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[Your Name]

[Your Title]

[Your Company]

[Street Address, City, State ZIP]

June 1, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

Re: U.S. Patent No. 8524300 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 8524300 (the "8524300 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

Here's a concise summary of US patent 8524300:

US Patent 8524300: Covered Retracted Confectionery

- Title: Covered retracted confectionery
- Assignee: Imaginings 3 Inc
- Inventors: Sidney Diamond, David Lisowski
- Filing Date: May 3, 2012
- Issue Date: September 3, 2013
- Abstract: The patent describes a covered, retractable confectionery device. It features a housing with hinged covers at the top that move between closed and open positions. A shaft inside the housing carries a confectionery and can move between a retracted (covered) and extended (exposed) position. A flange near the top of the shaft engages tabs on the hinged covers to keep them closed when the shaft is retracted. An...

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 8524300 Patent:

To identify the most relevant prior art for US patent 8524300, I will examine the patent citations

listed within the patent itself. These are typically the references considered by the patent examiner during prosecution and are therefore highly relevant.

Here's an analysis of the cited prior art from US patent 8524300:

Most Relevant Prior Art for US Patent 8524300

The patent document for US8524300B1 lists 14 patent citations. Several of these are explicitly discussed in the "Background Art" section as being relevant to the field of novelty confectionery devices and efforts to enclose unconsumed confectioneries. The inventors of US8524300 specifically identify a "need for a closed retracted confectionery that will automatically retract the exposed confectionery and close once the consumer releases the actuator" as a disadvantage of previous designs. This suggests that prior art lacking this automatic retraction and closure feature would be particularly relevant for distinguishing the claimed invention.

Based on the patent's own discussion, the most relevant prior art references...

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 under 35 U.S.C. § 103

A patent claim is considered obvious under 35 U.S.C. § 103 if the differences between the claimed invention and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art (PHOSITA). The PHOSITA is a hypothetical person who possesses the ordinary skill and knowledge in the relevant technical field and is capable of ordinary creativity, not an automaton or a genius. This person is presumed to have known all relevant prior art.

The field of the invention for US 8524300 is novelty confectionery devices, particularly closed storage devices for confectioneries. A PHOSITA in this field would likely be an engineer or designer with practical experience in consumer product design, materials, and simple mechanical mechanisms, especially those involving dispensing or retracting elements for small consumer goods.

The inventors of US 8524300 explicitly identified a disadvantage in prior art products: the consumer, usually a child, "had to remember to...

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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