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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. 5978773 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 5978773 (the "5978773 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 5,978,773

Title: System and method for using an ordinary article of commerce to access a remote computer

Assignee: The original assignee of the patent is Neomedia Technologies, Inc.

Inventors: The inventors of the patented system and method are Frank C. Hudetz and Peter R. Hudetz.

Filing Date: The patent application was filed on October 3, 1995.

Issue Date: U.S. Patent 5,978,773 was issued on November 2, 1999.

Abstract: The patent describes a system and method for accessing remote computers on a network by using identification codes found on common commercial products. In one embodiment, a database links Uniform Product Code (UPC) numbers to Internet network...

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 5978773 Patent:

Analysis of Prior Art for U.S. Patent 5,978,773

As a technical patent analyst, I have conducted a review of the prior art cited in U.S. Patent

5,978,773. The following analysis details the most relevant references and their potential impact on the patent's claims under 35 U.S.C. § 102, which pertains to anticipation by prior art. The core novelty of patent 5,978,773 lies in the combination of using a standard product identifier (like a UPC), read by a device, to query a database that in turn provides a network address (like a URL) to access a remote computer.

Key Cited Prior Art and Potential Anticipation

The patent itself cites two U.S. patents as background. An examination of these references is crucial for understanding the state of the art at the time of the invention.

1. U.S. Patent 5,115,326: "Method of Encoding an E-Mail Address in a Fax Message and Routing the Fax Message to a Destination and Network"

- Full Citation: U.S. Patent 5,115,326
- Publication Date: May 19, 1992
- Filing Date: June 14, 1990
- Brief Description: This patent describes a method for encoding...

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 5,978,773 under 35 U.S.C. § 103

This analysis examines whether the invention claimed in U.S. Patent 5,978,773 would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time the invention was made, based on the prior art references previously identified. The legal standard for obviousness is defined in 35 U.S.C. § 103, which prevents the patenting of an invention if the differences between the invention and the prior art are such that the invention as a whole would have been obvious to a PHOSITA.

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

At the time of the invention (priority date: June 20, 1995), a PHOSITA would be a software developer or computer engineer with:

- A bachelor's degree in computer science or a related field.
- Two to three years of professional experience in client-server application development, networking, and database management.
- Familiarity with the state of the commercial internet, including the World Wide Web, early web browsers (e.g., NCSA Mosaic, Netscape...

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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