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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. 6502135 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 6502135 (the "6502135 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

An analysis of U.S. Patent 6,502,135 reveals a foundational patent in the field of secure network communications, which has been subject to litigation and has had its claims modified.

Patent Summary:

- Title: Agile network protocol for secure communications with assured system availability
- Assignee: The original assignee was Science Applications International Corp SAIC. The current assignee is listed as Virnetx Inc.
- Inventors: Edmund Colby Munger, Douglas Charles Schmidt, Robert Dunham Short, III, Victor Larson, and Michael Williamson
- Filing Date: February 15, 2000
- Issue Date: December 31, 2002
- Abstract: The patent describes a method for secure communication over a computer...

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 6502135 Patent:

Analysis of Prior Art Cited in US Patent 6,502,135

As a senior US patent analyst, this report details the most relevant prior art cited by US Patent

6,502,135, "Agile network protocol for secure communications with assured system availability." Each reference has been reviewed to determine its potential for anticipating the claims of the '135 patent under 35 U.S.C. § 102.

The '135 patent describes a method for secure network communication using seemingly random and changing IP addresses to create a Virtual Private Network (VPN). A key aspect of the invention is the "agile" nature of the protocol, where communicating nodes use a synchronized, pseudo-random sequence of IP addresses, making it difficult to trace the communication. The following prior art references were cited by the patent examiner during the prosecution of the '135 patent and are foundational to understanding the landscape of secure networking at the time of the invention.

1. U.S. Patent 5,940,591: "Method and apparatus for secure network communications"
 - Full Citation: US Patent 5,940,591, "Method and...

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 6,502,135

An analysis of U.S. Patent 6,502,135 ('135 patent) under 35 U.S.C. § 103 for obviousness reveals significant vulnerabilities, particularly in light of prior art combinations successfully argued in inter partes review (IPR). The '135 patent, titled "Agile network protocol for secure communications with assured system availability," generally describes methods for creating secure communication links, such as virtual private networks (VPNs), by using dynamically and pseudo-randomly changing data values, such as IP addresses, within data packets.

While the provided patent text does not contain a formal "Prior Art" section listing cited references, the history of PTAB challenges offers a clear view of the most relevant art and the successful arguments made against the patent's validity. Specifically, the final written decision in IPR2016-00062 found several key claims unpatentable.

1. Obviousness of Secure Communication with Hopped Addresses (Claim 1)

Independent claim 1 recites a method for secure communication by establishing a VPN link...

4. Litigation History of the Patent

Public records reflect that the 6502135 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- VirnetX Inc. v. Microsoft Corporation — U.S. District Court for the Eastern District of Texas · Judgment
- VirnetX Inc. v. Apple Inc. — 6:10-cv-00417-LED, 6:12-CV-00855 · U.S. District Court for the Eastern District of Texas, Tyler Division · Dismissed as moot
- Science Applications International Corporation (SAIC) v. United States — 1:2017cv00825 · U.S. Court of Federal Claims · filed 2017-06-19 · Active
- Apple Inc. et al. v. VirnetX Inc. — IPR2015-01046, IPR2015-01047 · Patent Trial and Appeal Board (PTAB) · Final Written Decision
- VirnetX Inc. v. Cisco Systems, Inc. — 22-2234 · U.S. Court of Appeals for the Federal Circuit ·

Judgment Affirmed

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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