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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. 9347554 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9347554 (the "9347554 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 9347554:

US Patent 9347554: Hydrostatic Drive System

- Title: Hydrostatic drive system
- Assignee: Caterpillar Inc.
- Inventors: Rustin G. Metzger, Carl Moberg, Corwin E. Storer, Paul A. Dvorak
- Filing Date: 2013-03-14
- Issue Date: 2016-05-24
- Abstract: A hydrostatic drive system for a machine is disclosed, comprising a pump, a hydraulic motor configured to receive pressurized fluid from the pump, and a controller. The controller is operably connected to the pump and the hydraulic motor. It is configured to receive an input signal indicating current and desired machine speeds. Based on this input, the controller outputs motor and pump displacement...

## **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 9347554 Patent:

To identify the most relevant prior art for US Patent 9347554, I will examine the "Citations"

section of the patent. These are documents that the patent examiner and/or applicant considered relevant during the prosecution of US9347554B2.

Most Relevant Prior Art for US Patent 9347554

Here are the prior art references cited in US Patent 9347554, along with their details and potential anticipation under 35 U.S.C. § 102:

1. US3271955A

- Full Citation: US3271955A, "Power transmission"
- Publication Date: 1966-09-13
- Brief Description: This patent describes a hydrostatic power transmission system.
- Potential Anticipation (35 U.S.C. § 102): This reference broadly relates to hydrostatic power transmissions. While the detailed control strategy of maintaining constant machine speed, acceleration, or deceleration during displacement adjustments, as claimed in US9347554, may not be explicitly disclosed, the fundamental components of a hydrostatic drive (pump, motor, control) could be considered foundational.

2. US3319419A

- Full Citation: US3319419A, "Constant speed drive"
- Publication...

### **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

This analysis identifies combinations of prior art references that would render the claims of US Patent 9347554 obvious to a person having ordinary skill in the art (PHOSITA). The motivation to combine these references is also discussed.

General Understanding of Obviousness

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 before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains." The Supreme Court's decision in *KSR International Co. v. Teleflex Inc.* emphasized a flexible approach to obviousness, allowing for various rationales for combining prior art, not just explicit suggestions or motivations within the references themselves. These rationales include:

- Teaching, Suggestion, or Motivation (TSM): The prior art itself suggests the combination.
- Obvious to Try: A finite number of identified, predictable solutions...

### **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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