



**Planet Depos**<sup>®</sup>  
We Make It *Happen*<sup>™</sup>

---

# Transcript of Martin C. Peckerar, Ph.D.

**Date:** June 2, 2021

**Case:** PEAG LLC, et al -v- VARTA Microbattery GMBH. (PTAB)

**Planet Depos**

**Phone:** 888.433.3767

**Email:** [transcripts@planetdepos.com](mailto:transcripts@planetdepos.com)

[www.planetdepos.com](http://www.planetdepos.com)

WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

**DOCKET  
ALARM**

Find authenticated court documents without watermarks at [docketalarm.com](http://docketalarm.com).

Transcript of Martin C. Peckerar, Ph.D.  
 Conducted on June 2, 2021

<p style="text-align: center;">1</p> <p>1 UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD</p> <p>2</p> <p>3 PEAG LLC (d/b/a JLab Audio), AUDIO PARTNERSHIP LLC and AUDIO PARTNERSHIP PLC (d/b/a Cambridge Audio),</p> <p>4 Petitioner,</p> <p>5 v.</p> <p>6 VARTA MICROBATTERY GMBH,</p> <p>7 Patent Owner.</p> <p>8</p> <p>9 Case IPR2020-01211 Case IPR2020-01212 USP 9,496,581 UPS 9,153,835</p> <p>10 Case IPR2020-01213 Case IPR2020-01214 USP 9,799,858 USP 9,799,913</p> <p>11</p> <p>12</p> <p>13 VIDEOTAPED DEPOSITION OF:</p> <p>14 MARTIN C. PECKERAR, Ph.D.</p> <p>15</p> <p>16 TRANSCRIPT OF TESTIMONY, as reported</p> <p>17 by Nancy C. Bendish, Certified Court Reporter,</p> <p>18 RMR, CRR and Notary Public of the States of</p> <p>19 New York and New Jersey, conducted virtually via</p> <p>20 Zoom Videoconference on Wednesday, June 2, 2021,</p> <p>21 commencing at 9:12 a.m. EST.</p> <p>22</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">I N D E X</p> <p>1 WITNESS EXAMINATION</p> <p>2</p> <p>3 MARTIN C. PECKERAR, Ph.D.</p> <p>4 By Mr. Ragusa.....7</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 E X H I B I T S</p> <p>13 NUMBER DESCRIPTION PAGE</p> <p>14 1001- United States Patent IPR2020-01211 US 9,496,581 B2.....83</p> <p>15 1001- United States Patent IPR2020-01212 US 9,153,835 B2.....83</p> <p>16 1001- United States Patent IPR2020-01213 US 9,799,858 B2.....83</p> <p>17 1001- United States Patent IPR2020-01214 US 9,799,913 B2.....83</p> <p>18 1005 United States Patent Application Publication US 2005/0233212 A1.....131</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>
<p style="text-align: center;">2</p> <p>1 A P P E A R A N C E S :</p> <p>2 (All participated remotely via Zoom Videoconference)</p> <p>3</p> <p>4 ON BEHALF OF PETITIONER, PEAG LLC, AUDIO PARTNERSHIP LLC and AUDIO PARTNERSHIP PLC:</p> <p>5</p> <p>6 BAKER BOTTS LLP BY: PAUL A. RAGUSA, ESQ. NICK PALMIERI, ESQ. 30 Rockefeller Plaza New York, New York 10112 212.408.2500 paul.ragusa@bakerbotts.com nick.palmieri@bakerbotts.com</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 ON BEHALF OF PATENT OWNER, VARTA MICROBATTERY GMBH:</p> <p>13</p> <p>14 LEYDIG VOIT &amp; MAYER, LTD. BY: WESLEY O. MUELLER, ESQ. ROBERT T. WITTMANN, ESQ. Two Prudential Plaza 180 N. Stetson Avenue, Suite 4900 Chicago, Illinois 60601 312.616.5600 wmueller@leydig.com bwittmann@leydig.com</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 DANIEL TERRY, Planet Depos Technician BRENDAN CASE, Planet Depos Videographer</p> <p>21</p> <p>22</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">E X H I B I T S (Cont'd)</p> <p>1 NUMBER DESCRIPTION PAGE</p> <p>2</p> <p>3</p> <p>4 1006 Japanese Patent Office Publication No.JP 2007-294111....179</p> <p>5 1031 Curriculum Vitae of Martin Peckerar, Ph.D.....13</p> <p>6 2043 Corrected Declaration of Martin C. Peckerar, Ph.D.....67</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>

PLANET DEPOS

888.422.2767 | WWW.PLANETDEPOS.COM

Conducted on June 2, 2021

5	<p>1 THE VIDEOGRAPHER: Here begins the</p> <p>2 video deposition of Dr. Martin Peckerar in the</p> <p>3 matter of PEAG, LLC, et al., versus VARTA</p> <p>4 Microbattery GmbH, held in the United States</p> <p>5 Patent and Trademark Office, Cause Number</p> <p>6 IPR2020-01211; 12, 13 and 14.</p> <p>7 Today's date is Wednesday,</p> <p>8 June 2nd, 2021. The time is 9:12 a.m., Eastern</p> <p>9 Standard Time.</p> <p>10 Your videographer of the day is</p> <p>11 Brendan Case, representing Planet Depos.</p> <p>12 This deposition is taking place via video</p> <p>13 teleconference via zoom.</p> <p>14 Would counsel present please</p> <p>15 identify themselves and whom they represent.</p> <p>16 MR. RAGUSA: Paul Ragusa and</p> <p>17 Nicholas Palmieri of Baker Botts on behalf of</p> <p>18 the petitioners, PEAG, LLC, and Audio</p> <p>19 Partnership, LLC.</p> <p>20 MR. MUELLER: Wesley Mueller from</p> <p>21 Leydig Voit &amp; Mayer, representing the patent</p> <p>22 owner, VARTA Microbattery GmbH. And with me is</p>	7
6	<p>1 Bob Wittmann.</p> <p>2 THE VIDEOGRAPHER: The court</p> <p>3 reporter today is Nancy Bendish, representing</p> <p>4 Planet Depos.</p> <p>5 Would the court reporter please</p> <p>6 swear in the witness.</p> <p>7</p> <p>8 M A R T I N C. P E C K E R A R, Ph.D.,</p> <p>9 having been remotely sworn by the</p> <p>10 Court Reporter, testified as follows:</p> <p>11 THE REPORTER: Your full name,</p> <p>12 please.</p> <p>13 THE WITNESS: Martin Charles</p> <p>14 Peckerar.</p> <p>15 THE REPORTER: Thank you.</p> <p>16 And your address where you're</p> <p>17 presently located, at least the city and state.</p> <p>18 THE WITNESS: The address of the</p> <p>19 recording site or my home address?</p> <p>20 THE REPORTER: Where you are</p> <p>21 presently.</p> <p>22 THE WITNESS: Okay. College Park,</p>	8
5	<p>1 Maryland University.</p> <p>2 THE REPORTER: Okay. Thank you.</p> <p>3 You may begin.</p> <p>4 MR. RAGUSA: Okay. Terrific.</p> <p>5 EXAMINATION BY MR. RAGUSA:</p> <p>6 Q. Good morning, Dr. Peckerar.</p> <p>7 <b>A. Good morning.</b></p> <p>8 Q. Have you been deposed before,</p> <p>9 either in reality or in virtual form?</p> <p>10 <b>A. Never virtually, but in reality,</b></p> <p>11 <b>11 yes, a number of times.</b></p> <p>12 Q. How many times?</p> <p>13 <b>A. I believe the number is five.</b></p> <p>14 Q. And were those all patent cases?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Were any of those cases involving</p> <p>17 VARTA?</p> <p>18 <b>A. Could you repeat that, please.</b></p> <p>19 <b>19 Involving?</b></p> <p>20 Q. Sure. Did any of those cases</p> <p>21 involve VARTA?</p> <p>22 <b>A. Can you hear me?</b></p>	8

PLANET DEPOS

888.422.2767 | WWW.PLANETDEPOS.COM

Conducted on June 2, 2021

<p style="text-align: center;">9</p> <p><b>1 world. And then I helped to defend Macronix in</b></p> <p><b>2 an issue associated with memory technology,</b></p> <p><b>3 nonvolatile memory technology.</b></p> <p>4 Q. So you have some background in the</p> <p>5 procedure. Let me just give a quick refresher.</p> <p>6 I'll ask some questions today.</p> <p>7 Obviously, if you don't understand a question,</p> <p>8 please let me know, and I'll do my best to</p> <p>9 rephrase the question. Obviously we need to</p> <p>10 work together on that. Unless you tell me</p> <p>11 otherwise, I'll assume --</p> <p><b>12 A. Yes.</b></p> <p>13 Q. -- that you do understand the</p> <p>14 question. Can we proceed with that</p> <p>15 understanding?</p> <p><b>16 A. (Witness nods.)</b></p> <p>17 Q. Okay. And --</p> <p><b>18 A. Yes.</b></p> <p>19 Q. -- for the court reporter's sake</p> <p>20 if you could say yes or no. I know it's -- we</p> <p>21 all like to nod our heads, but that would be</p> <p>22 appreciated as well. Thank you.</p>	<p style="text-align: center;">11</p> <p>1 age in particular; hence why I ask it.</p> <p>2 Is there any information that</p> <p>3 you're aware of in your declaration that is</p> <p>4 subject to correction or that you feel needs to</p> <p>5 be corrected, sitting here right now?</p> <p><b>6 A. There were a few typos. It is a</b></p> <p><b>7 270-page report, and when I -- I missed a few on</b></p> <p><b>8 correction, but the sense of the issue is</b></p> <p><b>9 present in the document and was easily</b></p> <p><b>10 recognizable, so nothing affecting the</b></p> <p><b>11 interpretation.</b></p> <p>12 Q. Okay. Thank you.</p> <p>13 Let's turn to your educational</p> <p>14 background. And I have your updated CV, which</p> <p>15 I'll share for the court reporter. I understand</p> <p>16 that this is a new CV that was not the CV in the</p> <p>17 IPR, so let's give it a new exhibit number.</p> <p>18 The next available IPR exhibit</p> <p>19 number is 2047.</p> <p>20 MR. MUELLER: Counsel, sorry to</p> <p>21 interrupt, but if it's an exhibit number that</p> <p>22 the petitioners are using, it should probably</p>
<p style="text-align: center;">10</p> <p>1 Today I'll refer to the patent</p> <p>2 owner VARTA Microbattery as "VARTA"; if that's</p> <p>3 okay with you?</p> <p><b>4 A. (Witness nods.)</b></p> <p>5 Q. Again, if you could just say yes.</p> <p><b>6 A. Yes.</b></p> <p>7 Q. Okay, terrific.</p> <p>8 Before we begin --</p> <p><b>9 A. Can you not hear me?</b></p> <p>10 Q. There's just a slight delay, so,</p> <p>11 yes, we do hear you.</p> <p><b>12 A. Okay. I think you may have to</b></p> <p><b>13 wait a second to hear the response, right.</b></p> <p>14 Q. Correct. So before we begin --</p> <p><b>15 A. Your light isn't what it used to</b></p> <p><b>16 be.</b></p> <p>17 Q. No, it's not.</p> <p>18 Before we begin, is there any --</p> <p>19 any reason why you can't testify today, either</p> <p>20 medical -- medically or otherwise?</p> <p><b>21 A. No. No.</b></p> <p>22 Q. Good question to ask in today's</p>	<p style="text-align: center;">12</p> <p>1 have a 1000 number.</p> <p>2 MR. RAGUSA: Okay. Let's change</p> <p>3 that. Nick, if you could just quickly look that</p> <p>4 up.</p> <p>5 Q. While we're getting the exhibit</p> <p>6 number right, why don't we turn to your</p> <p>7 educational background.</p> <p>8 Is it correct that you have a</p> <p>9 bachelor's in physics from Stony Brook, 1968?</p> <p><b>10 A. Yes.</b></p> <p>11 Q. A master's in physics from the</p> <p>12 University of Maryland?</p> <p><b>13 A. Yes.</b></p> <p>14 Q. And finally a Ph.D. in electrical</p> <p>15 engineering?</p> <p><b>16 A. Yes.</b></p> <p>17 Q. Okay. Can you tell me the topic</p> <p>18 of your Ph.D. thesis?</p> <p><b>19 A. Yes. Surface anodization of</b></p> <p><b>20 electronic materials using semiconductive</b></p> <p><b>21 technology.</b></p> <p>22 Q. Did your educational training</p>

PLANET DEPOS

888.422.2767 | WWW.PLANETDEPOS.COM

Conducted on June 2, 2021

<p style="text-align: right;">13</p> <p>1 involve the construction of batteries?                  2 <b>A. Of course. I took courses that</b>                  3 <b>taught -- my leanings were toward</b>                  4 <b>electrochemistry, and so I did take courses in</b>                  5 <b>that. But I don't have any specific degrees in</b>                  6 <b>chemistry, no, or battery technology, but I have</b>                  7 <b>worked extensively in the battery arena.</b>                  8 Q. Okay. So, focusing on the -- on                  9 your educational time period, did you take                  10 courses in the construction of battery housings?                  11 <b>A. Not specifically. That's a rather</b>                  12 <b>specific topic that is rarely covered in</b>                  13 <b>course -- academic course work.</b>                  14 Q. Understood.                  15 <b>A. As a teacher, I can tell you that.</b>                  16 Q. Okay. Understood.                  17 MR. RAGUSA: And I've been                  18 informed that this exhibit should be                  19 Exhibit 1031.                  20 (Exhibit 1031 marked for                  21 identification.)                  22 Q. So, turning to your employment</p>	<p style="text-align: right;">15</p> <p>1 circuits that were powered by batteries but not                  2 the batteries themselves; is that correct?                  3 <b>A. (Witness nods.)</b>                  4 Q. Okay. And let's turn to --                  5 <b>A. Not at that point in my career.</b>                  6 Q. Let's turn to your next position.                  7 Was that at the Naval Research Laboratory?                  8 <b>A. Naval Research Laboratory, yes.</b>                  9 Q. And did your work at the Naval                  10 Research Laboratory involve --                  11 <b>A. Yes.</b>                  12 Q. -- the construction of batteries?                  13 <b>A. No. It involved analytic</b>                  14 <b>chemistry, largely for detecting pollutants in</b>                  15 <b>the environment.</b>                  16 Q. Okay. If we turn -- and I'm                  17 sorry. The -- looks like you had two periods                  18 where you worked at the Naval Research                  19 Laboratory, one from --                  20 <b>A. Right.</b>                  21 Q. -- 1973 to '76 and the second from                  22 '81 to 2002?</p>
<p style="text-align: right;">14</p> <p>1 history, what was your first position after                  2 receiving your Ph.D. back in 1975?                  3 <b>A. I went to work for Westinghouse</b>                  4 <b>Electric as a process development engineer.</b>                  5 Q. And did that work entail working                  6 with batteries?                  7 <b>A. It involved fabrication of</b>                  8 <b>electronic parts. Of course, in -- even at that</b>                  9 <b>time, back in the '60s, we had a very integrated</b>                  10 <b>approach to development in chip design and</b>                  11 <b>production. And so of course the power supplies</b>                  12 <b>are important in how those -- that power is</b>                  13 <b>supplied to a chip, which I believe has</b>                  14 <b>relevance to the battery area. So I did work in</b>                  15 <b>that area in that regard.</b>                  16 Q. Okay. Did your work involve the                  17 construction of batteries?                  18 <b>A. Involved the construction of</b>                  19 <b>integrated circuit components, chips, which</b>                  20 <b>interfaced or were powered by batteries.</b>                  21 Q. Understood.                  22 So you worked on the integrated</p>	<p style="text-align: right;">16</p> <p>1 <b>A. Right. And in the interim, I</b>                  2 <b>worked at Westinghouse about five years, yes.</b>                  3 Q. Okay. Terrific.                  4 Overlapping that time period, you                  5 were a professor at the University of Maryland;                  6 is that correct?                  7 <b>A. Yes. After my Ph.D. my thesis</b>                  8 <b>advisor hired me to become adjunct and then part</b>                  9 <b>time, yes.</b>                  10 Q. And did the courses that you                  11 taught in that time period from 1981 to 2012                  12 include courses involving the construction of                  13 batteries?                  14 <b>A. They -- of course even in junior</b>                  15 <b>electronics we talked about batteries, and I</b>                  16 <b>taught the essential design and characterization</b>                  17 <b>of battery technology. That was always a part</b>                  18 <b>of the courses that I taught, yeah.</b>                  19 Q. Okay. But did that coursework                  20 involve --                  21 <b>A. Yeah, I don't know --</b>                  22 Q. -- building batteries?</p>

PLANET DEPOS

888.422.2767 | WWW.PLANETDEPOS.COM

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.