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[Your Name]

[Your Title]

[Your Company]

[Street Address, City, State ZIP]

May 25, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

Re: U.S. Patent No. 8379538 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8379538 (the "8379538 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

Here's a concise summary of US Patent 8379538:

US Patent 8379538: Model-Driven Monitoring Architecture

- Title: Model-driven monitoring architecture
- Assignee: Valtrus Innovations Ltd (Current)
- Inventors: Jerome Rolia, Keith I. Farkas, Martin F. Arlitt, Sven Graupner
- Filing Date: June 22, 2005
- Issue Date: February 19, 2013
- Abstract: The patent describes a method for providing a machine-readable monitoring model that maintains the configuration of a monitoring environment. An element within this environment reads the model and adapts its operation according to the defined configuration.

Plain-Language Overview of Independent Claims:

- Claim 1 (Method): This claim details a...

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 8379538 Patent:

To identify the most relevant prior art for US Patent 8379538, I will examine the patent's

citations. The patent text itself incorporates several co-pending and commonly assigned US patent applications by reference, indicating their close relationship and potential as relevant prior art.

Here are the prior art references explicitly mentioned and incorporated by reference within US Patent 8379538, along with their potential implications for anticipation under 35 U.S.C. § 102:

1. US Patent Application Ser. No. 11/158,776

- Full Citation: U.S. patent application Ser. No. 11/158,776, titled “SYSTEM AND METHOD FOR AUTONOMOUSLY CONFIGURING A REPORTING NETWORK”

- Publication/Filing Date: June 22, 2005 (This is the filing date of US11/158,756, which US8379538 claims priority from and is related to this application, suggesting the same priority date).

- Brief Description: This application describes an exemplary overlay network that gathers, stores, provides value-added processing, and/or correlates monitoring data received from data collection agents. It also discusses how reporting...

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:

An analysis of obviousness under 35 U.S.C. § 103 typically requires identifying specific prior art references that, either individually or in combination, would have rendered the claimed invention obvious to a person having ordinary skill in the art at the time of the invention. This analysis necessitates the identification of each reference's teachings and a clear motivation for combining them.

Absence of Specific Prior Art References for Combination:

The provided patent text for US8379538 includes a "Description of Related Art" section, which outlines the general landscape and deficiencies of monitoring systems preceding the invention. This section describes problems such as:

- Traditional monitoring architectures requiring manual configuration and re-configuration for changes in the monitored environment (e.g., adding metrics, moving applications, changes in file formats).
- Data collection agents providing monitoring data to statically configured repositories that presuppose metric identity and environment topology.
- Monitoring data repositories having schemas that do not...

4. Litigation History of the Patent

Public records reflect that the 8379538 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Untitled case — 2:25-cv-01859 · Washington Western District Court · ongoing

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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