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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. 8069073 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8069073 (the "8069073 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

Of course. Here is a concise summary of US Patent 8,069,073.

Summary of US Patent 8,069,073

- Title: Method and system for providing health and nutrition related information
- Assignee: Healthy Circles, LLC (Bala Cynwyd, PA)
- Inventors: Steven A. Krein, Robert C. Mortensen, Michael C. Krupit, Scott G. Scherer
- Filing Date: September 14, 2007
- Issue Date: November 29, 2011
- Abstract: "A method and system for providing health and nutrition related information are described. User data associated with a user is received. The user data includes consumption data associated with at least one food product consumed by the user. A level of at least one ingredient included in the at least one..."

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 8069073 Patent:

As a senior US patent analyst, I have reviewed the prior art cited by the USPTO examiner during the prosecution of US patent 8,069,073 ('073 patent). The '073 patent, with a priority date

of December 23, 1999, is directed to a system for bilateral or multilateral decision-making where preference profiles for both a "party" and a "counterparty" are generated using forced-choice questions and conjoint analysis, and then compared to find a "closeness of fit."

Below is an analysis of the most relevant prior art references cited against the '073 patent and their potential to anticipate the patent's claims under 35 U.S.C. § 102.

Analysis of Cited Prior Art

The core of the invention claimed in the '073 patent is the bilateral preference analysis. Unlike unilateral systems where a producer models consumer preferences, the '073 patent claims a method where preference profiles are generated for parties on both sides of a potential transaction (e.g., a job seeker and an employer) and then matched. The key elements of the primary independent claim include:

- Supplying forced-choice questions...

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:

Of course. As a senior patent analyst, here is a detailed analysis of the obviousness of US patent 8,069,073 under 35 U.S.C. § 103, based on the provided prior art.

Obviousness Analysis of US Patent 8,069,073

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

Under United States patent law, an invention is considered obvious if the differences between the invention and the prior art are such that the invention as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art (PHOSITA). An analysis of obviousness typically involves determining the scope of the prior art, identifying the level of ordinary skill in the art, and assessing whether the prior art would have motivated a PHOSITA to combine existing elements to arrive at the claimed invention with a reasonable expectation of success.

The priority date of the '073 patent is December 23, 1999. The relevant PHOSITA would be an individual with knowledge of computer science, database management, and marketing research techniques, including preference elicitation and analysis methods...

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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