

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGE / ATTORNEY WORK PRODUCT

DATE: [Date]

TO: [Client Name/Contact Person]

FROM: [Attorney Name/Law Firm]

RE: Validity Opinion Regarding U.S. Patent No. [Patent Number]

I. INTRODUCTION

You have requested our legal opinion regarding the validity of U.S. Patent No. [Patent Number] (the "Patent"), currently assigned to [Patent Owner Name]. This opinion is provided in the context of potential litigation regarding [Product/Technology Name].

II. EXECUTIVE SUMMARY

Based on our review of the Patent, its prosecution history, and the prior art identified to date, it is our professional opinion that one or more claims of the Patent are likely [Valid / Invalid] based on the grounds of [e.g., Anticipation, Obviousness, or Section 112 Indefiniteness].

III. SCOPE OF REVIEW

In rendering this opinion, we have examined the following materials:

- The full specification and claims of U.S. Patent No. [Patent Number].
- The complete Prosecution History (File Wrapper) from the USPTO.
- Prior art references including: [List Patents, Publications, or Products].
- [Optional: Expert technical declarations or internal testing reports].

IV. CLAIM CONSTRUCTION

For the purposes of this analysis, we have interpreted the following key terms according to their plain and ordinary meaning in light of the specification:

- "[Term 1]": Interpreted to mean [Definition].
- "[Term 2]": Interpreted to mean [Definition].

V. ANALYSIS OF VALIDITY

A. Anticipation (35 U.S.C. § 102)

[Analysis of whether a single prior art reference discloses every element of the challenged claims.]

B. Obviousness (35 U.S.C. § 103)

[Analysis of whether the claims would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time of filing, citing combinations of prior art.]

C. Written Description and Enablement (35 U.S.C. § 112)

[Analysis of whether the specification sufficiently supports the scope of the claims.]

VI. SECONDARY CONSIDERATIONS

[Discussion of objective indicia of non-obviousness, such as commercial success, long-felt need, or failure of others, if applicable.]

VII. CONCLUSION

Subject to the limitations and assumptions stated herein, we conclude that there is a [High/Moderate/Low] probability that a court would find Claims [Claim Numbers] of the Patent invalid if challenged in litigation.

Sincerely,

[Signature]

[Attorney Name]

[Law Firm]