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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. 9179359 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9179359 (the "9179359 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**

An analysis of United States Patent 9,179,359 B2 reveals a system for managing network access for different applications on a wireless device based on the network's current conditions.

Title: Wireless end-user device with differentiated network access status for different device applications

Assignee: Headwater Research LLC

Inventors: Gregory G. Raleigh, James Lavine, Alireza Raissinia

Filing Date: March 30, 2015

Issue Date: November 3, 2015

Abstract

The patent describes a method for managing data traffic on a wireless network. It involves monitoring the network's "busyness" or congestion level. Based on this, the system can differentiate how it handles network access for various...

## **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 9179359 Patent:

Analysis of Prior Art for U.S. Patent 9,179,359

This analysis examines the prior art cited during the prosecution of U.S. Patent 9,179,359 ("the '359 patent"). The '359 patent, titled "Wireless end-user device with differentiated network access status for different device applications," was filed on March 30, 2015, and claims a priority date of January 28, 2009. The core of the invention is a system on a wireless device that assesses network congestion and, based on this assessment, assigns different network access permissions to various applications running on the device.

Under 35 U.S.C. § 102, an invention is not patentable if it was already known or described in a printed publication before the effective filing date of the patent application. The following is an analysis of the most relevant prior art cited against the '359 patent.

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1. U.S. Patent No. 7,792,102: "Method and apparatus for dynamic network traffic shaping"

- Full Citation: US Patent 7,792,102 B2. Inventors: Cheriton, David R. Assignee: Cisco Technology, Inc.

- Publication/Filing Dates: Filed: September 15,...

### **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

A patent claim is obvious if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art (POSITA). This analysis considers whether a POSITA would have been motivated to combine the teachings of multiple prior art references to arrive at the claimed invention with a reasonable expectation of success.

The independent claims of US 9,179,359 (the '359 patent) are claims 1, 14, and 23. These claims broadly describe a method, a device, and a computer-readable medium for:

1. Determining a network busy state.
2. Accessing a service usage control policy that defines multiple, differentiated network access statuses.
3. Associating these access statuses with different network busy states.
4. Determining the appropriate network access status for a specific application or service based on the current network busy state.
5. Controlling the network access for that application or service according to...

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

Public records reflect that the 9179359 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Headwater Research LLC v. Google LLC — 7:25-cv-00518 · U.S. District Court for the Western District of Texas · filed 2025-11-07 · Ongoing
- Headwater Research LLC v. Samsung Electronics Co., Ltd. et al. — 2:23-cv-00641 · U.S. District Court for the Eastern District of Texas · filed 2023-12-29 · Dismissed
- Headwater Research LLC v. Charter Communications, Inc. — 2:25-cv-00904 · U.S. District Court for the Eastern District of Texas · filed 2025-08-27 · Ongoing

- Google LLC v. Headwater Research LLC — IPR2026-00049 · USPTO Patent Trial and Appeal Board · filed 2025-10-31 · Pending - Instituted
- Samsung Electronics Co., Ltd. v. Headwater Research LLC — IPR2024-01407 · USPTO Patent Trial and Appeal Board · filed 2024-09-06 · Pending - Instituted

## 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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