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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. 9133837 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9133837 (the "9133837 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 9133837 has the following details:

- Title: Method of controlling a hydraulic system
- Assignee: Caterpillar Inc.
- Inventors: Mark David Anderson, Michael Anthony Spielman, JR.
- Filing Date: 2008-04-24
- Issue Date: 2015-09-15
- Abstract: A method of controlling a hydraulic system having a variable displacement pump operatively coupled to an engine. The method includes detecting a speed of the engine, and determining a desired power value of the pump. The method also includes identifying an allowable power value that may be expended by the pump at the detected speed. The method also includes selecting a pump power value. The selected pump power value is the lower of 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 9133837 Patent:

The USPTO database confirms that US patent 9133837, titled "Method of controlling a hydraulic

system," is currently Active and is projected to expire on March 13, 2034.

Here is an analysis of the most relevant prior art cited in US patent 9133837, focusing on potential anticipation under 35 U.S.C. § 102:

Prior Art Citations and Potential Anticipation:

The patent text explicitly mentions U.S. Pat. No. 5,525,043 ('043 patent) as relevant background art.

- U.S. Pat. No. 5,525,043 (Lukich):

Full Citation: US5525043A.

Publication Date: 1996-06-11 (Filing Date: 1993-12-23).

Brief Description: This patent describes a hydraulic control system designed to reduce engine lug. It uses multiple sensors to detect various operating parameters of the hydraulic system (including the pump and engine) to calculate a parameter signal indicating engine load. When the engine load exceeds a predefined level, the displacement of the variable displacement pump is reduced, allowing the engine speed to increase to a predefined level.

Potential Anticipation of Claims: The '043 patent broadly addresses...

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 under 35 U.S.C. § 103 for US Patent 9133837

This analysis considers combinations of prior art references that would render the claims of US Patent 9133837 obvious to a person having ordinary skill in the art (POSITA) at the time of the invention (priority date 2008-04-24). The patent itself discusses US Pat. No. 5,525,043, highlighting its complexity as a problem the current invention seeks to address. However, other prior art references cited by the examiner are also highly relevant.

Primary Reference: US 5,050,379 A to Kabushiki Kaisha Toyota Jidoshokki Seisakusho (Toyota)

US Patent 5,050,379 A, titled "Displacement of a variable displacement hydraulic pump and speed of an engine driving the pump controlled based on demand," discloses a control method and system for a hydraulic work machine. This patent appears to teach all elements of the independent claims of US 9133837.

Obviousness of Independent Claim 1 (Method of controlling a hydraulic system)

Claim 1 of US 9133837 recites:

"A method of controlling a hydraulic system having a variable displacement..."

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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