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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. 5708678 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 5708678 (the "5708678 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 5708678 is as follows:

Title: Method to equalize the temperature in a heating furnace with a controlled-oxidization ambient and heating furnace carrying out the method

Assignee: Danieli and C Officine Meccaniche SpA

Inventors: Fabio Fasoli, Roberto Millone

Filing Date: September 12, 1996

Issue Date: January 13, 1998

Abstract:

The patent describes a method and a furnace for equalizing the temperature of metal slabs in a controlled-oxidizing environment. The furnace includes an insulated chamber with rollers to support and move the slabs. Burners are located in the upper part of the furnace and aspiration intakes in the lower part. The burners are adjusted...

## **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 5708678 Patent:

Based on a thorough review of the prior art cited during the prosecution of US Patent 5,708,678,

the following references are identified as most relevant to the claims of the patent. The analysis focuses on the potential for these references to anticipate the independent claims under 35 U.S.C. § 102.

#### Analysis of Cited Prior Art

##### 1. US Patent 5,235,840A

- Full Citation: US Patent 5,235,840A, "Process to control scale growth and minimize roll wear," issued to Hot Rolling Consultants, Ltd.
- Publication Date: August 17, 1993 (Filed December 23, 1991).
- Brief Description: This patent describes a method for controlling the formation of scale on hot-rolled steel strips. It discloses using a reducing or non-oxidizing atmosphere during initial heating stages, followed by a final stage with a mildly oxidizing atmosphere. The goal is to create a thin, tenacious, and adherent layer of scale that acts as a high-temperature lubricant during rolling and protects the work rolls from wear.
- Potential Anticipation Analysis: This reference is highly relevant as it discusses the deliberate use of...

### **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 prior art analysis for US Patent 5,708,678, here is an analysis of the obviousness of the patent's claims under 35 U.S.C. § 103.

#### Standard of Obviousness

An invention is considered obvious if the differences between the claimed invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art (a "POSITA"). This analysis considers not just what the references explicitly teach, but what they would have suggested to a POSITA, including the motivation to combine their teachings to arrive at the claimed invention.

#### Analysis of Independent Claims

##### Claim 1 (Method)

Claim 1 describes a method of using a strongly oxidizing atmosphere to create a desired and controllable layer of scale that is easily removable, by ensuring the atmosphere surrounds the whole periphery of the slab.

Obviousness Combination: The method of Claim 1 would have been obvious over US Patent 5,235,840 ('840 patent) in view of the general knowledge of a POSITA regarding steel metallurgy...

### **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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