

PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT PRIVILEGED COMMUNICATION

Date: [Date]

To: [Client Name/Company Name]

Attention: [Contact Person]

Address: [Client Address]

Re: Legal Opinion Concerning the Validity of U.S. Patent No. [Patent Number]

Dear [Name],

You have requested our legal opinion regarding the validity of U.S. Patent No. [Patent Number] (the "Subject Patent"), currently held by [Patent Owner Name]. This opinion is provided to evaluate your potential liability for infringement and to serve as a basis for a defense against any future allegations of willful infringement.

I. EXECUTIVE SUMMARY

Based upon our investigation and analysis of the prior art and the prosecution history of the Subject Patent, it is our professional legal opinion that one or more claims of the Subject Patent are invalid under [35 U.S.C. § 102 (Anticipation) and/or 35 U.S.C. § 103 (Obviousness)].

II. SCOPE OF INVESTIGATION

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

- The complete file wrapper/prosecution history of U.S. Patent No. [Patent Number].
- Prior art cited during the original prosecution.
- Newly discovered prior art, specifically: [List New Patents or Publications].
- Relevant technical literature provided by [Client Name].

III. CLAIM CONSTRUCTION

For the purposes of this validity analysis, we have construed the relevant claims-specifically independent claim(s) [Number(s)]-according to their plain and ordinary meaning as understood by a person of ordinary skill in the art (PHOSITA) at the time of the invention.

IV. ANALYSIS OF INVALIDITY

A. Anticipation (35 U.S.C. § 102)

It is our opinion that [Reference A] constitutes a single prior art reference that describes every element of claim [Number]. Specifically, [Detailed explanation of how the reference meets claim limitations].

B. Obviousness (35 U.S.C. § 103)

Even if a court finds that the claims are not anticipated, it is our opinion that the claims are invalid as obvious. The combination of [Reference B] and [Reference C] renders the claimed invention obvious to a PHOSITA because [Explanation of motivation to combine and reasonable expectation of success].

V. CONCLUSION

Because there are substantial grounds to challenge the validity of the Subject Patent, [Client Name] has a reasonable and good-faith basis for concluding that the patent is unenforceable against its activities. This opinion is based on the law and facts as they exist on this date.

Sincerely,

[Attorney Name/Signature]

[Law Firm Name]