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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. 8958853 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8958853 (the "8958853 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

Summary of U.S. Patent 8,958,853 and Recent Legal Status

Washington, D.C. - A concise summary of United States Patent 8,958,853, titled "Mobile device inactive mode and inactive mode verification," reveals a technology aimed at reducing distracted driving by managing mobile device notifications. This patent has recently been the subject of a federal court ruling that impacts its validity.

Patent Overview:

- Title: Mobile device inactive mode and inactive mode verification
- Assignee: The current assignee is listed as Tjtm Technology LLC. The original assignee was "Individual".
- Inventor: Nick Bovis
- Filing Date: October 15, 2014
- Issue Date: February 17, 2015
- Abstract: The patent...

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 8958853 Patent:

Analysis of Prior Art for U.S. Patent 8,958,853

This analysis identifies and examines the prior art cited during the prosecution of U.S. Patent 8,958,853. Each cited reference is evaluated for its potential to anticipate the claims of the '853 patent under 35 U.S.C. § 102. The core inventive concept of the '853 patent, as detailed in claim 1, involves the automatic initiation of an "inactive mode" on a mobile device upon pairing with a vehicle, suppressing notifications, and sending a user-selected away message.

Based on the patent's file history, the following references were cited by the examiner:

1. U.S. Patent Application Publication No. US 2005/0119002 A1

- Full Citation: US 2005/0119002 A1
- Title: System for controlling wireless communications from a moving vehicle
- Inventor: Frederic Bauchot
- Publication Date: June 2, 2005
- Filing Date: November 27, 2003
- Brief Description: This publication discloses a system that controls the functionality of a wireless communication device within a moving vehicle. It describes automatically disabling certain functions, such as...

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 8,958,853 under 35 U.S.C. § 103

This analysis evaluates whether the claims of U.S. Patent 8,958,853 would have been obvious to a Person Having Ordinary Skill in the Art (POSITA) at the time of the invention (priority date June 14, 2013). The evaluation is based on the combination of prior art references cited during the patent's prosecution: US 2005/0119002 A1 ("Bauchot") and US 2011/0039581 A1 ("Cai").

An invention is considered obvious under 35 U.S.C. § 103 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 POSITA. This analysis demonstrates that the claims of the '853 patent are obvious in light of these prior art references.

Primary Combination: Bauchot in View of Cai

A POSITA aiming to develop a comprehensive and user-friendly system for mitigating driver distraction would have been motivated to combine the teachings of Bauchot and Cai.

- Bauchot (US 2005/0119002 A1) provides the foundational teaching for the core of Claim 1. It discloses a system that...

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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