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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. 6430408 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 6430408 (the "6430408 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**

Analysis of U.S. Patent 6430408: A System for Market-Based Allocation of Wireless Network Resources

Washington D.C. - A detailed analysis of United States Patent 6430408, titled "Allocating antenna-provided communications services," reveals a method for managing wireless network traffic by creating a market-based system for enhanced services. This patent, issued on August 6, 2002, describes a dynamic bidding and pricing mechanism to allocate limited network resources, such as higher bandwidth or improved signal quality, to mobile users who value them most.

The patent was originally assigned to Motorola, Inc., and now lists Google Technology Holdings LLC as the current assignee. The...

## **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 6430408 Patent:

Analysis of Prior Art for U.S. Patent 6430408

An evaluation of prior art cited during the prosecution of U.S. Patent 6,430,408 provides insight into the novelty and non-obviousness of its claims. The core of the '408 patent is the dynamic,

market-based allocation of limited wireless network resources, such as bandwidth or signal quality, through bidding or price negotiation. The following analysis details key prior art references and their potential impact on the patent's claims under 35 U.S.C. § 102, which pertains to anticipation (i.e., whether an invention is new).

Key Prior Art and Potential Anticipation of Claims:

A review of the patent's file wrapper and the citations listed on the patent itself reveals several key references that touch upon dynamic pricing and resource allocation in telecommunications.

- U.S. Patent 5,303,297: "Dynamic pricing method and apparatus for communication systems"

Full Citation: US Patent 5,303,297, issued to Alan L. Anas et al., assigned to Motorola, Inc.

Publication/Filing Date: Published April 12, 1994; Filed July 25, 1991.

Brief...

### **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 6430408 under 35 U.S.C. § 103

This analysis evaluates whether the claimed invention in U.S. Patent 6,430,408 would have been obvious to a "person having ordinary skill in the art" (PHOSITA) at the time of the invention (circa May 2000). A PHOSITA in this context would be an engineer or computer scientist with experience in wireless network engineering, protocol design, and an understanding of resource management challenges in telecommunications. The analysis relies on combining prior art references, as detailed in the "Prior art" section, to show that a PHOSITA would have been motivated to combine their teachings to arrive at the claimed invention.

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I. Obviousness of Claims 1, 2, and 4: Market-Based Service Allocation

These claims form the core of the patent's "capitalist" system: allocating services based on dynamic pricing and auctions. A strong case for their obviousness can be made by combining prior art that teaches dynamic pricing with prior art that teaches auctions for telecommunication resources.

- Prior Art Combination: U.S....

### **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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