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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. 9737072 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9737072 (the "9737072 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

Patent Analysis: US 9737072

Date of Analysis: 2026-05-14

Summary

Title: Methods and compositions for the generation of peracetic acid on site at the point-of-use

Assignee: Enviro Tech Chemical Services Inc

Inventors: Michael S. Harvey, Jonathan N. Howarth

Filing Date: 2016-03-07

Issue Date: 2017-08-22

Abstract:

Methods for the generation of non-equilibrium solutions of peroxyacetic acid are disclosed. These methods comprise introducing triacetin and aqueous hydrogen peroxide to water, mixing, and then adding an aqueous source of an alkali metal or earth alkali metal hydroxide. Triacetin is converted rapidly and with a high conversion rate into peracetic acid. These methods produce...

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 9737072 Patent:

Based on the "References Cited" section of US patent 9,737,072, the following prior art is identified as most relevant to the patent's claims.

Analysis of Prior Art for US Patent 9,737,072

1. WO 01/46519 A1

- Full Citation: WO 01/46519 A1, "ON-SITE GENERATION OF PERACETIC ACID", to Nalco Company (assignee for Ecolab Inc.).
- Dates: Filed: 2000-12-20; Published: 2001-06-28.
- Brief Description: This international application discloses a process for generating peracetic acid (PAA) on-site. The method involves metering an aqueous solution of hydrogen peroxide and simultaneously co-metering a solid, dry source of an acetyl precursor, specifically tetraacetylenediamine (TAED), from a hopper into an agitated tank. Aqueous sodium hydroxide is then introduced into an in-line static mixer with the suspension. The resulting mixture is passed through a coiled tubular reactor to manage the exothermic reaction and form PAA. The '072 patent itself discusses this reference, noting its disadvantages include "the difficulty of accurately metering a solid and a liquid simultaneously, and..."

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 US 9737072 under 35 U.S.C. § 103

This analysis examines whether the inventions claimed in US patent 9,737,072 would have been obvious to a Person Having Ordinary Skill in the Art (POSITA) at the time the invention was made. The analysis focuses on independent claims 1, 14, and 20.

Claim 1 & 14: Method for On-Site Generation of Peracetic Acid (PAA)

Summary of Claims:

- Claim 1 describes a continuous or intermittent method for generating PAA on-site by: (a) providing a pre-mixed solution of aqueous hydrogen peroxide and triacetin; (b) introducing this solution into flowing water; (c) mixing; and (d) adding an aqueous alkali/earth alkali metal hydroxide to initiate the reaction.
- Claim 14 describes a parallel batch method where the same chemical steps are performed in a container of water (e.g., a mixing tank) instead of a flowing stream.

These two claims share the same core inventive concept: a specific on-site generation process using a pre-mixed liquid precursor solution of hydrogen peroxide and triacetin, which is then activated by an alkali....

4. Litigation History of the Patent

Public records reflect that the 9737072 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Enviro Tech Chemical Services, Inc. v. Clean Chemistry, Inc. — 1:24-cv-01313 · U.S. District Court for the Western District of Texas · filed 2024-10-29 · Open

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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