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Chernoff Vilhauer, LLP
Attn: Kevin Russell, Esq.
Via Email

Dear Mr. Russell,

I have been retained by Desmond Photographic Distributors Inc. regarding a complaint filed with Amazon by Really Right Stuff (RRS) a client of your firm.

The Amazon complaint alleges the items sold in two listings (ASIN B099Q8LL5P and ASIN B09LXVCT2H) infringe upon a RSS Patent (US 10,883,653).

The RRS patent is not valid as explained below, and therefore my client respectfully requests RRS to withdraw the Amazon complaint.

The claims of the RRS patent cover the use of an o-ring as a washer when fastening a first component to a second component. Although the RRS patent describes a particular application for the invention (i.e., attaching a foot to a tripod leg), the claims read on any apparatus having the claimed structure capable of fastening components regardless of any particular application. Stated differently, any prior art apparatus having the same structure as the apparatus claimed in the RRS patent could be used to fasten a foot to a tripod leg.

Those skilled in the art have been using an o-ring to fasten a first component to a second component for decades. In addition, the same structure of the o-ring assembly disclosed and claimed in the RRS patent was disclosed in the prior art at the time the RRS patent was filed, and therefore the RRS patent is not valid. The following is a general summary of the prior art (copies of which are being sent in a separate email) which individually and/or in any combination render the RRS patent invalid:

2009 Gitzo Product Catalog: Page 92 (parts GS3030 and GS5030) discloses an o-ring washer assembly for coupling a foot to a tripod leg.

US Patent No. 5,188,495: discloses (e.g., FIGs. 3 and 4) an o-ring washer assembly for fastening components using the same structure as the assembly disclosed and claimed in the RRS patent.

US Patent No. 6,231,286: discloses (e.g., FIGs. 1A-1B and 5) an o-ring washer assembly for fastening components using the same structure as the assembly disclosed and claimed in the RRS patent.

US Patent No. 8,475,103: discloses (e.g., FIG. 1A) an o-ring washer assembly for fastening components using the same structure as the assembly disclosed and claimed in the RRS patent.

US Patent Pub. No. 2011/0164943: discloses (e.g., FIG. 2) an o-ring washer assembly for fastening components using the same structure as the assembly disclosed and claimed in the RRS patent.

The above prior art clearly shows the o-ring washer assembly disclosed and claimed in the RRS patent was well known by those skilled at the time the RRS patent was filed.

In addition, the above prior art was not considered by the examiner during examination of the RRS patent. Had the above prior art been considered, the RRS patent would not have been allowed.

Accordingly my client respectfully requests RRS to withdraw the Amazon complaint regarding the above two listings. If RRS refuses to withdraw the Amazon complaint, the only option left for my client is to file a petition for Inter Partes Review to have the claims of the RRS patent officially invalidated by the US Patent Office.

This communication is an offer for settlement and is therefore inadmissible in any legal proceeding pursuant to Rule 408. Nothing in this communication should be considered an admission or waiver of any other legal defense, such as other invalidity defenses (e.g., indefiniteness), unenforceability (e.g., on sale bar), non-infringement, etc.

I look forward to hearing from you.

Respectfully submitted,

Date: 05/31/2022

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