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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. 10512385 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 10512385 (the "10512385 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**

Patent Analysis: US 10,512,385 B2

Date of Analysis: April 30, 2026

Patent Title: Glasses rack for dishwasher

Assignee: Whirlpool Corp

Inventors: Barry E. Tuller, Steven B. Balinski, David Jason Brightbill, Frederick Thomas Roderick, Joseph T. Ferencevich, Ryan Kevin Roth, William J. Snell

Filing Date: March 30, 2018

Issue Date: December 24, 2019

Abstract:

A dishwasher can include a tub defining a treating chamber receiving dishes for treatment, a spray system providing treating liquid to the treating chamber, a first dish rack located in the tub and having a bottom wall tiered to form multiple levels defining an effective inclination angle for the bottom wall, and a second dish rack...

## **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 10512385 Patent:

## Analysis of Prior Art Cited in U.S. Patent 10,512,385

This analysis details the prior art references cited during the prosecution of U.S. Patent 10,512,385, as listed in the patent's "References Cited" section. Each reference is evaluated for its potential to anticipate the independent claims of the '385 patent under 35 U.S.C. § 102. It is important to note that these references were reviewed by the USPTO examiner and the patent was issued over them, indicating the examiner found the claims to be novel and non-obvious.

### 1. U.S. Patent 2,910,207 (A. W. L. Tulleners, et al.)

- Full Citation: U.S. Patent 2,910,207, "Dish rack for domestic appliance," assigned to General Motors Corp.
- Publication/Filing Date: Published October 27, 1959; Filed September 26, 1957.
- Brief Description: This patent describes a dish rack for a dishwasher with wire supports designed to hold various items. It includes features for organizing plates, bowls, and glasses. The supports can be configured to hold items at an angle to facilitate draining.
- Potential Anticipation Analysis:  
Claim 1: This reference...

## 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 (35 U.S.C. § 103)

This analysis evaluates whether the inventions claimed in U.S. Patent 10,512,385 would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time the invention was made, by combining the teachings of the prior art references cited during prosecution.

#### Independent Claim 1

Claim Summary: A dishwasher with two racks: a top rack with a tiered bottom creating an "effective inclination angle," and a second rack below it with a non-tiered, flat bottom that is inclined at an angle matching and parallel to the top rack.

#### Proposed Combination of References:

- Primary Reference: U.S. Patent 8,287,660 (Kendrick), which is explicitly cited in the '385 patent's specification (Description, FIG. 7) as disclosing a "first dish rack...having a bottom wall tiered to form multiple levels...defining an effective inclination angle."
- Secondary Rationale: General engineering principles and knowledge in the art regarding dishwasher rack design, as exemplified by concepts in U.S. Patent 2,910,207 (Tulleners).

#### Analysis:

A PHOSITA would...

## 4. Litigation History of the Patent

Public records reflect that the 10512385 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- BSH Home Appliances Corporation v. Whirlpool Corporation — 2:25-cv-01042 · U.S. District Court for the Eastern District of Texas · filed 2025-10-15 · active

## 5. 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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