

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VARTA MICROBATTERY GMBH,

Plaintiff,

v.

AUDIO PARTNERSHIP LLC AND AUDIO
PARTNERSHIP PLC D/B/A CAMBRIDGE
AUDIO

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff VARTA Microbattery GmbH (“VARTA”) files this Complaint for Patent Infringement of United States Patent Nos. 9,153,835; 9,496,581; 9,799,913; and 9,799,858 (collectively “the Patents-in-Suit”) against Defendants Audio Partnership LLC and Audio Partnership PLC d/b/a “Cambridge Audio” (collectively “Audio Partnership” or “Defendants”), and alleges as follows:

PARTIES

1. VARTA is a German limited liability company headquartered at VARTA-Platz 1, 73479 Ellwangen, Baden-Württemberg, Germany.
2. Audio Partnership LLC is a corporation organized under the laws of the State of Florida with a place of business at 1913 N. Milwaukee Ave., Chicago, IL 60647.
3. Audio Partnership PLC is a corporation organized under the laws of the United Kingdom with a place of business at Gallery Court, Hankey Place, London SE1 4BB, United

Kingdom. On information and belief, Audio Partnership PLC owns 100% of the equity in Audio Partnership LLC.

4. On information and belief, Audio Partnership LLC and Audio Partnership PLC conduct business including in this jurisdiction under the name Cambridge Audio.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. This Court has personal jurisdiction over Audio Partnership in this action because Audio Partnership has committed and continues to commit infringing acts within this District and has established minimum contacts with this District such that exercise of jurisdiction would not offend traditional notions of fair play and substantial justice.

7. Audio Partnership sells and offers for sale in the State of Texas the infringing products, including by placing such products into the stream of commerce through established distribution channels including through internet sites with the knowledge and understanding that such products will be sold throughout the State of Texas including in this District. Audio Partnership has purposefully availed itself of the privileges of conducting business in the State of Texas, including by deriving substantial revenues from importing and selling the infringing products here.

8. Audio Partnership LLC and Audio Partnership PLC have consented to this Court's jurisdiction over them for purposes of this action only.

9. Audio Partnership LLC and Audio Partnership PLC have consented to venue in this District for purposes of this action only.

BACKGROUND

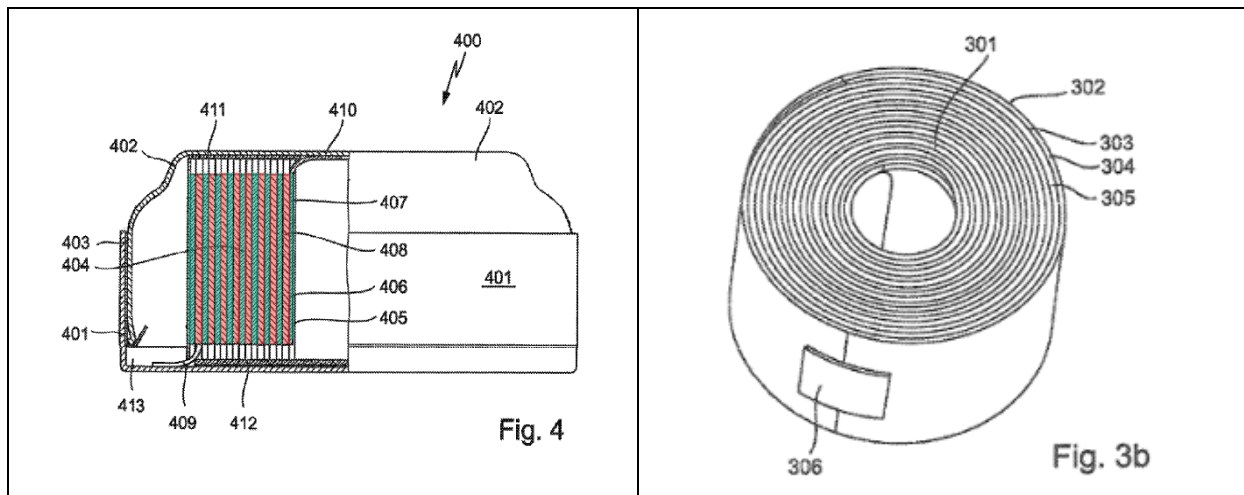
10. VARTA is a leading manufacturer of microbatteries, which include batteries referred to as button cells and coin cells due to their small form factor and low height.

Applications for VARTA microbatteries include, for example, watches, hearing aids, and wearable cordless devices such as wireless earphones.

11. In the mid-to-late 2000's, VARTA undertook efforts to design and develop a novel and proprietary microbattery technology with excellent mechanical strength characteristics, increased power density, and better space utilization.

12. VARTA's novel and proprietary design includes an electrode-separator assembly located between a housing cup and a housing top that includes at least one positive electrode and at least one negative electrode separated by a separator. The electrodes and the separator may be formed from flat layers that may be laminated or bonded together. The assembly is wound into a spiral winding and located in the housing so that the electrodes are disposed at essentially right angles to the flat bottom and top areas of the housing cup and housing top respectively.

13. Figures 3b and 4 of the Patents-in-Suit illustrate an example of an embodiment of the invention. The electrodes 407 of one polarity (highlighted in green) and the electrodes 408 of the other polarity (highlighted in red) are wound in a spiral configuration (shown generally in FIG. 3b). The electrodes 407, 408 may be separated from each other by separator layers 405, 406 of non-conductive material.



14. The lower housing cup and the upper housing top are fitted together to form a housing about the electrode-separator assembly.

15. Electrical contact between the electrode-separator assembly and the flat top and/or bottom areas may occur through an output conductor comprising a piece of foil resting between the spiral winding and the flat top and/or bottom areas.

16. VARTA sells and offers for sale its patented microbatteries in the United States and worldwide *inter alia* under the trademark CoinPower®.

THE PATENTS IN SUIT

17. VARTA spent a great deal of time, effort, and expense in the research and development that lead to the CoinPower microbatteries. Because of their outstanding performance, the CoinPower microbatteries have been highly successful and well accepted by the market across the world. In recognition of the break-through nature of its invention, VARTA was granted an international patent portfolio covering various aspects of the CoinPower microbatteries, including a number of patents in the United States, with additional patent applications still pending in the United States Patent and Trademark Office.

18. On October 6, 2015, the United States Patent and Trademark Office duly and legally issued United States Patent No. 9,153,835 (“the ’835 Patent”), entitled “Button Cells and Method for Producing Same” to the listed inventors Eduard Pytlik, Jürgen Lindner, Ulrich Barenthin, and Winfried Gaugler, all of Ellwangen, Germany. VARTA is the assignee and owner of all right, title, and interest in the ’835 Patent, including the right to sue for and recover all past, present, and future damages and to seek injunctive relief for infringement of the ’835 Patent. A true and correct copy of the ’835 Patent is attached hereto as Exhibit A.

19. On November 15, 2016, the United States Patent and Trademark Office duly and legally issued United States Patent No. 9,496,581 (“the ’581 Patent”), entitled “Button Cells and Method of Producing Same” to the listed inventors Eduard Pytlik, Jürgen Lindner, Ulrich Barenthin, and Winfried Gaugler, all of Ellwangen, Germany. VARTA is the assignee and owner of all right, title, and interest in the ’581 Patent, including the right to sue for and recover all past, present, and future damages and to seek injunctive relief for infringement of the ’581 Patent. A true and correct copy of the ’581 Patent is attached hereto as Exhibit B.

20. On October 24, 2017, the United States Patent and Trademark Office duly and legally issued United States Patent No. 9,799,913 (“the ’913 Patent”), entitled “Button Cells and Method of Producing Same” to the listed inventors Eduard Pytlik, Jürgen Lindner, Ulrich Barenthin, and Winfried Gaugler, all of Ellwangen, Germany. VARTA is the assignee and owner of all right, title, and interest in the ’913 Patent, including the right to sue for and recover all past, present, and future damages and to seek injunctive relief for infringement of the ’913 Patent. A true and correct copy of the ’913 Patent is attached hereto as Exhibit C.

21. The ’835 Patent, ’581 Patent, and ’913 Patent each claim priority to International Patent Application PCT/EP2010/000787 filed on February 9, 2010 on behalf of VARTA, which

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