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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. 7288822 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 7288822 (the "7288822 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. 7,288,822

Date of Analysis: May 13, 2026

This report provides a summary of United States Patent number 7,288,822, including its key bibliographic details, a summary of its abstract, and a plain-language explanation of its independent claims. A search for related litigation in the 2026 dockets of the U.S. Court of Appeals for the Federal Circuit (CAFC) was conducted, with no specific results found for this patent.

I. Bibliographic Information

| Field | Details |

| :--- | :--- |

| Patent Number | 7,288,822 B1 |

| Title | Semiconductor structure and fabricating method thereof |

| Assignee | Initially assigned to United Microelectronics Corp. As of 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 7288822 Patent:

Analysis of Prior Art for U.S. Patent 7,288,822

Washington D.C. – May 13, 2026 – An analysis of the prior art cited against U.S. Patent No. 7,288,822, titled "Semiconductor structure and fabricating method thereof," reveals several key patents and patent applications that were considered by the United States Patent and Trademark Office (USPTO) during its examination. This review assesses the potential for these references to anticipate the claims of the '822 patent under 35 U.S.C. § 102, which pertains to novelty.

The '822 patent, granted on October 30, 2007, with a priority date of April 7, 2006, is assigned to Marlin Semiconductor Ltd. The invention focuses on a semiconductor structure that includes a doped, strained layer for the source/drain regions of a MOS transistor. A key feature is the creation of a non-uniform lattice parameter distribution within this strained layer to reduce defects at the interface with the substrate.

Below is a summary of the most relevant prior art and an analysis of their potential impact on the claims of US 7,288,822.

Prior Art Analysis:

1. US...

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:

An analysis of the obviousness of U.S. Patent No. 7,288,822 ("the '822 patent") under 35 U.S.C. § 103 requires considering what a person having ordinary skill in the art (a "POSITA") would have found obvious at the time of the invention, based on the available prior art. The analysis below utilizes the prior art references cited during the patent's prosecution.

Legal Standard for Obviousness (35 U.S.C. § 103)

A patent claim is invalid as obvious if the differences between the claimed invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. An obviousness analysis requires considering the scope and content of the prior art, the differences between the prior art and the claims at issue, and the level of ordinary skill in the art.

Core Inventive Concept of the '822 Patent

The central innovation of the '822 patent is the use of a graded strained layer for the source/drain (S/D) regions of a MOS transistor. The patent teaches forming a recess in the substrate next...

4. Litigation History of the Patent

Public records reflect that the 7288822 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Untitled case — IPR2026-00058 · United States Patent and Trademark Office, Patent Trial and Appeal Board (PTAB) · Not Instituted - Procedural

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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