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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. 8805728 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8805728 (the "8805728 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

As a senior US patent analyst, I have reviewed the provided information for US Patent 8,805,728. Below is a concise summary based on the full patent text.

Summary of U.S. Patent 8,805,728

Title: System and method for using an ordinary article of commerce to access a remote computer

Assignee: The final recorded assignee for this patent is Nm LLC. The original assignee was Neomedia Technologies Inc.

Inventors: Frank C. Hudetz, Peter R. Hudetz

Filing Date: December 13, 2011

Issue Date: August 12, 2014

Abstract:

A system and method for using identification codes found on ordinary articles of commerce to access remote computers on a network. In accordance with one embodiment of the...

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 8805728 Patent:

As a senior US patent analyst, I will now detail the most relevant prior art cited during the prosecution of US Patent 8,805,728. My analysis focuses on how these references relate to the claims of the '728 patent, particularly regarding potential anticipation under 35 U.S.C. § 102. Prior Art Analysis for US Patent 8,805,728

The core inventive concept of US Patent 8,805,728, as detailed in independent claim 1, involves a three-party system for accessing network resources. A user device scans a product code (an "index"), sends this index to a remote server, which then returns a "pointer" (like a URL). The user device then uses this pointer to connect directly to a different remote information computer. This differs from a system where a barcode directly encodes the final network address. The following prior art was considered by the USPTO examiner during the patent's prosecution.

1. U.S. Patent 5,804,803 (Crandall, et al.)

• Full Citation: US Patent 5,804,803, "Mechanism for retrieving information using data encoded on an object," filed April 2, 1996, and issued September 8,...

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:

Based on my analysis of the provided prior art, here is an assessment of the obviousness of US Patent 8,805,728 under 35 U.S.C. § 103.

Obviousness Analysis (35 U.S.C. § 103)

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 at the time the invention was made to a person having ordinary skill in the art (POSITA). This analysis considers combinations of prior art references.

The core of independent claim 1 of the '728 patent is a three-party system where a user device scans a product barcode (an "index"), sends that index to an intermediary server, receives a "pointer" (like a URL) back from the server, and then uses that pointer to connect directly to a final destination computer. This architecture avoids encoding the entire, often lengthy, URL directly into the barcode. The following combinations of the cited prior art would have rendered this claimed method obvious.

Combination 1: U.S. Patent 6,049,835 (Gagnon) in view of U.S. Patent 5,804,803 (Crandall)

•...

4. 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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