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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. RE48633 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. RE48633 (the "RE48633 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 RE48633.

Title: System and method for creating and managing a virtualized computing system

Assignee: Kaavo Inc.

Inventors: Neil Ramchandani, Siddalingesh Salimath

Filing Date: September 14, 2018

Issue Date: June 16, 2020

Abstract: A system and method for creating and managing a virtualized computing system is disclosed. An initial cloud environment that is an N-tier computing environment may be determined based on an initial user specification. The initial cloud environment is not yet instantiated. An initializing event may be sent based on the requested initial cloud environment, where the initialization event is configured to cause an initial...

## **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 RE48633 Patent:

An analysis of prior art cited during the prosecution of US Patent RE48633 reveals several key references that describe foundational concepts in cloud computing and automated system

provisioning. Below is an examination of the most relevant of these references and their potential impact on the claims of the RE48633 patent. The analysis focuses on potential anticipation under 35 U.S.C. § 102, which requires a single prior art reference to disclose every element of a claimed invention.

#### Analysis of Key Prior Art References

The core of RE48633's independent claims (1, 12, and 20) lies in a specific sequence of operations:

1. Receiving a user specification for an N-tier cloud environment that does not yet exist.
2. Sending an "initializing event" to make the configuration for this environment available.
3. Sending the application's data to begin execution in the newly configured environment.

A successful § 102 challenge would need to find a single reference that explicitly or inherently discloses this complete sequence.

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1. U.S. Patent No. 7,620,703 B1 (the '703 patent)

- Full...

### **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:

Based on the provided prior art analysis, here is an analysis of the obviousness of US Patent RE48633 under 35 U.S.C. § 103.

#### Definition of a Person Having Ordinary Skill in the Art (PHOSITA)

For the technology disclosed in US RE48633, a Person Having Ordinary Skill in the Art (PHOSITA) as of the priority date (June 22, 2010) would have had a bachelor's degree in computer science, computer engineering, or a related field, along with two to three years of professional experience in systems administration, enterprise software deployment, and virtualization technologies. Such a person would be familiar with the concepts of multi-tier application architecture, virtual machines, and the challenges of provisioning and configuring servers in a data center or early cloud environment.

#### Obviousness Analysis

The independent claims (1, 12, and 20) of RE48633 are likely invalid as obvious under 35 U.S.C. § 103 in view of multiple combinations of the cited prior art. The claims recite a three-part process: defining a non-existent N-tier environment, sending an event to provision its...

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

Public records reflect that the RE48633 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- ContentNexus LLC v. Skyworth Group Co Ltd — 2:26-cv-00324 · Texas Eastern District Court · filed 2026-04-22 · Open
- ContentNexus LLC v. Express Luck Technology Ltd — 2:26-cv-00319 · Texas Eastern District Court · filed 2026-04-22 · Open
- ContentNexus LLC v. Konka Group Co Ltd — 2:26-cv-00321 · Texas Eastern District Court · filed 2026-04-22 · 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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