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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. 9116908B2 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9116908B2 (the "9116908B2 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

US Patent 9116908B2 Summary

Title: System and methods for accelerated data storage and retrieval

Assignee: Realtime Data LLC

Inventors: 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 through the use of lossless data compression and decompression. A data storage accelerator, comprising one or more high-speed data compression encoders, compresses data at a rate equivalent to or faster than the input data stream. This compressed data is then stored in a target memory or storage device whose native input data storage bandwidth is lower than the original input data...

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 9116908B2 Patent:

US patent 9116908B2, titled "System and methods for accelerated data storage and retrieval,"

lists several patent applications and granted patents that are highly relevant to its subject matter, primarily through a chain of continuation applications and one patent disclosing the specific compression techniques employed.

The patent US9116908B2 states it is a continuation of U.S. patent application Ser. No. 11/553,419, filed on Oct. 26, 2006, which in turn is a continuation of U.S. patent application Ser. No. 10/628,795, filed on Jul. 28, 2003 (now U.S. Pat. No. 7,130,913), which is a continuation of U.S. patent application Ser. No. 09/266,394 filed on Mar. 11, 1999 (now U.S. Pat. No. 6,601,104). All of these are incorporated by reference. Additionally, U.S. Ser. No. 09/210,491, titled "Content Independent Data Compression Method and System," filed on Dec. 11, 1998, is also incorporated by reference as disclosing the compression/decompression techniques used.

Here is an analysis of the most relevant prior art references:

Most Relevant Prior Art for US9116908B2

1. U.S. Patent...

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 9116908B2 under 35 U.S.C. § 103 can be argued by combining existing prior art references and general knowledge prevalent at the time of the patent's priority date (March 11, 1999). For this analysis, the core inventive concept of US9116908B2 is taken from its "Summary of the Invention" section, as the claims themselves were not provided. The summarized method for accelerated data storage and retrieval includes the steps of:

1. Receiving a data stream at an input data transmission rate greater than a data storage rate of a target storage device.
2. Compressing the data stream at a compression ratio that provides a data compression rate greater than the data storage rate.
3. Storing the compressed data stream in the target storage device.
4. Retrieving the compressed data stream from the target storage device at a rate equal to a data access rate of the target storage device.
5. Decompressing the compressed data at a decompression ratio to provide an output data stream having an output transmission rate greater than the data access rate of the target...

4. Litigation History of the Patent

Public records reflect that the 9116908B2 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. Acronis — 1:17-cv-11279 · District of Massachusetts · filed 2017-07-12 · Dismissed with prejudice

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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