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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. 8996838 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8996838 (the "8996838 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

San Jose, CA – April 26, 2026 – A detailed analysis of United States Patent 8,996,838 reveals a technology focused on improving the reliability and performance of 3D memory devices by detecting and compensating for structural variations.

Key Patent Details:

- Title: Structure variation detection for a memory having a three-dimensional memory configuration
- Assignee: Palisade Technologies LLP
- Inventors: Manuel Antonio d'Abreu, Xinde Hu
- Filing Date: May 8, 2014
- Issue Date: March 31, 2015
- Abstract: A data storage device includes a memory having a three-dimensional (3D) memory configuration and a controller. The controller is configured to determine a location associated with a...

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 8996838 Patent:

As a senior patent analyst, a thorough review of the prior art cited during the prosecution of U.S. Patent No. 8,996,838 is critical to understanding its scope and potential vulnerabilities. The following analysis details the most relevant references cited by the USPTO examiner, focusing on their potential to anticipate the patent's claims under 35 U.S.C. § 102. The core invention of the '838 patent is a method and system for detecting a physical structural variation (e.g., a "taper") at a specific vertical location in a 3D memory array and then using that location information to apply different operating parameters (such as ECC schemes or read/write voltages) to memory layers above and below that location. An anticipatory reference under § 102 would need to disclose all of these elements in a single document.

Analysis of Cited Prior Art

The following prior art references were cited by the examiner during the prosecution of the '838 patent.

1. U.S. Patent No. 8,503,243 B2 ("Lee et al.")

• Full Citation: US 8,503,243 B2, "Three-dimensional semiconductor memory..."

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:

An analysis of U.S. Patent 8,996,838 suggests that its claims may be vulnerable to an obviousness challenge under 35 U.S.C. § 103 by combining prior art references known at the time of the invention. The central concept of the patent—identifying a location of physical variation in a 3D memory and adaptively changing operating parameters for different layers—addresses a well-known problem with a combination of known solutions.

A person having ordinary skill in the art (PHOSITA) in May 2014 would have been an engineer with experience in non-volatile memory design, particularly with the emerging challenges of 3D NAND flash architecture, fabrication processes, and the design of memory controllers, including error correction and signal processing.

Prior Art Context

The following prior art references, cited during the patent's prosecution, provide the basis for an obviousness analysis.

• US 8,432,746 B2 ("Kim et al."): This reference is representative of art describing the fabrication of 3D NAND memory. Such references establish that a PHOSITA was aware of the challenges of...

4. Litigation History of the Patent

Public records reflect that the 8996838 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Palisade Technologies, LLP v. Micron Technology, Inc. et al. — 7:24-cv-00262 · U.S. District Court for the Western District of Texas · filed 2024-10-16 · Dismissed with prejudice
- Palisade Technologies, LLP v. Yangtze Memory Technologies Co., Ltd. — 2:25-cv-01170 · U.S. District Court for the Eastern District of Texas · filed 2025-11-26 · Ongoing

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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