

SAMPLE — NOT LEGAL ADVICE. This response letter was generated automatically from publicly available analysis. It has NOT been reviewed by a licensed attorney and SHOULD NOT BE SENT to any party without substantial review and customization by qualified patent counsel. Use as a starting point only.

[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. 11653183 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 11653183 (the "11653183 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

Here is a concise summary of U.S. Patent 11,653,183.

Title: Undelivered message threshold

Assignee: Rembrandt Messaging Technologies LP

Inventors: Graham Merrett

Filing Date: October 4, 2022

Issue Date: May 16, 2023

Abstract:

A system may comprise a sending mobile phone that transmits SMS messages via a cellular network and packet switched messages via a PSMS and at least one server that supports the PSMS and maintains status information. The sending mobile phone may send a second message via a WLAN and via the PSMS, to a receiving mobile phone on a condition that an undelivered message threshold corresponding to the receiving mobile phone has not been exceeded.

Overview of...

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 11653183 Patent:

Analysis of Prior Art for U.S. Patent No. 11,653,183

An analysis of the prior art cited by the examiner during the prosecution of U.S. Patent No. 11,653,183, "Undelivered message threshold," reveals several key patents and published applications that describe foundational concepts in mobile messaging. The '183 patent, with a priority date of July 24, 2007, focuses on a system where a sending mobile phone determines the appropriate messaging bearer (SMS or a packet-switched message service) based on the recipient's status with the service, including whether an undelivered message threshold for the recipient has been exceeded.

The following references were considered by the USPTO patent examiner. An analysis of their relevance to the claims of the '183 patent is provided below.

Cited U.S. Patent Documents

1. U.S. Patent No. 7,505,773

- Full Citation: US Patent 7,505,773 B2, "System and method for delivering a message to a mobile station based on a bearer selection," filed March 29, 2004, and issued March 17, 2009.
- Brief Description: This patent describes a method for a messaging...

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:

An analysis of the obviousness of US Patent 11,653,183 ("the '183 patent") under 35 U.S.C. § 103 requires examining whether 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 (PHOSITA). The priority date of the '183 patent is July 24, 2007.

The core concept of the '183 patent is a messaging system that intelligently selects between a packet-switched message service (PSMS) and a traditional SMS bearer. This selection is based on querying a server to determine a recipient's status as a PSMS subscriber and, crucially, whether a threshold of undelivered messages for that recipient has been exceeded. The system is designed to fall back to the more reliable, albeit limited, SMS bearer if the preferred PSMS delivery fails or is likely to fail.

A PHOSITA in July 2007 would have been familiar with mobile messaging technologies including SMS, MMS, and the burgeoning field of mobile Instant Messaging (IM) over packet-switched data...

4. Litigation History of the Patent

Public records reflect that the 11653183 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- HBCU Messaging US LP v. Apple Inc. et al. — 1:24-cv-01199 · U.S. District Court for the Western District of Texas · filed 2024-10-07 · 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]

DISCLAIMER. This document is a machine-generated sample. The factual assertions, prior-art citations, and legal arguments above are AI-produced and may contain errors, omissions, or outdated information. Do not transmit this letter, in whole or in part, to any party. This is not legal advice; no attorney-client relationship is created by its existence. Consult a licensed patent attorney before responding to any patent-infringement assertion.

Generated May 14, 2026 by ihatepatentrolls.com — sample only.