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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. 8370416 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8370416 (the "8370416 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 search of the United States Patent and Trademark Office (USPTO) database and the dockets for the Court of Appeals for the Federal Circuit (CAFC) for the year 2026 provides the following summary for US Patent 8,370,416.

Summary of US Patent 8,370,416

Title: Compatibility enforcement in clustered computing systems.

Assignee: The assignee at the time of the patent grant was Hewlett-Packard Development Company, L.P. of Houston, TX. The current assignee information may have changed and would require a separate search of the USPTO's assignment database for the most up-to-date information.

Inventors: David J. Hoover (Roseville, CA), Bernard A. Reed, III (Colorado Springs, CO), Marjorie...

## **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 8370416 Patent:

Analysis of Prior Art for U.S. Patent 8,370,416

Date: April 26, 2026

Subject: Prior Art Analysis for U.S. Patent 8,370,416, "Compatibility enforcement in clustered computing systems"

To: Senior Patent Analyst

This report provides an analysis of the most relevant prior art cited by the examiner during the prosecution of U.S. Patent No. 8,370,416. The analysis focuses on the potential for anticipation of the patent's claims under 35 U.S.C. § 102.

The key invention of U.S. Patent 8,370,416, filed on April 26, 2006, is a method and system for enforcing compatibility in clustered computing systems by using license information that defines characteristics of the cluster and its individual nodes. This includes a "bundle-type" parameter that specifies cluster properties, such as size, and node license parameters. The cluster is activated only when the number of nodes complies with these parameters.

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Prior Art Reference 1: US 7,035,918 B1

- Full Citation: US Patent 7,035,918 B1, "License management system and method with multiple license servers"
- Assignee: SafeNet, Inc.
- ...

### **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:

Analysis of Obviousness for U.S. Patent 8,370,416

To the attention of the requester,

This analysis examines the obviousness of U.S. Patent 8,370,416, titled "Compatibility enforcement in clustered computing systems," under 35 U.S.C. § 103. The analysis is based on a review of the patent's claims and the prior art references cited within the patent document.

I. Understanding the Invention of U.S. Patent 8,370,416

The '416 patent describes a method and system for enforcing compatibility and licensing in clustered computing systems. The core of the invention involves:

- Storing license information: This information is stored in a memory module associated with a computing node and includes a "bundle-type" parameter. This parameter defines characteristics of the cluster, such as its size, and may include other attributes.
- Node-specific licenses: The license information also contains parameters for individual computing nodes.
- Cluster formation and activation: A cluster is initialized with a first node, and additional nodes are subsequently added. The cluster is only activated...

### **4. Litigation History of the Patent**

Public records reflect that the 8370416 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- FedEx Corporation et al. v. Valtrus Innovations Ltd. — IPR2026-00060 · United States Patent and Trademark Office, Patent Trial and Appeal Board · Ongoing
- Valtrus Innovations Ltd. et al. v. FedEx Corporation et al. — 2:25-cv-00516 · U.S. District Court

for the Eastern District of Texas · filed 2025-05-09 · Active

- Valtrus Innovations Ltd. et al. v. NetApp, Inc. — 2:25-cv-00517 · U.S. District Court for the Eastern District of Texas · filed 2025-05-09 · Active

- NetApp, Inc. v. Valtrus Innovations Ltd. et al. — 1:25-cv-06138 · U.S. District Court for the Southern District of New York · filed 2025-07-25 · Active

- Starbucks Corporation v. Valtrus Innovations Ltd. et al. — 2:25-cv-01859 · U.S. District Court for the Western District of Washington · filed 2025-09-25 · 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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