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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. 8671139 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8671139 (the "8671139 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**

Technical Analysis of U.S. Patent 8,671,139

Date of Analysis: April 26, 2026

This report provides a concise summary of United States Patent 8,671,139, including its key bibliographic details, abstract, and a plain-language interpretation of its independent claims. The patent has been the subject of recent high-profile litigation.

Bibliographic Information

- Title: Media properties selection method and system based on expected profit from profile-based ad delivery
- Assignee: Almondnet, Inc.
- Inventor: Roy Shkedi
- Filing Date: June 7, 2012
- Issue Date: March 11, 2014
- Abstract: An automatic system facilitates selection of media properties on which to display an advertisement,...

## **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 8671139 Patent:

## Analysis of Prior Art Cited in U.S. Patent 8,671,139

This analysis details the most relevant prior art references cited during the examination of U.S. Patent 8,671,139 ("the '139 patent"). Each reference is evaluated for its potential to anticipate the independent claims (1, 19, and 37) of the '139 patent under 35 U.S.C. § 102. The independent claims of the '139 patent generally cover a method, device, and system for directing electronic ads by:

1. Automatically directing, to a third-party server controlling ad space on a second media property, indicia of a condition for displaying an ad to a visitor.
2. Automatically authorizing the server to display the ad to that visitor when they later visit the second media property, subject to determining that the condition has been met.
3. Basing this authorization on the visitor's profile attribute(s) received as a result of the visitor's activity on a first media property.

The following references were cited by the USPTO examiner during the patent's prosecution.

1. U.S. Patent No. 7,668,745 (to Kudo, et al.)

• Full Citation: US...

### **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 8,671,139 under 35 U.S.C. § 103

This analysis evaluates whether the independent claims (1, 19, and 37) of U.S. Patent 8,671,139 ("the '139 patent") would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time of the invention, which has a priority date of June 16, 2006. The analysis is conducted under the framework established by 35 U.S.C. § 103 and informed by the principles set forth in *Graham v. John Deere Co.* and the more flexible approach to combining prior art references articulated by the Supreme Court in *KSR International Co. v. Teleflex Inc.*

A PHOSITA in the field of online advertising in 2006 would typically have a bachelor's degree in computer science or a related field, along with several years of experience in web technologies, database management, and the then-current state of online ad serving, including ad networks and early forms of behavioral targeting. This individual would be familiar with client-server architecture, HTTP, cookies, and the economic drivers of the online advertising industry.

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

Public records reflect that the 8671139 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. v. Amazon.com, Inc.* — 6:21-cv-00898 · U.S. District Court for the Western District of Texas · filed 2021-08-27 · Dismissed
- *Intent IQ, LLC v. Amazon.com, Inc.* — 1:23-cv-01373 · U.S. District Court for the District of Delaware · filed 2023-12-14 · Active
- *Intent IQ, LLC v. Google LLC* — 6:21-cv-00876 · U.S. District Court for the Western District of Texas · filed 2021-08-19 · Active
- *Almondnet, Inc. v. Roku, Inc.* — 6:21-cv-00896 · U.S. District Court for the Western District of

Texas · filed 2021-08-24 · Active

- Almondnet, Inc. v. Oracle America, Inc. — 6:21-cv-00897 · U.S. District Court for the Western District of Texas · filed 2021-08-24 · Active
- Intent IQ, LLC v. Yahoo Inc. — 4:22-cv-07515 · U.S. District Court for the Northern District of California · filed 2022-12-02 · Active
- Intent IQ, LLC v. Adobe Inc. — 4:22-cv-08911 · U.S. District Court for the Northern District of California · filed 2022-12-29 · Active
- Almondnet, Inc. et al. v. AT&T Inc. — 1:19-cv-00247 · U.S. District Court for the District of Delaware · filed 2019-02-08 · Ongoing
- ...and 1 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]

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