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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. 11991601 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 11991601 (the "11991601 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 concise summary of US Patent 11,991,601 is as follows:

Title: Wireless messaging method and server

Assignee: Rembrandt Messaging Technologies LP

Inventor: Graham Merrett

Filing Date: July 21, 2023

Issue Date: May 21, 2024

Abstract:

A method performed by a mobile wireless device may comprise receiving an SMS message or an EMS message indicating a client program, when a phone number associated with the mobile wireless device is not associated with a subscriber of a service associated with the client program at the time of receiving the SMS message. The method may further comprise downloading the client program on the mobile wireless device and authenticating, via the client program,...

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 11991601 Patent:

As a senior US patent analyst, I have reviewed US Patent 11,991,601. Below is an analysis of the most relevant prior art cited in the patent and its potential impact on the claims under 35 U.S.C. § 102 (novelty).

Overview of US Patent 11,991,601

- Title: Wireless messaging method and server
- Key Inventive Concept: The patent describes a method for a unified messaging client on a mobile device. A key aspect is the "viral" onboarding of new users and the subsequent intelligent selection of the communication bearer. A non-user is invited via a standard SMS or EMS message to download a client program. Once installed, the client authenticates the user's phone number via SMS. When sending a message, the client checks with a server if the recipient's phone number is also a subscriber to the service. If the recipient is a subscriber, the message is sent over a packet-switched network (e.g., WLAN), allowing for richer content. If the recipient is not a subscriber, the client formats the message as a standard SMS/EMS, which may include an invitation for the recipient to join the service....

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 No. 11,991,601

Prepared for: Internal Review

Date: May 13, 2026

Analyst: Senior Patent Analyst

I. Introduction

This report provides an analysis of the obviousness of the claims of U.S. Patent No. 11,991,601 ("the '601 patent") under 35 U.S.C. § 103. The '601 patent, titled "Wireless messaging method and server," was granted on May 21, 2024, and is assigned to Rembrandt Messaging Technologies LP. The analysis is based on the prior art references cited within the patent's file history.

The invention claimed in the '601 patent generally relates to a method and system for unified messaging on a mobile wireless device. A key feature of the claimed invention is the automatic selection of a communication bearer (packet-switched or SMS) based on whether the recipient is a subscriber to a particular messaging service. This functionality aims to provide a seamless user experience, allowing for the transmission of rich media to fellow subscribers while gracefully degrading to standard SMS for non-subscribers.

II. Legal Standard for Obviousness

Under 35...

4. Litigation History of the Patent

Public records reflect that the 11991601 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 · active
- Untitled case — IPR2026-00107 · Patent Trial and Appeal Board (PTAB) · 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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