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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. 11677798B2 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 11677798B2 (the "11677798B2 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 comprehensive analysis of U.S. Patent 11,677,798 B2, based on information from the United States Patent and Trademark Office (USPTO) and public patent databases, is provided below. A search of the 2026 dockets for the Court of Appeals for the Federal Circuit (CAFC) did not yield any specific results for this patent.

Summary of U.S. Patent 11,677,798 B2

- Title: Apparatus, system, and method for multi-bitrate content streaming
- Assignee: DISH Technologies L.L.C.
- Inventors: David F. Brueck, Mark B. Hurst, R. Drew Major
- Filing Date: October 7, 2022
- Issue Date: June 13, 2023
- Abstract: An apparatus for multi-bitrate content streaming includes a receiving module configured to capture...

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 11677798B2 Patent:

Based on a review of the prosecution history and the face of U.S. Patent 11,677,798 B2, the

following patents were cited as prior art. Below is an analysis of the most relevant references and their potential impact on the claims of the '798 patent.

Analysis of Prior Art Cited in U.S. Patent 11,677,798 B2

The core invention of the '798 patent, as defined by its independent claims, involves a client device that:

1. Requests and receives media content in sequential segments ("streamlets").
2. Monitors the time it takes to receive these streamlets.
3. Calculates a performance metric based on these receive times.
4. Uses this metric to decide whether to shift to a higher or lower bitrate stream.
5. Crucially, before shifting up to a higher quality, it determines if the higher quality stream is sustainable based on an estimate of the network's performance.

The following prior art references are evaluated against these core concepts.

1. U.S. Patent No. 7,552,236 B2: "Adaptive streaming of multimedia data over a network"
 - Full Citation: U.S. Patent 7,552,236 B2, "Adaptive...

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 11,677,798 B2 under 35 U.S.C. § 103

This analysis evaluates whether the invention described in U.S. Patent 11,677,798 B2 (the '798 patent) would have been obvious to a Person of Ordinary Skill in the Art (POSITA) at the time of the invention. The analysis is based on the prior art references identified in the patent's prosecution history and the analysis provided in the preceding section.

Under 35 U.S.C. § 103, an invention is not patentable 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. An obviousness rejection typically requires showing that 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.

Person of Ordinary Skill in the Art (POSITA)

For the technology in question—adaptive bitrate (ABR) video streaming over packet-switched networks—a POSITA would likely...

4. Litigation History of the Patent

Public records reflect that the 11677798B2 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 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 DBS Corporation et al. v. FuboTV Inc. — 1:23-cv-01305 · U.S. District Court for the District of Delaware · filed 2023-11-27 · Ongoing
- DISH Technologies L.L.C. v. Philo, Inc. — 1:23-cv-01000 · U.S. District Court for the District of Delaware · filed 2023-09-13 · Ongoing

- DISH Technologies L.L.C. v. DirecTV, LLC — 1:23-cv-00987 · U.S. District Court for the District of Delaware · filed 2023-09-07 · Ongoing
- DISH Technologies L.L.C. v. fuboTV Inc. — 1:23-cv-00963 · U.S. District Court for the District of Delaware · filed 2023-08-30 · Ongoing
- DISH Wireless L.L.C. et al. v. International Business Machines Corporation — 1:23-cv-08971 · U.S. District Court for the Southern District of New York · filed 2023-10-12 · Ongoing
- DISH DBS Corporation et al. v. Vidgo, Inc. — 2:23-cv-00624 · U.S. District Court for the District of Utah · filed 2023-09-13 · Ongoing
- DISH DBS Corporation et al. v. Frndly TV, Inc. — 2:23-cv-00553 · U.S. District Court for the District of Utah · filed 2023-08-16 · Ongoing
- ...and 2 additional case(s)

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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