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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. 5412730 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 5412730 (the "5412730 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**

Here is a concise summary of US Patent 5,412,730.

Title: Encrypted data transmission system employing means for randomly altering the encryption keys

Assignee: The original assignee was Telequip Corp. The current assignee is TQP DEVELOPMENT LLC.

Inventors: Michael F. Jones

Filing Date: April 23, 1992

Issue Date: May 2, 1995

Abstract: The patent describes a modem designed for transmitting encrypted data over standard voice-grade telephone lines. The system uses a combination of a microprocessor, a serial communications controller, and a modulator/demodulator. To secure the data, pseudo-random number generators are used at both the sending and receiving ends to create identical...

## **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 5412730 Patent:

Analysis of Prior Art Cited in US Patent 5,412,730

The following is a technical analysis of the prior art references cited by the examiner during the prosecution of US Patent 5,412,730. This analysis focuses on the potential relevance of each reference to the patent's claims under 35 U.S.C. § 102 (Anticipation).

A core concept of US 5,412,730 is the use of synchronized pseudo-random number generators at both the transmitting and receiving stations, initialized by a common "seed," with the sequence of keys being advanced based on a predetermined characteristic of the data being transmitted (e.g., a data block count). This avoids transmitting the keys themselves or separate synchronization signals.

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U.S. Patent 4,205,201

- Full Citation: US Patent 4,205,201, "Digital cipher system"
- Publication Date: May 27, 1980
- Brief Description: This patent describes a digital cipher system where a pseudo-random binary sequence is generated and combined with a plain text signal. The state of the pseudo-random generator can be advanced by a number of steps determined by a portion of the...

### **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 analysis of prior art cited during prosecution, here is an analysis of the obviousness of US Patent 5,412,730 under 35 U.S.C. § 103.

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

A person having ordinary skill in the art (PHOSITA) in early 1992 would have possessed a bachelor's degree in electrical engineering or computer science, along with practical experience in the fields of data communications, modem technology, and applied cryptography. Such a person would be familiar with standard encryption algorithms like the Data Encryption Standard (DES), the concept of stream ciphers, and common methods for generating pseudo-random number sequences for cryptographic purposes, such as using linear-feedback shift registers (LFSRs) initialized with a secret seed.

Obviousness Analysis of Independent Claims 1, 6, and 8

The core invention recited in claims 1 (transmitting method), 6 (receiving method), and 8 (modem apparatus) is a system where encryption keys are changed in synchrony at two ends of a communication link. This is achieved by:

a)...

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

Public records reflect that the 5412730 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- TQP Development, LLC v. Adobe Systems, Inc. — 2:12-cv-00570 · Texas Eastern District Court · filed 2012-08-31 · Dismissed
- TQP Development, LLC v. Intuit Inc. — 2:12-cv-00180 · Texas Eastern District Court · filed 2012-03-30 · Dismissed
- TQP Development, LLC v. MLB Advanced Media, L.P. — 2:12-cv-00577 · Texas Eastern

District Court · filed 2012-08-31 · Dismissed

- TQP Development, LLC v. Chrysler Group LLC — 2:13-cv-00219 · Texas Eastern District Court · filed 2013-03-22 · Settled
- TQP Development, LLC v. Callidus Software, Inc. — 2:12-cv-00799 · Texas Eastern District Court · filed 2012-11-20 · Settled
- TQP Development, LLC v. Chegg Inc. — 2:14-cv-00442 · Texas Eastern District Court · filed 2014-05-21 · Settled
- TQP Development, LLC v. Avis Budget Group, Inc. — 2:12-cv-00586 · Texas Eastern District Court · filed 2012-08-31 · Dismissed

## 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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