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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. 7305442 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 7305442 (the "7305442 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

Summary of U.S. Patent 7,305,442

Title: Asynchronous user-authorized advertising

Assignee: The original assignee was Sprint Spectrum L.P. As of the latest assignment recorded on August 23, 2022, the assignee is Sprint Spectrum LLC, along with several other related entities.

Inventors: Michael T. Lundy

Filing Date: October 12, 2001

Issue Date: December 4, 2007

Abstract: A system and method for advertising on a subscriber terminal. A server may send an advertising authorization request to the subscriber terminal. The advertising authorization request may comprise options that a user may select for accepting or rejecting an advertisement to be sent to the subscriber terminal. If 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 7305442 Patent:

An analysis of the prior art cited during the prosecution of US patent 7,305,442 reveals several

key references. Below are the most relevant citations and an assessment of their potential impact on the patent's claims. The core inventive concept of the '442 patent is the combination of user authorization with a compound triggering event (specifically, the device being both "idle" and "substantially stationary") to determine the timing of advertisement delivery or display on a mobile device.

Key Prior Art Analysis

1. U.S. Patent 6,892,354 B1 ("the '354 patent")

- Full Citation: U.S. Patent 6,892,354, "Method of advertising on line during a communication link idle time," assigned to Sony Corporation.
- Filing Date: April 16, 1997
- Brief Description: The '354 patent describes a method for delivering advertisements to a user's computer during periods of inactivity or "idle time" in an online session. It discloses detecting when a communication link is idle for a predetermined duration and then using that idle time to transmit and display advertising data. The system is designed 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:

Based on the prior art cited during prosecution, the independent claims of US patent 7,305,442 appear vulnerable to an obviousness challenge under 35 U.S.C. § 103. The claims combine several elements—user authorization, an "idle" state trigger, and a "substantially stationary" trigger—that existed in separate prior art references. The key question is whether a person of ordinary skill in the art at the time of the invention would have been motivated to combine these teachings with a reasonable expectation of success.

Legal Standard for Obviousness

A patent claim is 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 (POSITA). This analysis considers 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 pertinent art.

Person Having Ordinary Skill in the Art (POSITA)

For this patent, a POSITA around the filing date of October...

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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