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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. 8249912 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8249912 (the "8249912 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

Washington, D.C. - A detailed analysis of United States Patent 8,249,912 reveals a method for intricately linking media content with consumer advertising response, a technology now held by High Velocity Capital LLC. This report provides a summary of the patent's key details and a plain-language explanation of its independent claims.

As of May 12, 2026, a search of the United States Patent and Trademark Office (USPTO) database and the 2026 dockets of the U.S. Court of Appeals for the Federal Circuit (CAFC) for patent number 8,249,912 has been conducted. There is no indication of any current or scheduled litigation involving this patent before the CAFC in 2026.

Summary of U.S. Patent...

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 8249912 Patent:

Prior Art Analysis for U.S. Patent 8,249,912

As of May 12, 2026, the following analysis details the most relevant prior art cited on the face of U.S. Patent 8,249,912 ("the '912 patent"). The analysis focuses on the potential for these references to anticipate the independent claims of the '912 patent under 35 U.S.C. § 102.

Anticipation requires that a single prior art reference discloses each and every element of a claimed invention.

Key Prior Art References and Potential Anticipation

The following references appear most relevant to the subject matter of the '912 patent's claims.

1. U.S. Patent 6,134,531 A ("the '531 patent")

- Full Citation: US Patent 6,134,531 A, "Method and apparatus for correlating real-time audience feedback with segments of broadcast programs."
- Dates: Filed September 24, 1997; Issued October 17, 2000.
- Description: The '531 patent discloses a system for obtaining and processing real-time feedback from a broadcast audience. Viewers can provide feedback (e.g., positive or negative) via a remote device at any point during a program. The system correlates...

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 8,249,912

Based on a technical analysis of the prior art cited in U.S. Patent 8,249,912, a strong case for obviousness under 35 U.S.C. § 103 can be constructed against the independent claims of the patent. The core concepts of monitoring user behavior, analyzing media content, and using that analysis to target advertising were well-established in the art prior to the February 20, 2008 filing date. A person having ordinary skill in the art (PHOSITA) would have been motivated to combine existing technologies to achieve the claimed method with a reasonable expectation of success.

The primary argument is that combining a system for correlating real-time audience feedback with broadcast segments (as taught by US 6,134,531) with a system for advertisement selection based on user characteristics (as taught by US 6,216,129) would render the claims of the '912 patent obvious.

Person Having Ordinary Skill in the Art (PHOSITA)

A PHOSITA at the time of the invention would have been an individual with a Bachelor's degree in computer science, electrical...

4. Litigation History of the Patent

Public records reflect that the 8249912 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- High Velocity Capital LLC v. VIZIO, Inc. — 8:23-cv-01588-JVS-KES · U.S. District Court for the Central District of California · filed 2023-08-25 · active

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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