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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. 7154961 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 7154961 (the "7154961 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 No. 7,154,961

Date of Analysis: April 28, 2026

This report provides a summary of United States Patent No. 7,154,961, including its bibliographic details and a plain-language explanation of its independent claims. Information is based on the patent's official text.

Bibliographic Information

- Title: Constellation rearrangement for ARQ transmit diversity schemes
- Assignee: The current assignee of record is SWIRLATE IP LLC. The original assignee was Matsushita Electric Industrial Co., Ltd.
- Inventors: Christian Wengert, Alexander Golitschek, Edler Von Elbwart, Eiko Seidel
- Filing Date: October 18, 2002
- Issue Date: December 26, 2006
- Abstract: An ARQ (re-)...

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 7154961 Patent:

Analysis of Prior Art for U.S. Patent No. 7,154,961

The following analysis details the most relevant prior art references cited during the prosecution of U.S. Patent No. 7,154,961 ("the '961 patent"). The analysis focuses on the potential for these references to anticipate the independent claims of the '961 patent under 35 U.S.C. § 102, based on their disclosures relative to the '961 patent's priority date of October 18, 2002.

Key Prior Art References and Potential Anticipation

The core invention of the '961 patent is the use of different modulation schemes (constellation rearrangements) for an initial transmission and subsequent ARQ retransmissions, where these transmissions are sent over different diversity branches to improve reliability at the receiver.

1. WO2002067491A1 ("491 application")

- Full Citation: WO2002067491A1, "Hybrid arq method with single constellation rearrangement", Matsushita Electric Industrial Co., Ltd.
- Publication Date: August 29, 2002 (Prior art to the '961 patent).
- Description: This international application, from the same original assignee...

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 No. 7,154,961 under 35 U.S.C. § 103

This analysis evaluates whether the invention claimed in U.S. Patent No. 7,154,961 ("the '961 patent") would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time of the invention, based on the prior art references cited during the patent's prosecution.

A PHOSITA in this technical field as of the priority date (October 18, 2002) would be an electrical engineer or computer scientist with a graduate degree in a relevant field and/or several years of experience in digital wireless communication systems, particularly in the areas of modulation techniques, error control coding (including ARQ and FEC schemes), and multiple-antenna (diversity) systems.

The independent claims of the '961 patent are likely obvious under 35 U.S.C. § 103 in view of a combination of prior art references, most notably the combination of EP0735701A2 ('701 patent) and WO2002067491A1 ('491 application) or, alternatively, '701 patent in combination with US 6,769,085 B2 ('085 patent).

Primary Obviousness...

4. Litigation History of the Patent

Public records reflect that the 7154961 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Altheard LLC v. Cipherlab Co Ltd — 2:26-cv-00308 · Texas Eastern District Court · filed 2026-04-17 · Open
- Altheard LLC v. Viasat Inc — 7:26-cv-00154 · Texas Western District Court · filed 2026-04-17 · Closed

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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