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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. 11991600 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 11991600 (the "11991600 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 Summary: US 11,991,600 B2

Date of Analysis: May 13, 2026

A review of US Patent 11,991,600 reveals it pertains to methods for a mobile device to automatically select the best network path for sending a message. The patent is currently the subject of litigation.

Title: Methods for bearer selection performed by a sending mobile device

Assignee: The current assignee is listed as Rembrandt Messaging Technologies LP. However, court documents from related litigation indicate the current owner is HBCU Messaging US LP.

Inventors: Graham Merrett

Filing Date: May 4, 2023

Issue Date: May 21, 2024

Abstract:

The patent describes a method for a sending mobile phone, capable of sending both...

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 11991600 Patent:

Analysis of Prior Art for US Patent 11,991,600

As of May 13, 2026, a detailed review of the prosecution history and the face of US Patent 11,991,600 has been conducted to identify the prior art of record. The following analysis details the references cited by the examiner during prosecution and their potential relevance to the patent's claims. This information is critical for understanding the patent's scope and the arguments being made in the ongoing litigation (Case 1:24-cv-01199 and IPR2026-00105). The core invention of US 11,991,600 is the automatic selection of a message bearer (SMS, cellular data, or WLAN) by a single messaging client on a sending device, based on a response from a server after checking the recipient's phone number. The server and the specialized "Packet Switched Message Service" (PSMS) are central to this process. Based on the patent's file wrapper and listed citations, the following references were considered by the USPTO.

Key Prior Art Cited During Prosecution

The following patents were cited by the USPTO examiner and are listed on the face of 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:

Obviousness Analysis of US Patent 11,991,600 under 35 U.S.C. § 103

Date of Analysis: May 13, 2026

This analysis evaluates the obviousness of the claims of US Patent 11,991,600 ('600 patent) in light of the prior art cited during its prosecution. The '600 patent, owned by HBCU Messaging US LP and currently in litigation, claims a method and system where a single messaging application on a mobile device queries a server with a recipient's phone number and, based on the response, automatically selects whether to send a message via a proprietary Packet Switched Message Service (PSMS) over cellular/WLAN or to fall back to standard SMS.

An invention is considered obvious 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 concludes that the independent claims of the '600 patent would have been obvious over the combination of US Patent Application Publication No. 2007/0037576...

4. Litigation History of the Patent

Public records reflect that the 11991600 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. — 1:24-cv-01199 · U.S. District Court for the Western District of Texas · Pending
- Apple Inc. v. HBCU Messaging US LP — IPR2026-00105 · USPTO Patent Trial and Appeal Board · 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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