

**SAMPLE — NOT LEGAL ADVICE.** This response letter was generated automatically from publicly available analysis. It has NOT been reviewed by a licensed attorney and SHOULD NOT BE SENT to any party without substantial review and customization by qualified patent counsel. Use as a starting point only.

[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. 8494904 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8494904 (the "8494904 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**

Patent Analysis: US 8,494,904

Date of Analysis: April 26, 2026

Here is a concise summary of US Patent 8,494,904, including its key details and an overview of its independent claims.

Title: Method and stored program for accumulating descriptive profile data along with source information for use in targeting third-party advertisements

Assignee: Almondnet Inc.

Inventor: Roy Shkedi

Filing Date: August 14, 2012

Issue Date: July 23, 2013

Abstract: A method of accumulating descriptive profile data uses a databank that can be contacted by profile providers who contribute profile elements about an online visitor. The method includes keeping track of which profile provider contributed which...

## **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 8494904 Patent:

Prior Art Analysis for US Patent 8,494,904

As of April 26, 2026, the following represents an analysis of the most relevant prior art cited against US Patent 8,494,904, based on a review of the patent's file wrapper and the cited references themselves. This analysis focuses on the potential for anticipation of the patent's claims under 35 U.S.C. § 102.

Each of the following references was cited by the examiner during the prosecution of the patent application.

---

U.S. Patent 6,026,368: "Method and apparatus for collecting and analyzing data from a plurality of data sources"

- Full Citation: US Patent 6,026,368, Brown, et al.
- Publication Date: February 15, 2000
- Filing Date: June 19, 1998
- Brief Description: This patent describes a system for collecting data from various online sources, such as websites and databases, and then analyzing that data to create user profiles. The system can then use these profiles for various purposes, including targeted marketing. A key aspect is the ability to gather information from different, unaffiliated sources and consolidate it.
- ...

### **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 US Patent 8,494,904 under 35 U.S.C. § 103

As of April 26, 2026, this analysis evaluates whether the invention claimed in US patent 8,494,904 would have been obvious to a person having ordinary skill in the art (POSITA) at the time of the invention. The analysis is based on combining the teachings of the prior art references cited during the patent's prosecution.

The core of the invention in the '904 patent, as detailed in independent claims 1, 11, and 21, involves three key concepts:

1. Aggregating User Data: A central system receives "partial profiles" from multiple unaffiliated third-party websites to build a more comprehensive user profile.
2. Tracking the Source: The system electronically records which third party contributed which specific piece of profile data.
3. Monetizing the Data: The aggregated profile is used to target advertisements, and the source-tracking record is used to compensate the third-party data contributors.

Several combinations of the cited prior art render these claims obvious.

---

Combination 1: US 2002/0065730 ('730) in view...

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

Public records reflect that the 8494904 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- AlmondNet, Inc. et al. v. Amazon.com, Inc. — 6:24-cv-00234 · U.S. District Court for the

Western District of Texas · filed 2024-05-03 · Active

- AlmondNet, Inc. et al. v. LiveIntent, Inc. — 1-24-cv-00831 · U.S. District Court for the District of Delaware · filed 2024-07-18 · Active
- AlmondNet, Inc. v. Lotame Solutions, Inc. — 1-24-cv-00376 · U.S. District Court for the District of Delaware · filed 2024-03-22 · Active
- AlmondNet, Inc. v. Oath Holdings Inc. — 1-19-cv-00247 · U.S. District Court for the District of Delaware · filed 2019-02-06 · Requires docket review
- AlmondNet, Inc. v. Yahoo! Inc. — 1:16-cv-01557 · U.S. District Court for the Eastern District of New York · filed 2016-03-30 · Impacted by PTAB proceeding
- Amazon.com, Inc. v. AlmondNet, Inc. — IPR2025-00545 · U.S. Patent and Trademark Office, Patent Trial and Appeal Board · filed 2025-03-10 · Pending
- Yahoo! Inc. v. AlmondNet, Inc. — CBM2017-00051 · U.S. Patent and Trademark Office, Patent Trial and Appeal Board · filed 2017-05-15 · Not Instituted
- Almondnet, Inc. v. Amazon.com, Inc. — 6:21-cv-00898 · U.S. District Court for the Western District of Texas · filed 2021-08-27 · Dismissed
- ...and 2 additional case(s)

## 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]

**DISCLAIMER. This document is a machine-generated sample. The factual assertions, prior-art citations, and legal arguments above are AI-produced and may contain errors, omissions, or outdated information. Do not transmit this letter, in whole or in part, to any party. This is not legal advice; no attorney-client relationship is created by its existence. Consult a licensed patent attorney before responding to any patent-infringement assertion.**

Generated May 14, 2026 by [ihatepatenttrols.com](http://ihatepatenttrols.com) — sample only.