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[Your Name]

[Your Title]

[Your Company]

[Street Address, City, State ZIP]

June 1, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

Re: U.S. Patent No. 9116908 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9116908 (the "9116908 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

Here is a concise summary of US Patent 9,116,908:

US Patent 9,116,908: System and methods for accelerated data storage and retrieval

- Title: System and methods for accelerated data storage and retrieval
- Assignee: Realtime Data LLC
- Inventor: James J. Fallon
- Filing Date: June 12, 2014
- Issue Date: August 25, 2015
- Abstract: The patent describes systems and methods for accelerating data storage and retrieval using lossless data compression and decompression. A data storage accelerator uses one or more high-speed data compression encoders to compress data. This compressed data is then stored in a target memory or storage device, which has a lower input data storage bandwidth than 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 9116908 Patent:

Most Relevant Prior Art for US Patent 9,116,908

To identify the most relevant prior art for US patent 9,116,908, we need to examine the patent's cited references. The patent itself states that it "employs the data compression/decompression techniques disclosed in U.S. Ser. No. 09/210,491 entitled 'Content Independent Data Compression Method and System,' filed on Dec. 11, 1998, which is commonly assigned and which is fully incorporated herein by reference." This strongly suggests that US Serial No. 09/210,491 (which matured into U.S. Pat. No. 6,601,104, as stated in the patent's description) is highly relevant prior art, foundational to the claimed invention.

A comprehensive analysis of all prior art citations would typically involve retrieving and reviewing each cited document. However, based on the patent's self-referential statement, US Pat. No. 6,601,104 is explicitly identified as the source of the core compression/decompression techniques.

Cited Patent: U.S. Pat. No. 6,601,104

• Full Citation: U.S. Pat. No. 6,601,104, "Content Independent Data Compression Method and..."

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:

The obviousness of US Patent 9,116,908 under 35 U.S.C. § 103 can be assessed by considering the knowledge of a person having ordinary skill in the art (PHOSITA) at the time of the invention (priority date March 11, 1999) and the motivations to combine existing technologies to address known problems. The patent's own "Prior art keywords" and "BACKGROUND" section provide the basis for this analysis.

1. Level of Ordinary Skill in the Art

A PHOSITA in 1999 in the field of data storage and computer systems would possess knowledge of various data storage technologies (e.g., magnetic and optical disks, RAM), their performance characteristics (including bandwidth limitations), and established data processing techniques. This would include a solid understanding of data compression and decompression algorithms, both lossy and lossless, and their known benefits.

2. Known Problems in the Prior Art

The patent explicitly states the problems it seeks to solve within the prior art:

• "existing memory storage devices severely limit the performance of consumer, entertainment, office, workstation,..."

4. Litigation History of the Patent

Public records reflect that the 9116908 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Realtime Data LLC v. Array Networks Inc. et al. — 21-2251 · District of Delaware, U.S. Court of Appeals for the Federal Circuit (CAFC) · Dismissal affirmed on appeal
- Untitled case — 1:18-cv-01995 · Delaware District Court

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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