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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. 9602649 — Response to Assertion of Infringement

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 9602649 (the "9602649 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

A comprehensive analysis of U.S. Patent 9,602,649 reveals a method for using ambient audio to confirm the proximity of electronic devices. The patent is currently owned by an active patent licensing firm and has been subject to validity challenges.

Summary of U.S. Patent 9,602,649

- Title: Event disambiguation
- Assignee: The current assignee of record is K. Mizra LLC. The patent was originally assigned to the Nederlandse Organisatie voor Toegepast Natuurwetenschappelijk Onderzoek TNO (Netherlands Organization for Applied Scientific Research).
- Inventors: Jeroen Laarakkers, Mattijs Oskar Van Deventer, and Victor Bastiaan Klos.
- Filing Date: July 23, 2010.
- Issue Date: March 21, 2017.
- ...

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 9602649 Patent:

Analysis of Prior Art Cited in U.S. Patent 9,602,649

Based on the patent details available from the USPTO, the following patent documents were cited as prior art during the examination of US Patent 9,602,649. This analysis outlines each reference and its potential relevance to the claims of the '649 patent.

1. US6819220B1: Apparatus and method for exchanging message between portable devices of the same kind

- Full Citation: US Patent 6,819,220 B1
 - Publication Date: November 16, 2004
 - Filing Date: February 2, 1998
 - Brief Description: This patent describes a method for two portable devices, such as pagers, to exchange messages when one device receives a message intended for the other. The devices use a "bumping" or physical contact action to trigger the exchange of information. The sound or vibration from this contact is detected, initiating a data transfer protocol.
 - Potential Anticipation of Claims: This reference appears relevant to the core concept of using a physical interaction to trigger an action between two devices.
- Claim 1 & 11: The "bumping" action in US6819220B1 is...

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 under 35 U.S.C. § 103

This analysis evaluates whether the claimed invention in U.S. Patent 9,602,649 would have been obvious to a Person Having Ordinary Skill in the Art (PHOSITA) at the time of the invention. An invention is considered obvious if the differences between the claimed subject matter and the prior art are such that the subject matter as a whole would have been obvious to a PHOSITA. This analysis relies on combining teachings from the prior art references cited in the patent's prosecution history.

The primary inventive concept of the '649 patent is not simply using a sensory event to trigger pairing between devices, but its method of event disambiguation. This is achieved by adding a secondary verification step: after a trigger event (e.g., a tap sound) is detected, the devices compare their respective recordings of the ambient audio background from a shared time interval relative to that trigger. The pairing is confirmed only if this background audio is sufficiently similar, proving the devices share the same acoustic environment and thus...

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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