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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. 8949206 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8949206 (the "8949206 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 8,949,206

Date of Analysis: May 11, 2026

Patent Number: 8,949,206 B2

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### **I. Bibliographic Information**

- Title: System and method for creating multiple versions of a descriptor file
- Assignee: The most recent assignee of record is NOVACLOUD LICENSING LLC. The original assignee was Ericsson Television Inc.
- Inventor: Sathiyamoorthy Dhanapal
- Filing Date: October 4, 2012
- Issue Date: February 3, 2015

### **II. Abstract**

The patent describes a system and method for creating multiple versions of descriptor files (e.g., MPD files for DASH, HLS m3u8 playlists) for adaptive bitrate streaming. The system receives a source descriptor file and its associated media segments....

## **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 8949206 Patent:

Analysis of Prior Art Cited in U.S. Patent 8,949,206

The following analysis details the prior art references cited during the prosecution of U.S. Patent 8,949,206. Each reference is evaluated for its potential to anticipate the independent claims (1 and 14) of the '206 patent under 35 U.S.C. § 102. The priority date for the '206 patent is October 4, 2012.

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Key Concepts of Independent Claims 1 & 14

The core invention of the '206 patent, as defined by independent claims 1 (system) and 14 (method), involves four main steps:

1. Receiving: Acquiring a source descriptor file (e.g., MPD, m3u8) and its associated media segments.
2. Receiving Rules: Obtaining rules (e.g., content ratings, user profiles, timing information) that specify how to create different versions of the media presentation.
3. Creating New Descriptor Files: Manipulating the source descriptor file based on the rules to create multiple new descriptor files. This is done without transcoding the media or generating new content files.
4. Distributing: Sending the newly created descriptor files to downstream systems...

### **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 8,949,206 under 35 U.S.C. § 103

This analysis evaluates whether the invention claimed in U.S. Patent 8,949,206 ('206 patent) would have been obvious to a Person of Ordinary Skill in the Art (POSITA) at the time the invention was made. The priority date is October 4, 2012. A POSITA would have been an engineer or computer scientist with experience in video encoding, content delivery networks (CDNs), and adaptive bitrate streaming protocols like HTTP Live Streaming (HLS) and the nascent MPEG-DASH standard.

The core of the '206 patent's invention, as detailed in independent claims 1 and 14, is a system and method for creating multiple, customized versions of a media presentation by manipulating a descriptor file (like an HLS playlist or a DASH MPD) based on a set of rules, without transcoding or creating new media segment files. This allows for efficient, dynamic versioning for purposes such as ad insertion, content rating enforcement, or regional blackouts.

Based on the prior art cited during the patent's prosecution, the claims appear vulnerable...

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

Public records reflect that the 8949206 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Novacloud Licensing LLC v. AT&T Inc. et al. — 1:24-cv-00674 · U.S. District Court for the District of Delaware · filed 2024-06-07 · ongoing
- Novacloud Licensing LLC v. Comcast Corporation et al. — 1:25-cv-01272 · U.S. District Court for the District of Delaware · early stages

• Novacloud Licensing LLC v. Charter Communications, Inc. — 2:25-cv-01266 · U.S. District Court for the Eastern District of Texas · early stages

## 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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