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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. 12026731 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 12026731 (the "12026731 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 12,026,731 is as follows:

Title: Method for personalized marketing and advertising of retail products

Assignee: Alpha Modus Corp

Inventors: Michael Garel, Jim Wang

Filing Date: January 23, 2023

Issue Date: July 2, 2024

Abstract:

The patent describes a method for personalized marketing or advertising of products in retail stores. The method involves using information monitoring devices to gather data on shoppers' activities, including their interactions with products. This information is analyzed, and the shoppers are tracked using the monitoring devices. Based on this analysis, communications are sent to the shoppers at a retail location where they can...

## **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 12026731 Patent:

Analysis of Prior Art for U.S. Patent No. 12,026,731

The following analysis details the most relevant prior art cited against U.S. Patent No. 12,026,731, "Method for personalized marketing and advertising of retail products." Each cited reference is examined for its potential to anticipate the independent claims of the '731 patent under 35 U.S.C. § 102. The independent claims of the '731 patent broadly cover a system, a method, and a non-transitory computer-readable storage medium for monitoring and analyzing the behavior of people in a location, such as a retail store, using information monitoring devices and a plurality of software modules, including demographic and tracking modules, to provide personalized marketing.

Key Cited Prior Art and Potential Anticipation:

Below are the most pertinent prior art references cited during the prosecution of the '731 patent.

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1. U.S. Patent No. 8,630,917 (hereinafter '917)

- Full Citation: US 8,630,917 B2
- Title: System and method for providing in-store targeted marketing
- Publication Date: January 14, 2014
- Filing Date: March 2,...

#### **4. Litigation History of the Patent**

Public records reflect that the 12026731 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Alpha Modus Corp v. Circle K Stores Inc — 2:26-cv-00335 · Texas Eastern District Court · filed 2026-04-23 · Open
- Alpha Modus, Corp. v. Buc-ee's, Ltd. — 2:25-cv-01182 · U.S. District Court for the Eastern District of Texas · filed 2025 · Active/Ongoing
- Alpha Modus, Corp. v. Valero Energy Corporation — 2:25-cv-01145 · U.S. District Court for the Eastern District of Texas · filed 2025 · Active/Ongoing
- Alpha Modus, Corp. v. QuikTrip Corporation — 2:25-cv-01125 · U.S. District Court for the Eastern District of Texas · filed 2025 · Active/Ongoing
- Alpha Modus, Corp. v. EG America, LLC — 2:25-cv-01026 · U.S. District Court for the Eastern District of Texas · filed 2025 · Active/Ongoing
- Alpha Modus, Corp. v. Murphy USA, Inc. — 2:25-cv-00947 · U.S. District Court for the Eastern District of Texas · filed 2025 · Active/Ongoing
- Alpha Modus, Corp. v. Casey's General Stores, Inc. — 2:25-cv-00923 · U.S. District Court for the Eastern District of Texas · filed 2025 · Active/Ongoing
- Alpha Modus, Corp. v. Meijer, Inc. — 1:25-cv-01527 · U.S. District Court for the Western District of Texas · filed 2025 · Active/Ongoing
- ...and 1 additional case(s)

#### **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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