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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. 12168797 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 12168797 (the "12168797 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**

Prosecution History Analysis

File Wrapper Review for U.S. Patent No. 12,168,797

Application No.: 18/352,112

Filed: July 13, 2023

Priority Date: February 3, 2012

As the senior patent analyst assigned to this matter, I have reviewed the file wrapper for U.S. Patent No. 12,168,797 (the '797 patent). The following analysis summarizes the key events and arguments that shaped the scope of the issued claims.

Summary of Prosecution

The prosecution of the application leading to the '797 patent was notably swift, which is unusual given the complex subject matter bridging biochemistry and signal processing. The application was filed on July 13, 2023, and the patent was granted on December 17,...

## **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 12168797 Patent:

Analysis of Prior Art for US Patent 12,168,797: Signal Encoding and Decoding in Multiplexed

## Biochemical Assays

Washington D.C. - A detailed analysis of the prior art cited against U.S. Patent No. 12,168,797, titled "Signal encoding and decoding in multiplexed biochemical assays," reveals a landscape of foundational technologies in multiplexed assays and signal processing. The patent, assigned to the California Institute of Technology, describes methods for detecting multiple analytes in a single sample by encoding each analyte's presence as a unique signal signature, which is then decoded from a cumulative measurement. This approach aims to overcome limitations in the number of analytes that can be simultaneously detected due to spectral overlap of fluorescent labels.

The most relevant prior art has been identified and examined for its potential to anticipate the claims of the '797 patent under 35 U.S.C. § 102. The analysis focuses on the core inventive concepts of the '797 patent, namely the non-degenerate encoding schemes and the methods for decoding cumulative signals to...

### 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:

Analysis of Obviousness for U.S. Patent No. 12,168,797

Date of Analysis: 2026-05-13

Patent under Review: U.S. Patent No. 12,168,797, "Signal encoding and decoding in multiplexed biochemical assays" (hereinafter '797 patent).

Assignee: California Institute of Technology

Filing Date: 2023-07-13

#### I. Introduction and Summary of Invention

The '797 patent is directed to methods, systems, and compositions for the multiplexed detection of a plurality of analytes in a single sample volume. The core of the invention lies in a signal encoding and decoding scheme that allows for the unambiguous identification of the presence or absence of numerous analytes without requiring physical separation, mass spectrometry, or melting curve analysis. This is achieved by encoding each analyte as a unique combination of signal values. In preferred embodiments, these values are different intensities across multiple fluorescence wavelengths (or "colors"). The patent describes non-degenerate coding schemes, including some that are non-degenerate by design, which allow for the deconvolution of a cumulative...

### 4. Litigation History of the Patent

Public records reflect that the 12168797 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Untitled case — 5:25-cv-01701 · U.S. District Court for the Northern District of California · Filed

### 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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