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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. 5742768 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 5742768 (the "5742768 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 5,742,768

Title: System and method for providing and displaying a web page having an embedded menu

Assignee: The original assignee was Silicon Graphics Inc. The patent was later assigned to Microsoft Technology Licensing, LLC.

Inventors:

- Giuseppe Gennaro
- Jake McGowan
- Anne P. Wagner
- Kinney Wong
- Benjamin A. Zamora

Filing Date: July 16, 1996

Issue Date: April 21, 1998

Abstract: A method for providing a web page (26) having an embedded menu (46) to a web browser (24) and for displaying the web page (40) to a user of the web browser (24) are provided. A request for a web page (20) is received from a web browser (24). In response to the request, a web page...

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 5742768 Patent:

As a senior US patent analyst, I have reviewed the file wrapper and prosecution history of US patent 5,742,768 to identify the most relevant prior art considered by the USPTO examiner. The following analysis details the references cited during the examination and their potential impact on the patent's claims.

The priority date for US patent 5,742,768 is July 16, 1996. Any reference published before this date qualifies as prior art.

Prior Art Analysis

1. U.S. Patent 5,572,643 (Judson)

- Full Citation: U.S. Patent 5,572,643 A, "Web browser with dynamic display of information objects during linking." Inventor: David H. Judson.
- Filing Date: October 19, 1995.
- Issue Date: November 5, 1996.
- Brief Description: The '643 patent discloses a web browser that displays "interstitial information objects," such as advertisements or other content, to the user in the time between when a hyperlink is selected and when the requested page fully loads. It describes downloading these objects in the background so they are available for immediate display during these idle periods. The patent...

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:

Here is a detailed analysis of the obviousness of U.S. Patent 5,742,768 based on the cited prior art.

Obviousness Analysis under 35 U.S.C. § 103

This analysis evaluates whether the claimed invention in U.S. Patent 5,742,768 would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time of the invention, which has a priority date of July 16, 1996. A PHOSITA in this context would be a programmer with experience in web development, including HTML, and familiarity with emerging technologies like the Java programming language and applets.

The core inventive concept of the '768 patent is the use of an executable applet, downloaded with a web page, to create and manage a menu embedded within the web page itself. This menu provides multiple hyperlinks that can be revealed through a single user action (e.g., a mouse-over), thereby overcoming the standard "one link, one action" paradigm of conventional HTML.

The primary prior art references cited by the patent examiner are:

- U.S. Patent 5,572,643 to Judson (filed Oct. 19, 1995), hereafter "Judson."
- A Usenet...

4. Litigation History of the Patent

Public records reflect that the 5742768 Patent has been the subject of the following litigation,

which informs our view of the asserted claims and your client's enforcement posture:

- Walker Digital, LLC v. Microsoft Corp. et al. — 2:10-cv-00825 · U.S. District Court for the Western District of Washington · filed 2010-05-20 · Terminated

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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