. Encoding each streamlet into a set of streamlets, where each streamlet in the set corresponds to the same time index but has a unique bitrate.
 3. Utilizing a "master module" to assign encoding jobs to a plurality of "host computing modules."
 4. Basing the assignment on an "encoding job completion bid" received from the host modules.
- For a prior art reference to anticipate a claim under 35 U.S.C. § 102, it must disclose, either expressly or inherently, every limitation of the claim. The most significant and potentially novel limitation in the '138 patent claims appears to be the use of an "encoding job completion bid" from host modules to a master module for the assignment of encoding tasks.

1. U.S. Patent No....

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, here is an analysis of the obviousness of U.S. Patent No. 11,470,138 ("the '138 patent") under 35 U.S.C. § 103.

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

A patent claim is unpatentable under 35 U.S.C. § 103 if the differences between the claimed invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art (a "POSITA"). This analysis considers whether a POSITA would have been motivated to combine the teachings of multiple prior art references to arrive at the claimed invention with a reasonable expectation of success.

The independent claims of the '138 patent generally recite a system and method for creating adaptive bitrate media streams by:

1. Segmenting media content into "streamlets."
2. Encoding these streamlets into sets, where each set corresponds to a specific time index and contains versions at multiple, unique bitrates.
3. Using a master/host distributed architecture for the encoding process.
4. Assigning encoding jobs based...

4. Litigation History of the Patent

Public records reflect that the 11470138 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- DISH Technologies, LLC et al. v. iFIT Health & Fitness, Inc. — 1:23-cv-00963 · U.S. District Court for the District of Delaware · filed 2023-09-01 · Dismissed
- DISH Technologies L.L.C. et al. v. fuboTV Media Inc. — 1:23-cv-00986 · U.S. District Court for the District of Delaware · filed 2023-09-06 · Active
- DISH Technologies, LLC et al. v. A Parent Media Co. Inc. et al. — 1:23-cv-01000 · U.S. District

Court for the District of Delaware · filed 2023-09-08 · Dismissed

• DISH Technologies LLC et al. v. WebGroup Czech Republic A.S. et al. — 2:23-cv-00553 · U.S. District Court for the District of Utah · filed 2023-08-22 · Active

• DISH Technologies LLC et al. v. MBB Ventures LLC — U.S. District Court for the District of Delaware · 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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