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H&Y Digital Company Limited
Attn: Kenny
Via Email to kenny@hy-filter.com; info@hyfilters.net

Dear Kenny,

I have been retained by Kase regarding infringement complaints filed by H&Y with Amazon regarding a filter holder disclosed and claimed in US Patent No. 11,194,114 ('114 patent).

Kase takes claims of patent infringement seriously and makes every reasonable effort to respect the intellectual property rights of other entities. However for the reasons set forth below, Kase does not believe its filter holder infringes on the claims of the '114 patent.

The '114 patent has a long prosecution history spanning multiple years involving numerous office actions wherein the examiner repeatedly rejected the claims based on the prior art. Ultimately independent claims 1 and 20 were allowed by the examiner after the applicant amended both claims to include the specific limitation that the H&Y filter holder has a circular-like shape. As explained in detail below, the Kase filter holder does not have a circular-like shape, and therefore the Kase filter holder does not infringe on the '114 patent.

During prosecution of the '114 patent, H&Y filed an "Amendment and Response" dated July 29, 2021, in reply to an office action mailed March 30, 2021. The response included an amendment to the independent claims 1 and 20 which added a new limitation by specifically reciting "the attachable filter holder has a circular-like shape." H&Y argued in the response that this claim amendment overcomes the examiner's rejections because the relied upon prior art does not disclose a filter holder having a circular-like shape. In support of this argument, H&Y asserted on pages 8-9 of the response that the relied upon prior art (US Patent Application 2018/0054565) discloses a filter holder that does not have a circular-like shape (pointing to the combined elements 210 and 260 in FIG. 2A as being the filter holder). FIG. 2A of the '565 patent application is reproduced below which clearly shows that element 210 (static plate) does not have a circular-like shape but instead has a square-like shape.

FIG. 2A from Prior Art US Patent Application No. 2018/0054565

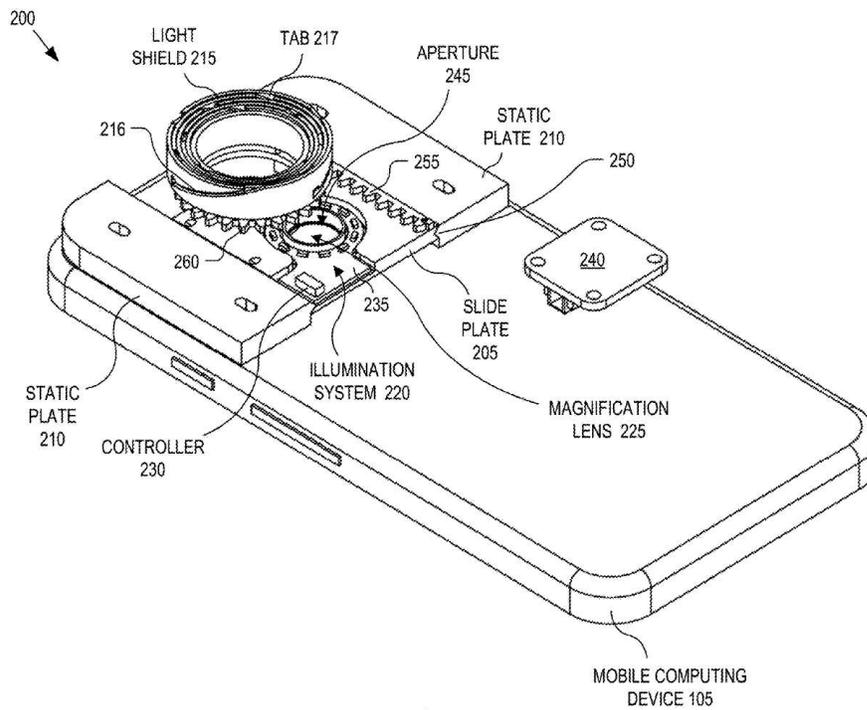
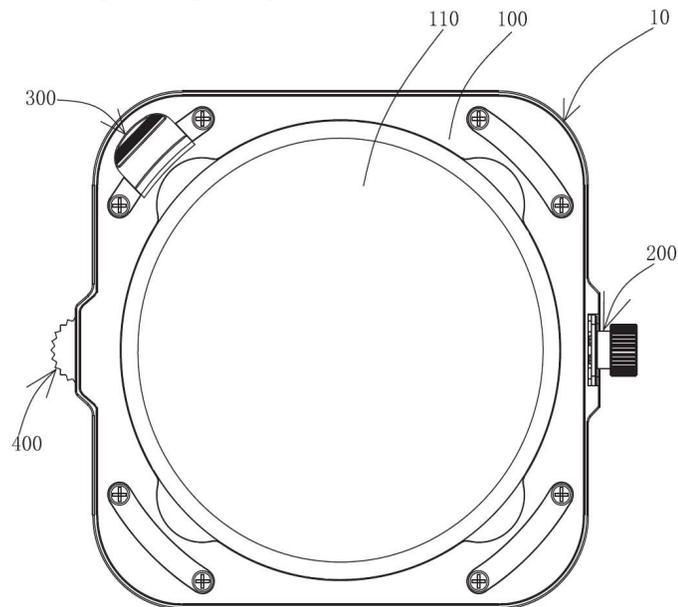


FIG. 2A

Figure depicting Kase Filter Holder



The above figure shows that the Kase filter holder (element 10) does not have a circular-like shape as required by the claims of the '114 patent, but instead has a square-

like shape like the filter holder disclosed in FIG. 2A of the prior art '565 patent application. In addition, the doctrine of prosecution history estoppel precludes any argument of non-literal infringement under the doctrine of equivalence.

Nothing in this communication should be considered an admission or waiver of any other legal defense, such as invalidity defenses (e.g., anticipation, obviousness, indefiniteness, on sale bar), unenforceability (e.g., inequitable conduct), non-infringement, etc.

Respectfully submitted,

Date: 06/20/2022

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Howard H. Sheerin is a registered patent attorney with a practice focused exclusively on patent law for over 28 years. Mr. Sheerin holds an electrical and computer engineering degree (EE/CS) from the University of Colorado, Boulder, and a Juris Doctor (JD) from the Santa Clara University School of Law. Mr. Sheerin has drafted and prosecuted over 800 patent applications in the United States Patent and Trademark Office covering complex electrical and computer engineering inventions as well as complex mechanical inventions. Accordingly, Mr. Sheerin is highly qualified to represent clients against claims of patent infringement, including to draft opinions of non-infringement and invalidity.