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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. 9402120 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9402120 (the "9402120 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

An analysis of US Patent 9,402,120 reveals the following details regarding the invention and its legal status.

Title: Wireless earbuds

Assignee: The current assignee of the patent is Earin AB. The original assignee was Epickal AB.

Inventors: The inventors of this patent are Olle Lindén, Kiril TRAJKOVSKI, Per Sennström, Carl Ståhl, Markus Millfjord, and Henrik Hovmøller.

Filing Date: The patent application was filed on September 5, 2014.

Issue Date: The patent was granted on July 26, 2016.

Abstract: The patent describes a wireless earbud with a specific internal component layout. The earbud housing is essentially cylindrical and contains a loudspeaker, a rechargeable battery, a main...

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 9402120 Patent:

Analysis of Prior Art for U.S. Patent 9,402,120: Wireless Earbuds

This report details the most relevant prior art cited in U.S. Patent 9,402,120, titled "Wireless

earbuds," which was granted on July 26, 2016. The analysis focuses on references that could potentially anticipate the claims of the patent under 35 U.S.C. § 102, which pertains to novelty. The core invention of patent 9,402,120 lies in the specific arrangement of components within a compact, cylindrical wireless earbud. Key claims revolve around the successive, coaxial alignment of a loudspeaker, a rechargeable battery, a main printed circuit board (PCB), and a charging interface member along the earbud's longitudinal axis. This design aims to achieve a small and efficient form factor.

Key Prior Art and Potential Anticipation of Claims

The following prior art references, cited by the patent examiner, are most relevant to the core claims of US Patent 9,402,120.

U.S. Patent 8,867,758 B2: "Headset electronics"

- Full Citation: US 8,867,758 B2
- Publication Date: October 21, 2014 (Filed: January 5, 2007)
- ...

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:

Analysis of Obviousness for U.S. Patent 9,402,120

Introduction

Under 35 U.S.C. § 103, a patent claim is considered obvious if the differences between the subject matter sought to be patented 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. This analysis will examine the claims of U.S. Patent 9,402,120 in light of the cited prior art to determine potential grounds for an obviousness rejection. The '120 patent, titled "Wireless earbuds," was filed on September 5, 2014.

The primary focus of this analysis will be on the independent claims of the '120 patent, as the patentability of the dependent claims hinges on the novelty and non-obviousness of the independent claims from which they depend.

Prior Art References

The following prior art references are cited in the '120 patent and are relevant to this obviousness analysis:

- US 8,867,758 B2 (Posa): Discloses a wireless personal listening system and method.
- US 2014/0140529 A1 (Hon Hai Precision Industry Co., Ltd.):...

4. Litigation History of the Patent

Public records reflect that the 9402120 Patent has been the subject of the following litigation, which informs our view of the asserted claims and your client's enforcement posture:

- Earin AB v. Skullcandy, Inc. — 1:24-cv-00275 · U.S. District Court for the District of Delaware · filed 2024-03-01 · Active
- Earin AB v. Sennheiser Electronic Corporation — 1:2024cv00274 · U.S. District Court for the District of Delaware · filed 2024-03-01 · Dismissed

• Earin AB v. Audio-Technica U.S., Inc. — 5:2025cv01534 · U.S. District Court for the Northern District of Ohio · filed 2025-07-23 · 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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