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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. 6434212 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 6434212 (the "6434212 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

Patent Analysis: US 6434212

Date of Analysis: 2026-05-11

This report provides a concise summary of United States Patent 6,434,212, titled "Pedometer." The analysis is based on the full patent text available from official sources.

I. Patent Overview

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| Title | Pedometer |

| Assignee | Blackbird Tech LLC (as of most recent assignment) |

| Inventor(s) | Nathan Pyles |

| Filing Date | 2001-01-04 |

| Issue Date | 2002-08-13 |

| Priority Date | 1998-10-28 |

| Legal Status | Expired |

| Abstract | The pedometer having improved accuracy by calculating actual stride lengths of a user based on relative stride rates. The pedometer includes a waist or leg mounted stride counter, a...

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 6434212 Patent:

An analysis of the prior art cited during the prosecution of US patent 6,434,212 and in subsequent post-grant challenges reveals several key references. The most relevant art is that which was successfully used in the inter partes review (IPR) proceedings to invalidate claim 6.

I. Prior Art Cited in Successful IPR Challenges

The following references were central to the PTAB's decision to invalidate claim 6 of the '12 patent for obviousness. While they did not anticipate the claims under 35 U.S.C. § 102 (as no single reference contained every element), their combined teachings were found to have rendered the invention in claim 6 obvious.

1. US Patent 5,891,042 ("Sham")

- Full Citation: US 5,891,042, "Fitness monitoring device having an electronic pedometer and a wireless heart rate monitor," issued to Acumen, Inc.
- Publication/Filing Date: Filed Sep 9, 1997; Published Apr 6, 1999. This qualifies as prior art.
- Brief Description: The Sham patent describes an integrated fitness monitoring device worn on the wrist. It includes a pedometer for step counting, a wireless receiver to...

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 technical analysis of the obviousness of US patent 6,434,212 under 35 U.S.C. § 103, based on the provided prior art summary.

Obviousness Analysis of US Patent 6,434,212

This analysis evaluates the claims of US Patent 6,434,212 in light of prior art to determine whether the claimed subject matter would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time of the invention (priority date October 28, 1998).

A PHOSITA in this field would have a bachelor's degree in electrical or computer engineering, with several years of experience in designing firmware and hardware for portable consumer electronics, and would be familiar with exercise monitoring devices and basic principles of exercise physiology.

I. Analysis of Independent Claim 6 (Found Unpatentable)

Claim 6: A pedometer system with a step counter, a transmitter/receiver pair, and a data processor programmed to calculate distance using a stride length that varies with step rate, where the actual stride length is derived from a range of stride lengths calculated from a range of...

4. Litigation History of the Patent

Public records reflect that the 6434212 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Blackbird Tech LLC v. Fitbit, Inc. — 1:16-cv-00683 · U.S. District Court for the District of Delaware · filed 2016-08-04 · Stayed

- Blackbird Tech LLC v. Garmin International, Inc. et al. — 1:16-cv-00684 · U.S. District Court for the District of Delaware · filed 2016-08-04 · Settled
- Blackbird Tech LLC v. TomTom, Inc. — 1:16-cv-00688 · U.S. District Court for the District of Delaware · filed 2016-08-04 · Unknown
- Blackbird Tech LLC v. Wahoo Fitness, LLC — 1:16-cv-00689 · U.S. District Court for the District of Delaware · filed 2016-08-04 · Stayed

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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