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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. US8131597 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. US8131597 (the "US8131597 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 US8131597

Washington, D.C. - An analysis of United States Patent US8131597 reveals a method for linking physical products to online resources, a foundational concept in the integration of physical and digital commerce. The patent, which has been the subject of significant licensing and litigation activity over the years, is currently assigned to NM LLC.

The patent, titled "System and method for using an ordinary article of commerce to access a remote computer," was filed on June 30, 2010, and issued on March 6, 2012. The inventors listed are Frank C. Hudetz and Peter R. Hudetz.

The core innovation described in the patent is a system where a user can utilize a...

## **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 US8131597 Patent:

Analysis of Relevant Prior Art for US Patent 8,131,597

Below is an analysis of prior art references cited during the prosecution of U.S. Patent 8,131,597. The analysis focuses on references that are most pertinent to the independent claims of the patent, which cover a system and method for using a machine-read index (like a

UPC) to retrieve a network pointer (like a URL) from a remote database for the purpose of accessing an information computer.

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1. U.S. Patent 5,905,865

- Full Citation: US Patent 5,905,865, "Apparatus and method of automatically accessing on-line services in response to broadcast of on-line addresses," filed by Palmer et al. on October 30, 1995.
- Publication/Filing Date: Filed Oct 30, 1995; Published May 18, 1999.
- Brief Description: This patent describes a system where an online address, such as a URL, is broadcast simultaneously with audio/video programming (e.g., a TV show). A computer receives this broadcast address and uses it to automatically access the online service, saving the user from having to find and manually enter the address.
- Potential...

### **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 8131597 under 35 U.S.C. § 103

This analysis evaluates whether the invention claimed in U.S. Patent 8,131,597 would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time of the invention. The legal standard for obviousness under 35 U.S.C. § 103 holds that a patent claim is invalid if the differences between the claimed invention and the prior art are such that the subject matter as a whole would have been obvious to a PHOSITA. This analysis relies on the prior art references identified in the preceding section.

For the purpose of this analysis, a PHOSITA in June 1995 (the earliest priority date) would be an individual with a bachelor's degree in computer science or a related field, with practical experience in client-server architecture, computer networking protocols (including the nascent World Wide Web and HTTP), database management systems, and familiarity with common data-entry technologies such as barcode scanning.

Based on the available prior art, the independent claims of US8131597 appear to be obvious over at...

### **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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