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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. 12337715 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 12337715 (the "12337715 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 Analysis: US 12,337,715

Date of Analysis: May 13, 2026

This report provides a concise summary of United States Patent 12,337,715, including its key bibliographic details, a summary of its abstract, and a plain-language explanation of its independent claims.

Bibliographic Information

- Title: Methods and systems for sharing e-keys to access vehicles
- Assignee: Emerging Automotive LLC
- Inventors: Angel A. Penilla, Albert S. Penilla
- Filing Date: October 11, 2023
- Issue Date: June 24, 2025

Abstract

The patent describes methods and systems for generating and sharing electronic keys (e-keys) for vehicles through a cloud-based processing system. A request to create an e-key for a...

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 12337715 Patent:

Prior Art and Novelty Analysis

To: File

From: Senior Patent Analyst

Date: May 13, 2026

Subject: Anticipation Analysis of U.S. Patent No. 12,337,715 Under 35 U.S.C. § 102
Legal Standard for Anticipation

Under 35 U.S.C. § 102, a claim is "anticipated," and therefore not novel, if every single element and limitation of that claim is found in a single prior art reference. The disclosure in the prior art reference must be enabling, meaning it would teach a person of ordinary skill in the art (POSITA) how to make and use the claimed invention. This analysis examines key prior art references to determine if any single reference anticipates the independent claims (1, 15, and 20) of U.S. Patent No. 12,337,715 ('715 patent), which has a priority date of April 22, 2012.

Note: The official list of references cited by the USPTO examiner for the '715 patent is not available. The following analysis focuses on highly relevant prior art that would likely have been considered during the patent's prosecution or in subsequent validity challenges.

Reference 1: Smith et al. (GM Global...

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. 12,337,715

To: File

From: Senior Patent Analyst

Date: May 13, 2026

Subject: Obviousness Analysis of U.S. Patent No. 12,337,715

An analysis of the independent claims of U.S. Patent No. 12,337,715 ("the '715 patent") has been conducted to assess their validity in light of prior art under 35 U.S.C. § 103. The '715 patent, with a priority date of April 22, 2011, is directed to methods and systems for generating and sharing electronic keys (e-keys) that provide access to a vehicle with specific conditions of use.

Legal Standard for Obviousness

Under 35 U.S.C. § 103, an invention is unpatentable if the differences between the claimed invention and the prior art are such that the invention as a whole would have been obvious to a person having ordinary skill in the art (a "POSITA") at the time the invention was made. An obviousness rejection often involves combining multiple prior art references, but there must be a clear reason or "motivation to combine" the references with a reasonable expectation of success. This analysis prevents the use of...

4. Litigation History of the Patent

Public records reflect that the 12337715 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Emerging Automotive LLC v. Toyota Motor Corp. et al. — 2:25-cv-00782 · U.S. District Court for the Eastern District of Texas · filed 2025-08-12 · Active

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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