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[Your Name]

[Your Title]

[Your Company]

[Street Address, City, State ZIP]

May 25, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

Re: U.S. Patent No. 5948040 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 5948040 (the "5948040 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's a concise summary of US Patent 5948040:

Title: Travel reservation information and planning system

Assignee: DeLorme Publishing Co Inc

Inventors: David M. DeLorme, Keith A. Gray, T. Angus Ferguson

Filing Date: 1997-02-06

Issue Date: 1999-09-07

Abstract:

A travel reservation information and planning system (TRIPS) provides users with a comprehensive, interactive tool for planning and executing travel arrangements. It integrates electronic maps with a database of geographically locatable objects (loc/objects), points of interest (POIs), and scheduled events of interest (EOIs). The system allows users to define a travel origin, destination, and waypoints, then calculates and...

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 5948040 Patent:

To identify the most relevant prior art for US patent 5948040, I will search the USPTO database

for citations within the patent. The provided Google Patent link for US5948040 (<https://patents.google.com/patent/US5948040/en>) lists "Prior art keywords" and "Priority claimed from" sections, which are useful for identifying prior art. Additionally, the patent text itself explicitly mentions and discusses several prior art systems and patents.

Here's the analysis of the prior art cited within US Patent 5948040, focusing on full citation, publication/filing date, a brief description, and potential anticipation under 35 U.S.C. § 102.

Prior Art Identified from the Patent Text and Google Patents Data:

1. DeLorme Publishing Co Inc.'s Prior Systems (Assignee's systems)

- Citation: The patent refers to "the assignee of the present application" having developed "Prior systems for the general purpose of planning and arranging travel from one location to another." It specifically references "the cross-referenced patent and patent applications noted above." These cross-referenced patents...

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:

This analysis will focus on the obviousness of US Patent 5948040 under 35 U.S.C. § 103, considering the provided prior art. A patent claim is obvious if "the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains."

To establish obviousness, it's necessary to:

1. Identify the scope and content of the prior art.
2. Ascertain the differences between the claimed invention and the prior art.
3. Determine the level of ordinary skill in the pertinent art.
4. Consider secondary indicia of obviousness (e.g., commercial success, long-felt need, failure of others), although none are explicitly provided in the patent text for this analysis.

The priority date for US 5948040 is 1994-06-24.

Level of Ordinary Skill in the Art

A person having ordinary skill in the art (PHOSITA) in this field would likely possess a strong understanding of computer systems, database management,...

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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