

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PEAG LLC (d/b/a JLab Audio), Audio Partnership LLC and
Audio Partnership PLC (d/b/a Cambridge Audio)
Petitioners,

v.

VARTA Microbattery GmbH,
Patent Owner

Case No. IPR2020-01212
U.S. Patent No. 9,153,835

**SUPPLEMENTAL DECLARATION OF
MARTIN C. PECKERAR, PH.D.**

Table of Contents

I.	INTRODUCTION	1
II.	QUALIFICATIONS	1
III.	MATERIALS CONSIDERED	1
IV.	OVERVIEW OF NEW PRIOR ART	2
V.	RESPONSE TO MR. GARDNER’S NEW OPINIONS	4
A.	Mr. Gardner’s New Declaration Testimony Concerning A POSA’s Motivation To Combine Kaun and Kobayashi	4
1.	Mr. Gardner’s New Theory of Dendrite Growth Is Incorrect	4
2.	Mr. Gardner’s New Theory That Kaun’s Teachings Regarding Short Current Paths Are Only Relevant To “High Powered Batteries” Is Incorrect	7
B.	Mr. Gardner’s New Testimony Concerning A POSA’s Expectation of Success In Combining Kaun And Kobayashi	9
1.	Mr. Gardner’s New Contention That Kaun Does Not Require a Central Fastener Is Incorrect	9
2.	Mr. Gardner’s New Explanation Of How A POSA Would Modify Kobayashi To Include A Center Fastener Is At Odds With The Disclosure Of Kobayashi	13
VI.	SUBJECT MATTER RECITED BY THE REVISED SUBSTITUTE CLAIMS IS DESCRIBED IN THE SPECIFICATIONS OF THE CHALLENGED PATENTS	16
VII.	THE SUBSTITUTE CLAIMS OF THE CHALLENGED PATENTS ARE PATENTABLE	26
A.	Kaun, Kobayashi, Ryou, Kwon, Kannou, and Kawamura Fail To Disclose A Button Cell Housing Formed By A Housing Cup And A Housing Top With Overlapping Casing Areas Closed By A Force-Fitting Connection	26
B.	Kaun, Kobayashi, Ryou, Kwon, Kannou, And Kawamura Fail To Disclose A Button Cell Housing With A Cup Casing Having A First Part Proximal To The Flat Bottom Area And Disposed Radially Inward Of A Second Part That Overlaps The Top Casing	31

C. Kaun, Kobayashi, Ryou, Kwon, Kannou, and Kawamura Fail To Disclose A Button Cell Housing With A Housing Half, A Metal Foil Conductor, And An Insulator That Form A Sequence Of Three Flat Layers In Direct Contact With One Another34

VIII. CONCLUSION.....40

I, Martin C. Peckerar, Ph.D., declare as follows:

I. INTRODUCTION

1. I, Martin C. Peckerar, Ph.D., am currently a Professor Emeritus of Microelectronic Engineering at the University of Maryland. I have been retained by Patent Owner VARTA Microbattery GmbH (“VARTA” or “Patent Owner”) as an expert in the relevant art.

2. I made a First Declaration in this proceeding on March 31, 2021, which was submitted to the Board as Patent Owner’s Exhibit 2043.

II. QUALIFICATIONS

3. My qualifications for forming the opinions given herein were summarized in the First Declaration and are addressed more fully in my curriculum vitae, which was previously submitted to the Board as Patent Owner’s Exhibit 2044.

III. MATERIALS CONSIDERED

4. In addition to the materials I considered in forming the opinions set forth in my First Declaration, I have reviewed and/or considered the following materials—as well as any other material or information referenced herein:

- The Supplemental Declaration of William H. Gardner (Ex. 1041);
- JP Patent Publication No. 2003-31266 to Kannou, et al. (“Kannou,” Ex. 1039);

- U.S. Patent No. 7,575,830 to Kawamura et al. (“Kawamura,” Ex. 1040);
- Each of Petitioners’ Replies: Petitioners’ Reply for the ‘581 Patent, IPR2020-01211, Paper 24; Petitioners’ Reply for the ‘835 Patent, IPR2020-01212, Paper 23; Petitioners’ Reply for the ‘858 Patent, IPR2020-01213, Paper 24; Petitioners’ Reply for the ‘913 Patent, IPR2020-01214, Paper 23;
- Each of Petitioners’ Oppositions to Patent Owner’s Motions to Amend: Petitioners’ Opposition to Patent Owner’s Contingent Motion to Amend for the ‘581 Patent, IPR2020-01211, Paper 23; Petitioners’ Opposition to Patent Owner’s Contingent Motion to Amend for the ‘835 Patent, IPR2020-01212, Paper 22; Petitioners’ Opposition to Patent Owner’s Contingent Motion to Amend for the ‘858 Patent, IPR2020-01213, Paper 23; Petitioners’ Opposition to Patent Owner’s Contingent Motion to Amend for the ‘913 Patent, IPR2020-01214, Paper 22; and
- The Transcript of Mr. Gardner’s July 28, 2021 Deposition (Ex. 2051).

IV. OVERVIEW OF NEW PRIOR ART

5. Kannou discloses “a flat-type non-aqueous secondary battery with improved discharge capacity.” Ex. 1039 at ¶ 7. The battery of Kannou includes an

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.