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[Your Name]

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[Your Company]

[Street Address, City, State ZIP]

May 14, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

Re: U.S. Patent No. 11566276 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 11566276 (the "11566276 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 Analyst Report: US 11,566,276 B2

Date of Analysis: 2026-05-12

Subject: United States Patent 11,566,276 B2, "Compositions and methods for analyte detection"

1. Patent Identification

- Title: Compositions and methods for analyte detection
- Assignee: President and Fellows of Harvard College
- Inventors: George M. Church, Jehyuk Lee, Daniel Levner, Michael Super
- Filing Date: July 2, 2021
- Issue Date: January 31, 2023
- Application Number: 17/366,151

2. Abstract

The inventions provided herein relate to detection reagents, compositions, methods, and kits comprising the detection reagents for use in detection, identification, and/or quantification of analytes in 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 11566276 Patent:

As a senior US patent analyst, my examination of the prior art cited during the prosecution of U.S. Patent 11,566,276 reveals several key references that the USPTO examiner considered before granting the patent. The following analysis details the most relevant of these references and assesses their potential impact on the patent's claims, particularly under 35 U.S.C. § 102 (anticipation).

Anticipation under § 102 requires that a single prior art reference discloses, either expressly or inherently, each and every element of a patent claim.

Analysis of Most Relevant Prior Art

1. U.S. Patent Application Publication No. US 2011/0086776 A1 ("Drmanac et al.")

- Full Citation: US 2011/0086776 A1
- Publication Date: April 14, 2011
- Filing Date: October 6, 2010
- Brief Description: Drmanac discloses methods for in situ sequencing of nucleic acids within fixed cells or tissues. The method involves hybridizing probes, including "activator probes," to target nucleic acids within a sample. These probes can then be identified to determine the sequence of the target. A key aspect is the...

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:

Technical Analysis of Obviousness for U.S. Patent 11,566,276 under 35 U.S.C. § 103

Date of Analysis: April 26, 2026

Patent at Issue: US 11,566,276 B2 ("the '276 patent")

Relevant Legal Standard: A patent claim is invalid as obvious under 35 U.S.C. § 103 if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art (a "PHOSITA"). Obviousness can be shown by combining elements from multiple prior art references, provided there was a motivation to combine them to achieve a predictable result.

I. Core Invention of the '276 Patent

The core invention claimed in the '276 patent is a method and composition for detecting a large number of different analytes (e.g., proteins, RNA) simultaneously within a biological sample while preserving spatial information. This is achieved by using a set of "detection reagents," where each reagent consists of a probe (e.g., an antibody) that binds to a specific target analyte, and a unique,...

4. Litigation History of the Patent

Public records reflect that the 11566276 Patent has been the subject of the following litigation,

which informs our view of the asserted claims and your client's enforcement posture:

- 10x Genomics, Inc. et al. v. Element Biosciences, Inc. — U.S. District Court for the District of Delaware · filed 2026-05-08 · 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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