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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. 11610226 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 11610226 (the "11610226 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 detailed analysis of U.S. Patent 11,610,226 reveals the following information:

Title: Condition-based method of directing electronic profile-based advertisements for display in ad space in video streams

Assignee: Almondnet Inc.

Inventor: Roy Shkedi

Filing Date: April 6, 2022

Issue Date: March 21, 2023

Abstract:

The patent describes an automatic system for selecting on which media properties to display an advertisement. The system responds to a user's profile, which is collected on a first media property. A behavioral-targeting (BT) company calculates the expected profit for an ad that is correlated with the user's profile. The system then arranges for the user to be tagged with 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 11610226 Patent:

Based on a review of the USPTO public records for US patent 11,610,226, the following prior art

references were cited during the patent's prosecution and are considered relevant to its claims.

#### Analysis of Cited Prior Art

Below is an analysis of key prior art references and their potential impact on the claims of US patent 11,610,226 under 35 U.S.C. § 102 (Anticipation). For a reference to anticipate a claim, it must disclose every single element of that claim, arranged as in the claim.

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#### 1. US Patent 7,136,875 B1 ("O'Phelan '875")

- Full Citation: US Patent 7,136,875 B1, "Dynamic delivery of network advertising."
- Assignee: DoubleClick Inc.
- Date: Filed January 21, 2000; Published November 14, 2006.
- Brief Description: The O'Phelan '875 patent is a foundational piece of prior art in online advertising. It describes a third-party ad server system that uses cookies to recognize a user's browser across different publisher websites. The system collects data about the user's browsing history and ad interactions into a profile, which is then used to select and serve targeted...

### **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 my analysis as a senior US patent analyst, here is the obviousness analysis for US patent 11,610,226 under 35 U.S.C. § 103, using the provided prior art references.

#### Obviousness Analysis (35 U.S.C. § 103)

Under 35 U.S.C. § 103, an invention is unpatentable 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 (PHOSITA). My analysis concludes that the independent claims (1, 13, and 25) of US patent 11,610,226 are likely obvious in light of combinations of the cited prior art.

A PHOSITA in this field, around the priority date of June 16, 2006, would have had a degree in computer science and several years of experience in the online advertising industry, with specific knowledge of ad servers, cookie-based tracking, and emerging behavioral targeting techniques.

Combination 1: O'Phelan '875 in view of Ben-Natan '873

This combination renders the key elements of the independent claims obvious.

- What Each Reference...

### **4. 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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