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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. US5768528 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. US5768528 (the "US5768528 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**

Analysis of U.S. Patent No. 5,768,528

Date of Analysis: April 26, 2026

Patent Information:

- Title: Client-server system for delivery of online information
- Assignee: The provided information indicates the original assignee was V Cast Inc. The current assignee is listed as Silicon Valley Bank Inc., following a series of reassignments.
- Inventors: Christian Stumm
- Filing Date: May 24, 1996
- Issue Date: June 16, 1998
- Abstract: The patent describes a method for a server system to provide information files, such as online publications, to multiple subscribers over a network like the Internet. Publishers store their content on a database server, which maintains a schedule for...

## **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 US5768528 Patent:

Analysis of Prior Art for U.S. Patent No. 5,768,528

As a technical patent analyst, I have examined the prior art cited during the prosecution of U.S. Patent No. 5,768,528. The following analysis details the most relevant references and their potential impact on the patent's claims under 35 U.S.C. § 102, which pertains to novelty and anticipation. The filing date of the '528 patent is May 24, 1996, making any reference publicly available before this date potential prior art.

Based on the patent's file wrapper, no prior art references were cited by the examiner during the prosecution of this application. This is an unusual occurrence and may suggest that the examiner did not find any sufficiently relevant art to cite, or that the applicant successfully argued against any citations made. The patent itself does not list any "References Cited" on its face, which is also atypical.

However, a manual search for contemporaneous technologies and patents reveals several relevant documents that could have been considered prior art. For the purpose of this analysis, I will detail a key piece...

### **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:

Analysis of Obviousness for U.S. Patent No. 5,768,528 under 35 U.S.C. § 103

This analysis evaluates whether the claims of U.S. Patent No. 5,768,528 would have been obvious to a person having ordinary skill in the art (a "POSITA") at the time of the invention, with a priority date of May 24, 1996. The analysis is based on a combination of the prior art reference identified previously—the PointCast Network—and other well-known technologies and protocols that existed before the patent's filing date.

Person Having Ordinary Skill in the Art (POSITA)

A POSITA in 1996 in the field of client-server software and internet technologies would have had a bachelor's degree in computer science or a related field, along with practical experience in network programming. This individual would be familiar with client-server architectures, data transfer protocols like FTP and TCP/IP, and common methods for ensuring data integrity, such as checksums and Cyclic Redundancy Checks (CRCs). They would also have been aware of emerging internet services and "push" technologies.

Combination of Prior Art...

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

Public records reflect that the US5768528 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Gigex, Inc. v. AOL LLC — 1:17-cv-00346 · U.S. District Court for the District of Delaware · filed 2017-03-28 · Dismissed
- Gigex, Inc. v. Apple Inc. — 1:17-cv-00347 · U.S. District Court for the District of Delaware · filed 2017-03-28 · Dismissed
- Gigex, Inc. v. Yahoo! Inc. — 1:17-cv-00348 · U.S. District Court for the District of Delaware · filed 2017-03-28 · Dismissed

## 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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