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MARCH __, 2025

Via Email

[Contact info]

Re: *Carbon Autonomous Robotic Systems Inc. v. Laudando & Associates LLC*, Case No. 2:24-cv-03012-DAD-JDP (E.D. Cal.)

Dear [name]:

We are counsel for Laudando & Associates LLC ("L&A") in its patent lawsuit against Carbon Autonomous Robotic Systems Inc. ("Carbon").[1] This letter provides a summary of the lawsuit, as well as some brief descriptions of several strong defenses available to L&A. While we cannot guarantee any particular outcome, we believe that L&A should prevail at least because Carbon's supposed invention is ineligible for patent protection because (i) it amounts to abstract subject matter (i.e., a bare idea, not concrete technology); (ii) the asserted patents are invalid because the alleged invention was disclosed in prior art before Carbon filed its patent applications; and (iii) even if Carbon's patents were valid, L&A simply does not infringe. Please do not share this letter or speak to others regarding the contents of this letter; if you have any questions, please let us know and we can advise further.

Case Status

On October 31, 2024, Carbon filed a lawsuit against L&A alleging infringement of U.S. Patent Nos. 12,108,752 ("the '752 patent") and 12,127,547 ("the '537 patent") (collectively, "the asserted patents"). Carbon has accused the L&Aser Module, and the AgCeption software that is purportedly used in the L&Aser Module, of infringing the patents-in-suit.

Carbon has taken little action to move the case forward. It remains at an early stage, with the parties having exchanged only very limited information since it commenced last fall. The case is scheduled for trial in March 2027, approximately two years from now. Over the next few months, the parties will exchange various disclosures, including Carbon disclosing (on May 2, 2025) detailed infringement allegations, and L&A disclosing (on June 30, 2025) details regarding its defenses that the patents-in-suit are invalid and why the L&Aser Module and AgCeption software do not infringe the patents-in-suit.

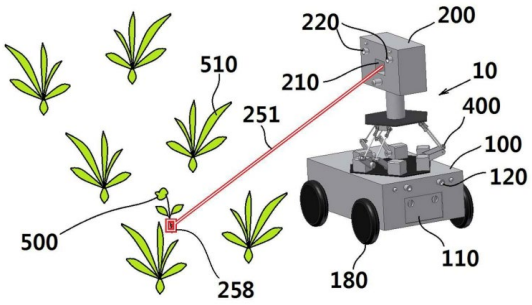
[1] While we share our opinions in this letter, our sole client in this matter is L&A. This letter does not establish an attorney-client relationship with _____, and we cannot offer you legal advice.

The case will then proceed to a claim construction phase, wherein the Court will eventually rule on the meaning of any language in the patent claims whose definition is disputed by the parties. Claim construction proceedings are scheduled to conclude by the end of 2025. In the first half of 2026, the parties will complete discovery (e.g., depositions, document production) and prepare expert reports, with trial preparations to follow in the second half of the year.

Defenses

Notwithstanding the early nature of this litigation, L&A has already identified several strong defenses. First, Carbon's patent is ripe for invalidation because it claims ineligible subject matter.[2] Specifically, patent claims that are directed to an "abstract idea" are ineligible for patent protection. Here, the patent claims are generally directed to an autonomous weed eradication system, but the claims do not explain how the system identifies weeds. In other words, the patent claims amount to patenting the very idea of identifying weeds and eradicating them with a laser, not a specific process for doing do. The Supreme Court has held that this type of abstract subject matter is not eligible for patenting, we believe this defense would find strong traction here.

Second, Carbon's patents are arguably invalid (mooting its claims against L&A) because they are not novel. A patent is invalid if the claimed invention was previously known, as evidenced by (among other media) documents like earlier patents, scientific journal articles, and even machinery documentation disclosing the alleged invention described in the patent. L&A has identified a number of patents, patent applications, publications, and devices that pre-date the patents-in-suit, which demonstrate that many (if not all) of the claimed elements in the patents-in-suit were already known (which is unsurprising given the abstract nature of the patent subject matter described above—that is, the idea of shooting lasers at weeds is so high level that it is unsurprising that others have thought of it and described the concept in writing). One particularly strong piece of prior art: Korean patent publication no. KR20150124305 discloses an agricultural robot with cameras and lasers that is used to identify and eradicate weeds—essentially the same system described in Carbon's patents:



Third, setting the invalidity of the patents aside, we anticipate that L&A will also have several avenues to argue that the accused products do not practice the patents-in-suit, i.e., that it

[2] L&A has disclosed its intent to propound this and the following defenses in its publicly-filed answer to the complaint.

does not engage in infringement. However, because Carbon has yet to serve is disclosures detailing its infringement theories, would be premature to predict what their flaws will be.

Carbon's conduct in the litigation so far suggests that it too perceives that litigating against L&A is a losing proposition. First, although it engaged "marquee" counsel at Fish & Richardson to sign its initial complaint, it quietly and without external justification replaced them with a much lower-priced law firm early on, suggesting that it (or its investors) may have quickly reconsidered the wisdom of devoting significant resources to this case. Second, Carbon's new counsel has been relatively passive in prosecuting its claims—letting long periods of time pass in between correspondence, serving only minimal discovery, and generally failing to show the aggression that we would expect to see from a plaintiff confident in its claims and eager to vindicate them.

* * * * *

Bottom line: we believe that L&A has a winning case, and we are very optimistic that if L&A has appropriate funding to mount a defense it will ultimately prevail. We are happy to discuss further at your convenience.

Regards,

Joel C. Lin
Gish PLLC