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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. US6098106 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. US6098106 (the "US6098106 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**

A concise summary of US Patent US6098106 is as follows:

Title: Method for controlling a computer with an audio signal

Assignee: Digital Convergence.com Inc.

Inventors:

- Jeffry Jovan Philyaw
- David Kent Mathews
- Brad Maxwell Smith
- Paul Scovell Adams

Filing Date: September 11, 1998

Issue Date: August 1, 2000

Abstract:

The patent describes a method for controlling a computer, specifically a web browser, using an analog audio signal. This signal contains a trigger and a product identifier. Proprietary software on the computer is activated by the trigger, launches the web browser, and extracts the product identifier. It then combines the product identifier with a server address (URL)...

## **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 US6098106 Patent:

Prior Art Analysis for US Patent US6098106

Based on the "References Cited" section of US Patent US6098106, the following patents are identified as relevant prior art. The analysis focuses on how these references might anticipate the independent claim (Claim 1) of the '106 patent under 35 U.S.C. § 102.

Claim 1 of US6098106 describes: A method for retrieving information where a broadcast program contains an embedded routing signal. This signal is extracted and used to control a personal computer to retrieve specific information from a defined location on a network for the user.

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1. US Patent 5,774,664: Network-based interactive system

- Full Citation: Tinsky, et al., "Network-based interactive system," US Patent 5,774,664, filed May 1, 1995, issued June 30, 1998.
- Description: This patent details a system where supplemental information related to a broadcast (like a TV show) is sent to a user's computer. The broadcast can include a reference or an address (like a URL) that points to a specific location on a computer network. A user can then use their computer to access this...

### **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 Patent US6098106 under 35 U.S.C. § 103

Under 35 U.S.C. § 103, a patent claim is invalid if the differences between the claimed invention and the prior art are such that the invention as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art (PHOSITA). An obviousness rejection often arises from combining multiple prior art references, where a PHOSITA would have been motivated to combine their teachings with a reasonable expectation of success. For the purposes of this analysis, a PHOSITA in September 1998 would be an engineer or computer scientist with knowledge of broadcast technologies (television, radio), computer networking (Internet, TCP/IP, HTTP), web browsers, and common data encoding and transmission methods, including data transmission over analog audio channels (e.g., modem technology).

Based on the prior art cited, the single independent claim (Claim 1) of US Patent US6098106 appears to be obvious. The claim's core concept—embedding a "routing signal" in a broadcast to direct a user's...

### **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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