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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. 8152059 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8152059 (the "8152059 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

A concise summary of US Patent 8,152,059, including a review of its independent claims, is provided below. This analysis also includes information regarding legal actions involving the patent.

Summary of U.S. Patent 8,152,059

Title: Secure commercial transactions system

Assignee: The patent is currently assigned to Only Card LLC. The original assignee was listed as "Individual".

Inventors: John T. Sparks

Filing Date: January 21, 2009

Issue Date: April 10, 2012

Abstract: The patent describes a secure financial transaction system centered around a card (such as a credit, ATM, or debit card) that incorporates a "panic" personal identification number (PIN) or a panic digit. When this...

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 8152059 Patent:

Based on my analysis of the patent citations listed in the authoritative text for US Patent 8,152,059, the following prior art references are identified as most relevant. The analysis focuses on the potential for these references to anticipate the independent claims (1, 11, and 22) of the '059 patent under 35 U.S.C. § 102.

The priority date for US 8,152,059 is October 26, 2004. All references discussed below predate this and qualify as prior art.

Key Prior Art References

1. U.S. Patent 5,731,575 (Zingher '575)

- Full Citation: US Patent 5,731,575, "Computerized system for discreet identification of duress transaction and/or duress access." The inventor is Joseph P. Zingher.
- Dates: Publication Date: March 24, 1998; Filing Date: October 26, 1994.
- Brief Description: The Zingher '575 patent describes a system for use in situations like a robbery at an ATM, where a user is under duress. The user is assigned two distinct PINs: a standard PIN for normal use and a "duress code." If the duress code is entered, the transaction appears to proceed normally to an observer, but the...

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 provided prior art analysis, the following is an analysis of the obviousness of the independent claims of US Patent 8,152,059 ("the '059 patent") under 35 U.S.C. § 103.

This analysis is from the perspective of a Person Having Ordinary Skill in the Art (PHOSITA) prior to the patent's priority date of October 26, 2004. Under § 103, 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 PHOSITA.

Obviousness of Independent Claim 1

Claim 1: A secure commercial transaction system comprising a transactional device with a microprocessor, memory, and a transmitter. The device has two operational modes: a first "normal" mode and a second "panic" mode, activated by distinct first and second user signals, respectively. The second mode initiates an automated transmission from the device's transmitter.

Conclusion: Claim 1 would have been obvious over the combination of U.S. Patent 5,731,575 (Zingher '575) and U.S. Patent 4,908,608...

4. Litigation History of the Patent

Public records reflect that the 8152059 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- The Only Card LLC v. Eternal Inc — 2:26-cv-00115 · Georgia Northern District Court · filed 2026-04-16 · Open

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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