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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. 9402120B2 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9402120B2 (the "9402120B2 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**

As of April 26, 2026, here is a concise summary of US Patent 9,402,120 B2.

Patent Summary: US 9,402,120 B2

Title: Wireless earbuds

Assignee: The patent lists Earin AB as the current assignee. The original assignee was Epickal AB.

Inventors: Olle Lindén, Kiril TRAJKOVSKI, Per Sennström, Carl Ståhl, Markus Millfjord, Henrik Hovmøller.

Filing Date: September 5, 2014

Issue Date: July 26, 2016

Abstract:

A wireless earbud has an earbud housing having a longitudinal main axis and an essentially circular cross section, a loudspeaker element, a rechargeable battery, at least one main printed circuit board having disposed thereon circuitry for wireless radio communication, audio codec and...

## **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 9402120B2 Patent:

## Analysis of Prior Art for U.S. Patent 9,402,120 B2 on Wireless Earbuds

Washington D.C. - April 26, 2026 - A technical analysis of the prior art cited against U.S. Patent No. 9,402,120 B2, titled "Wireless earbuds," reveals a landscape of earlier inventions that disclose key features of the patented technology. This analysis is crucial in understanding the novelty and non-obviousness of the claims in the '120 patent, which is assigned to Earin AB. The patent, filed on September 5, 2014, and granted on July 26, 2016, covers a specific arrangement of components within a wireless earbud and a corresponding charging and storage capsule.

An examination of the patent's cited references, as listed in its file wrapper, highlights several key pieces of prior art that could be considered relevant in a patentability assessment. Under 35 U.S.C. § 102, which pertains to novelty, a claimed invention is anticipated if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference.

Key Prior Art and Potential Anticipation of Claims:

The...

### **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 No. 9,402,120 B2

Date of Analysis: April 26, 2026

Patent under Review: U.S. Patent No. 9,402,120 B2 (hereinafter 'the '120 patent')

Subject: Wireless Earbuds

An analysis of the claims of the '120 patent has been conducted in view of prior art to determine if the claimed invention would have been obvious to a person having ordinary skill in the art at the time the invention was made, pursuant to 35 U.S.C. § 103.

Summary of the '120 Patent's Claims

The '120 patent claims a wireless earbud with a specific internal arrangement of components and a wireless audio streaming host device. Key independent claims include:

- Claim 1: Describes a wireless earbud with a housing containing a loudspeaker, rechargeable battery, a main printed circuit board (PCB), and a charging interface member, all arranged in a successive order along the longitudinal main axis. It also specifies the accommodation of these components within front and rear housing portions, with the PCB being nearest the distal end of the rear portion.
- Claim 12: Claims a wireless earbud...

### **4. Litigation History of the Patent**

Public records reflect that the 9402120B2 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 — 1:24-cv-00274 · U.S. District Court for the District of Delaware · filed 2024-03-01 · Settled

• Earin AB v. Audio-Technica U.S., Inc. — 5:25-cv-01534 · 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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