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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. 9089770 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9089770 (the "9089770 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**

Patent Summary: US 9,089,770

A concise summary of United States Patent 9,089,770 is provided below, including details of its prosecution and an overview of its independent claims.

Title: Controller for video game console

Assignee: Ironburg Inventions Ltd.

Inventors: Simon Burgess, Duncan Ironmonger

Filing Date: December 27, 2013

Issue Date: July 28, 2015

Abstract: An improved controller for a game console that is intended to be held by a user in both hands in the same manner as a conventional controller, which has controls on the front operable by the thumbs, and has two additional controls located on the back in positions to be operated by the middle fingers of a user....

## **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 9089770 Patent:

Relevant Prior Art for US Patent 9,089,770

The following analysis details the most relevant prior art cited by the examiner during the prosecution of US Patent 9,089,770. Each reference is assessed for its potential to anticipate the claims of the patent under 35 U.S.C. § 102. The independent claim (Claim 1) is the primary focus, as all other claims are dependent upon it. Claim 1 of US 9,089,770 requires a video game controller with an outer case, handles, and importantly, first and second "back controls" that are "elongate members," each extending "along at least half of a distance between the top edge and the bottom edge" of the controller.

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US Patent 7,753,786 B2

- Full Citation: US 7,753,786 B2, "Hand held controller for games"
- Assignee: Mitsumi Electric Co., Ltd.
- Publication Date: July 13, 2010 (Filing Date: January 14, 2003)
- Brief Description: This patent describes a game controller with additional input buttons on the rear side of the hand grips. These buttons are positioned to be operated by the user's middle or ring fingers, freeing up the thumbs and index...

### **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 US Patent 9,089,770 under 35 U.S.C. § 103

This analysis evaluates whether the invention described in independent claim 1 of U.S. Patent 9,089,770 would have been obvious to a "person having ordinary skill in the art" (PHOSITA) at the time the invention was made, considering the prior art cited during the patent's prosecution. An invention is considered obvious if the differences between the invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art.

The central features of Claim 1 are a standard video game controller form factor with the addition of two "back controls" that are "elongate members," each extending "along at least half" the vertical distance of the controller's back, as measured along the member's longitudinal axis.

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Primary Obviousness Combination

Combination of US Design Patent D623,649 S1 (hereinafter '649) with the knowledge of a Person Having Ordinary Skill in the Art (PHOSITA).

This combination argues that the...

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

Public records reflect that the 9089770 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Ironburg Inventions Ltd. v. Valve Corporation — 1:15-cv-04219 · U.S. District Court for the Northern District of Georgia · filed 2015-12-03 · Transferred
- Ironburg Inventions Ltd. v. Collective Minds Gaming Co. Ltd. — 1:16-cv-04110 · U.S. District Court for the Northern District of Georgia · Settled
- Valve Corporation v. Ironburg Inventions Ltd. — IPR2016-00949 · USPTO Patent Trial and

Appeal Board (PTAB) · filed 2016-04-22 · Final Written Decision

• Collective Minds Gaming Co. Ltd. v. Ironburg Inventions Ltd. — IPR2018-00356 · USPTO Patent Trial and Appeal Board (PTAB) · filed 2018-01-03 · Terminated / Settled

## 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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