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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. US7383209 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. US7383209 (the "US7383209 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**

Summary of U.S. Patent US7383209

Title: System and method for automatic access of a remote computer over a network

Assignee: Neomedia Technologies, Inc.

Inventors: Frank C. Hudetz, Peter R. Hudetz

Filing Date: January 29, 2004

Issue Date: June 3, 2008

Abstract: A system and method for using identification codes found on ordinary articles of commerce to access remote computers on a network. In accordance with one embodiment of the invention, a computer is provided having a database that relates Uniform Product Code ("UPC") numbers to Internet network addresses (or "URLs"). To access an Internet resource relating to a particular product, a user enters the product's UPC symbol manually,...

## **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 US7383209 Patent:

Analysis of Relevant Prior Art for US7383209

Based on the patent's priority date of June 20, 1995, the following patents, cited during the

examination of US7383209 and its parent applications, are considered the most relevant prior art. This analysis focuses on how each reference potentially anticipates the independent claims of US7383209 under 35 U.S.C. § 102.

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1. U.S. Patent No. 5,305,195: "Method for distribution of data and software"

- Full Citation: US Patent 5,305,195, "Method for distribution of data and software," assigned to AT&T Corp.
- Publication Date: April 19, 1994
- Filing Date: September 3, 1992
- Brief Description: This patent describes a system for distributing information, such as software or data, to a customer's computer. The system involves providing the customer with a machine-readable "key" (like a bar code or magnetic stripe) on a physical item, such as a postcard or product packaging. The user reads this key with an input device connected to their computer. The computer then uses the key to dial into a remote distribution center, which validates the...

### **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 US7383209 under 35 U.S.C. § 103

This analysis evaluates whether the invention claimed in U.S. Patent No. US7383209 would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time of the invention, based on the prior art references identified previously. The legal standard for obviousness under 35 U.S.C. § 103 prevents the patenting of an invention if the differences between the invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a PHOSITA.

A PHOSITA in June 1995 would likely have been a computer scientist or engineer with knowledge of computer networking (including the rapidly growing Internet and World Wide Web), database systems, and common input technologies such as barcode scanning.

The core inventive concept of US7383209 is the use of a standard product identifier (like a UPC) as an index to look up a network address (a URL) in a remote database, which then allows a user's computer to connect to a separate information computer over a wide area...

### **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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