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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. 8677398 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8677398 (the "8677398 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

Analysis of U.S. Patent 8,677,398

Date of Analysis: April 26, 2026

This report provides a summary of U.S. Patent 8,677,398, including its key bibliographic data, a summary of its abstract, and a plain-language explanation of its independent claims.

I. Bibliographic Information

- Title: Systems and methods for taking action with respect to one network-connected device based on activity on another device connected to the same network
- Assignee: The listed assignee is Intent IQ LLC. It is worth noting that a petition for inter partes review filed in 2022 lists both AlmondNet, Inc. and Intent IQ, LLC as patent owners.
- Inventor: Roy Shkedi
- Filing Date: June 23, 2011
- Issue Date: March...

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 8677398 Patent:

Analysis of Prior Art Cited in U.S. Patent 8,677,398

This analysis examines the most relevant prior art references cited during the prosecution of U.S. Patent 8,677,398 ("the '398 patent"). Each reference is evaluated for its potential to anticipate the independent claims of the '398 patent under 35 U.S.C. § 102. Anticipation requires that a single prior art reference discloses, either expressly or inherently, each and every element of a claimed invention.

The independent claims (1, 9, and 15) of the '398 patent generally describe a method, system, and computer-readable medium for:

1. Receiving identifiers and IP addresses from a first device (e.g., a mobile phone) and a second device (e.g., a set-top box).
2. Determining that both devices are on the same local network by recognizing they share the same public IP address.
3. Electronically associating the two devices based on this shared IP address.
4. Receiving information about a user's activity on the first device.
5. Automatically sending a targeted message to the second device based on that activity.

The following is an...

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 under 35 U.S.C. § 103

This analysis evaluates whether the invention claimed in U.S. Patent 8,677,398 ("the '398 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 April 17, 2007. An invention is considered obvious if the differences between the claimed invention and the prior art are such that the invention as a whole would have been obvious to a PHOSITA.

A PHOSITA in this field in 2007 would be a computer scientist or engineer with several years of experience in network engineering, online advertising systems, and interactive television technologies. This individual would have a working knowledge of TCP/IP, the assignment of IP addresses (including the function of Network Address Translation (NAT) in home networks), client-server architectures, the use of cookies for user tracking, and the general state of the art in both online and television advertising.

The central concept of the '398 patent's independent claims (1, 9, and 15) is the use of a shared public IP...

4. Litigation History of the Patent

Public records reflect that the 8677398 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Intent IQ, LLC v. MNTN, Inc. — 7:25-cv-00246 · U.S. District Court for the Western District of Texas · filed 2025-05-23 · 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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