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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. 9313101 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9313101 (the "9313101 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

Summary of U.S. Patent 9,313,101

Title: Method of controlling traffic by time-based policy

Assignee: Electronics and Telecommunications Research Institute

Inventors: Sang Wan KIM, Joon Kyung LEE, Dong Won KANG, Wang Bong Lee, Sang Kil Park, SangSik Yoon, Jong Dae Park

Filing Date: October 4, 2012

Issue Date: April 12, 2016

Abstract:

A method of controlling traffic, particularly, a method of setting and executing a traffic control policy in which a time condition is additionally combined is provided. At any specific step of a network that executes a time-based policy, an execution time point of the time-based policy can be determined. Further, a network service provider can provide...

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 9313101 Patent:

Analysis of Prior Art for U.S. Patent 9,313,101

This analysis details the most relevant prior art cited against U.S. Patent 9,313,101, focusing on references considered by the USPTO examiner during prosecution. Each reference is evaluated for its potential to anticipate the independent claims of the '101 patent under 35 U.S.C. § 102. The core invention of U.S. Patent 9,313,101 lies in combining traditional network traffic rules (based on packet "tuple information") with a time-based condition (e.g., time of day, specific date range) and specifying three distinct architectural locations for determining when this time condition is met: the Policy Server (PS), the Policy Management System (PMS), or the Policy Execution Equipment (PEE).

Examiner-Cited Prior Art

These references were cited by the USPTO patent examiner as relevant to the examination of the patent application.

1. U.S. Patent 6,859,841 B2

- Full Citation: US 6,859,841 B2, "Programmable system for processing a partitioned network infrastructure"
- Assignee: Intel Corporation
- Publication Date: February 22, 2005...

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 U.S. Patent 9,313,101 under 35 U.S.C. § 103

This analysis evaluates whether the independent claims of U.S. Patent 9,313,101 would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time of the invention, based on the prior art references detailed in the preceding section. An invention is considered obvious if the differences between the claimed invention and the prior art are such that the subject matter as a whole would have been obvious to a PHOSITA.

The central concept of the '101 patent is a network policy system where traffic rules are based on a combination of packet data (tuple information) and a time-based condition. The patent's claims are distinguished by the specific architectural component responsible for determining when the time condition is met: the Policy Server (PS) in claim 1, the Policy Management System (PMS) in claim 3, or the Policy Execution Equipment (PEE) in claim 6.

Analysis of Independent Claim 1

Claim 1: A method where a Policy Server (PS) determines if a policy's execution time has arrived...

4. Litigation History of the Patent

Public records reflect that the 9313101 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Optimnet LLC v. Cisco Systems, Inc. — 2:25-cv-00935 · U.S. District Court for the Eastern District of Texas · filed 2025-09-04 · pending

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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