

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

VARTA MICROBATTERY GMBH, Plaintiff, v.	
COSTCO WHOLESALE CORPORATION	C.A. No. 2:20-cv-0051-JRG LEAD CASE
AMAZON.COM, INC.	C.A. No. 2:20-cv-00052-JRG
BEST BUY CO., INC	C.A. No. 2:20-cv-00054-JRG
PEAG, LLC D/B/A JLAB AUDIO	C.A. No. 2:20-cv-00071-JRG JURY TRIAL DEMANDED
AUDIO PARTNERSHIP LLC, ET AL Defendants.	C.A. No. 2:20-cv-00138-JRG

**DEFENDANT PEAG, LLC D/B/A JLAB AUDIO'S
ANSWER TO COMPLAINT FOR PATENT INFRINGEMENT**

Defendant PEAG, LLC d/b/a JLab Audio (“JLab”) files this Answer to the Complaint for Patent Infringement (Dkt. No. 1) filed by Plaintiff VARTA Microbattery GmbH (“VARTA”). JLab denies the allegations and characterizations in VARTA’s Complaint unless expressly admitted in the following numbered Paragraphs, which correspond to the numbered Paragraphs in the Complaint. Indeed, JLab denies it has committed any unlawful act alleged by VARTA. And, to the extent that an allegation states a legal conclusion, JLab asserts no response is required.

PARTIES

1. JLab lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Complaint and therefore denies them.

2. JLab admits that it is a corporation organized under the laws of the State of Delaware with a place of business at 17950 Preston Road, Suite 360, Dallas, TX 75252.

3. JLab admits that PEAG, LLC acquired the assets of JLab Audio and that PEAG, LLC does business as JLab Audio. JLab denies any remaining allegations in Paragraph 3 of the Complaint.

JURISDICTION AND VENUE

4. JLab admits that the Complaint purports to allege claims arising under 35 U.S.C. §§ 1 *et seq.* over which this Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). JLab denies that VARTA is entitled to any relief for its allegations of patent infringement, whether by award of damages, injunction, or otherwise. JLab denies any allegations of infringement.

5. JLab does not contest, solely for the purpose of the present action, whether personal jurisdiction over it properly lies in this District. However, JLab denies that it has committed any acts of infringement in this District or elsewhere, or that it has committed any act, directly or indirectly, that would give rise to any cause of action under the Complaint. JLab denies any remaining allegations in Paragraph 5 of the Complaint.

6. JLab admits that it engages in offering and selling products to customers in the State of Texas. JLab admits that it is registered to do business in the State of Texas and maintains an agent for service of process in the State of Texas. JLab denies any remaining allegations in Paragraph 6 of the Complaint.

7. JLab admits that it maintains a place of business at 17950 Preston Road, Suite 360, Dallas, TX 75252. JLab also admits that it engages in offering and selling products to customers in the State of Texas. JLab denies any remaining allegations in Paragraph 7 of the Complaint.

8. JLab does not contest, solely for the purpose of the present action, whether venue over it properly lies in this District. JLab admits that it maintains a place of business at 17950 Preston Road, Suite 360, Dallas, TX 75252. JLab denies that it has committed any acts of infringement within this District or elsewhere, or that it has committed any act, directly or indirectly, that would give rise to any cause of action under the Complaint. JLab denies any remaining allegations in Paragraph 8 of the Complaint.

BACKGROUND

9. JLab lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 of the Complaint and therefore denies them.

10. JLab lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 of the Complaint and therefore denies them.

11. JLab lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11 of the Complaint and therefore denies them.

12. JLab answers that United States Patent Nos. 9,153,835; 9,496,581; 9,799,858; and 9,799,913 (collectively “the Patents-in-Suit”) speak for themselves and no response is required. To the extent a response is required, JLab denies the allegations of Paragraph 12 of the Complaint.

13. JLab answers that the Patents-in-Suit speak for themselves and no response is required. To the extent a response is required, JLab denies the allegations of Paragraph 13 of the Complaint.

14. JLab answers that the Patents-in-Suit speak for themselves and no response is required. To the extent a response is required, JLab denies the allegations of Paragraph 14 of the Complaint.

15. JLab lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15 of the Complaint and therefore denies them.

THE PATENTS IN SUIT

16. JLab lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16 of the Complaint and therefore denies them.

17. JLab admits that, on its face, U.S. Patent No. 9,153,835 (“the ’835 Patent”) is entitled “Button Cells and Method for Producing Same.” JLab admits that, on its face, the ’835 Patent was issued on October 6, 2015 to listed inventors Eduard Pytlik, Jürgen Lindner, Ulrich Barenthin, and Winfried Gaugler, all of Ellwangen, Germany. JLab admits that what purports to be a copy of the ’835 Patent was attached to the Complaint as Exhibit A. JLab denies that the ’835 Patent was duly and legally issued. JLab denies any remaining allegations in Paragraph 17 of the Complaint.

18. JLab admits that, on its face, U.S. Patent No. 9,496,581 (“the ’581 Patent”) is entitled “Button Cells and Method of Producing Same.” JLab admits that, on its face, the ’581 Patent was issued on November 15, 2016 to listed inventors Eduard Pytlik, Jürgen Lindner, Ulrich Barenthin, and Winfried Gaugler, all of Ellwangen, Germany. JLab admits that what purports to be a copy of the ’581 Patent was attached to the Complaint as Exhibit B. JLab denies that the ’581 Patent was duly and legally issued. JLab denies any remaining allegations in Paragraph 18 of the Complaint.

19. JLab admits that, on its face, U.S. Patent No. 9,799,913 (“the ’913 Patent”) is entitled “Button Cells and Method of Producing Same.” JLab admits that, on its face, the ’913 Patent was issued on October 24, 2017 to listed inventors Eduard Pytlik, Jürgen Lindner, Ulrich Barenthin, and Winfried Gaugler, all of Ellwangen, Germany. JLab admits that what purports to be a copy of the ’913 Patent was attached to the Complaint as Exhibit C. JLab denies that the ’913 Patent was duly and legally issued. JLab denies any remaining allegations in Paragraph 19 of the Complaint.

20. JLab admits that, on their faces, the ’835 Patent, the ’581 Patent, and the ’931 Patents claim priority to International Patent Application PCT/EP2010/000787 filed on February 9, 2010, which in turn claims priority to three applications filed in Germany: Application No. DE 10 2009 008 859 filed February 9, 2009, Application No. DE 10 2009 030 359 filed June 18, 2009, and Application No. DE 10 2009 060 788 filed December 22, 2009.

21. JLab admits that, on its face, U.S. Patent No. 9,799,858 (“the ’858 Patent”) is entitled “Button Cells Having Winding Electrode and Method for the Production Thereof.” JLab admits that, on its face, the ’858 Patent was issued on October 24, 2017 to listed inventor Winfried Gaugler of Ellwangen, Germany. JLab admits that what purports to be a copy of the ’858 Patent was attached to the Complaint as Exhibit D. JLab denies that the ’858 Patent was duly and legally issued. JLab denies any remaining allegations in Paragraph 21 of the Complaint.

22. JLab admits that, on its face, the ’858 Patent claims priority to International Patent Application PCT/EP2010/058637 filed on June 18, 2010, which in turn claims priority to two applications filed in Germany: Application No. DE 10 2009 030 359 filed June 18, 2009, and Application No. DE 10 2009 060 800 filed December 31, 2009.

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