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Subject: Petitioner's Request to Submit Supplemental Information | PEAG LLC et al. v. VARTA Microbattery, IPR2020-01211, -01212, -01213, -1214

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Dear Board,

Pursuant to 37 C.F.R. § 42.123(b), Petitioner seeks permission to submit supplemental information which is relevant to the grounds at issue in the above referenced IPR proceedings. On December 15 & 16, in litigation proceedings involving the patents at issue in these IPRs, Petitioner took the deposition of Mr. Joachim Rieger, who is a Patent Specialist at VARTA Microbattery, the Patent Owner in these IPRs. During this deposition, Mr. Rieger provided testimony regarding the beading of all VARTA Coinpower® batteries.

Given Patent Owner's reliance upon commercial success of their Coinpower® batteries in these proceedings in connection with alleged secondary indicia of non-obviousness, testimony which casts doubt upon whether those batteries are covered by the patent claims at issue (which Petitioner submits Mr. Rieger's testimony does) is particularly relevant. Since this testimony was received only last week, Petitioner submits that it could not have reasonably been obtained earlier. Further, given the relevance of the testimony, Petitioner submits that consideration of the supplemental information would be in the interests-of-justice.

To that end, Petitioner requests a call with the Board in order to further explain the circumstances of this testimony and its relevance to the present IPRs, if necessary. If a call is not required, Petitioner requests authorization to file a motion to submit the supplemental information, which consists of excerpted portions of Mr. Rieger's testimony related to the features of "beading over" in Coinpower® products.

Patent Owner opposes Petitioner's request. According to the Patent Owner, the testimony referenced by Petitioner in fact supports Patent Owner's contention that its Coinpower® batteries are covered by the challenged patents. Beyond that, Petitioner knew of the information well before the November hearing, through materials in these proceedings and discovery in the related litigation, as well as from publicly available information.

Best regards,
Nick Palmieri

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Exhibit 3001