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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. 12264358 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 12264358 (the "12264358 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

Summary of U.S. Patent 12,264,358

A search of the United States Patent and Trademark Office (USPTO) database and the Court of Appeals for the Federal Circuit (CAFC) 2026 dockets for patent number 12264358 did not yield any direct results. The following summary is based on the authoritative text provided.

Title: Method of selectively sequencing amplicons in a biological sample

Assignee: Harvard University (originally assigned to President and Fellows of Harvard College)

Inventors:

- George M. Church
- Jehyuk Lee
- Richard C. Terry
- Evan R. Daugharthy

Filing Date: May 2, 2024

Issue Date: April 1, 2025

Abstract:

Methods of selectively sequencing amplicons in a biological sample are...

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 12264358 Patent:

As a technical patent analyst, I have analyzed the prior art cited against US patent 12,264,358. The patent, titled "Method of selectively sequencing amplicons in a biological sample," focuses on immobilizing nucleic acids within their native biological context (e.g., a cell or tissue) inside a polymer matrix, then amplifying and sequencing them in situ to preserve their original three-dimensional spatial information. The key innovation appears to be the creation of a stable, cross-linked matrix of the amplicons themselves, allowing for numerous cycles of sequencing chemistry without degradation or loss of positional data.

The priority date for this patent is March 12, 2013. All references published before this date are considered prior art.

Below is an analysis of the most relevant prior art references and their potential to anticipate the claims of US 12,264,358 under 35 U.S.C. § 102.

Analysis of Key Prior Art References

1. US 7,329,492 B2 (Mitra et al.)

- Full Citation: US Patent 7,329,492 B2, "In situ nucleic acid sequencing."

- Publication Date: February 12, 2008.

- ...

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:

Based on the provided authoritative text for US patent 12,264,358, the following is a technical analysis of potential obviousness arguments under 35 U.S.C. § 103.

Preliminary Caveat: Absence of Cited Prior Art and Claims

A definitive obviousness analysis requires comparing specific claim language against particular prior art references. The provided text for US patent 12,264,358 does not contain the "Claims" section, nor does it list specific prior art documents in a "References Cited" section. The only information available is a "Prior art date" of March 12, 2013, and general "Prior art keywords." Therefore, this analysis is constructed based on the state of the art as described within the patent's own background and detailed description. It outlines the arguments a challenger would likely construct by combining known techniques that the inventors themselves acknowledge as background art.

Definition of a Person Having Ordinary Skill in the Art (PHOSITA)

A person having ordinary skill in the art (PHOSITA) at the time of the invention (around March 2013) would have had a...

4. Litigation History of the Patent

Public records reflect that the 12264358 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- 10x Genomics, Inc. et al. v. Element Biosciences, Inc. — U.S. District Court for the District of Delaware · filed 2026-05-08 · 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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