

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GUANGDONG MIC-POWER NEW ENERGY CO. LTD., PEAG LLC
d/b/a JLAB AUDIO, AUDIO PARTNERSHIP LLC, AUDIO
PARTNERSHIP PLC d/b/a CAMBRIDGE AUDIO, GN AUDIO A/S, and
GN AUDIO USA INC. d/b/a JABRA,
Petitioner,

v.

VARTA MICROBATTERY GMBH,
Patent Owner.

IPR2021-01206
Patent 10,971,776 B2

Before CHRISTOPHER L. CRUMBLEY, JON B. TORNQUIST, and
AVELYN M. ROSS, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. *Background and Summary*

Guangdong Mic-Power New Energy Co. Ltd., PEAG LLC d/b/a JLab Audio, Audio Partnership LLC, Audio Partnership PLC d/b/a Cambridge Audio, GN Audio A/S, and GN Audio USA Inc. d/b/a Jabra (collectively “Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–30 (all claims) of U.S. Patent No. 10,971,776 B2 (Ex. 1001, “the ’776 patent”). VARTA Microbattery GMBH filed a Preliminary Response to the Petition. Paper 9 (“Prelim. Resp.”).

We have authority to determine whether to institute an *inter partes* review. 35 U.S.C. § 314; 37 C.F.R. § 42.4(a). The standard for institution is set forth in 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted “unless the Director determines . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

After considering the parties’ arguments and evidence, and for the reasons set forth below, we determine that Petitioner has not demonstrated a reasonable likelihood of prevailing with respect to any challenged claim of the ’776 patent. Accordingly, we do not institute an *inter partes* review.

B. *Real Parties-in-Interest*

Petitioner identifies itself as the real parties-in-interest. Pet. 1. Patent Owner identifies itself as the real party-in-interest. Paper 7, 2.

C. *Related Matters*

The parties inform us that the ’776 patent is the subject of four district court cases: *VARTA Microbattery GmbH v. GN Audio A/S and GN Audio USA Inc. d/b/a Jabra*, United States District Court for the District of Delaware, No. 1-21-cv-00134-RGA (stayed); *VARTA Microbattery GmbH v.*

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Guangdong Mic-Power New Energy Co., Ltd., United States District Court for the Eastern District of Texas, No. 2-21-cv-00036-JRG (pending); *VARTA Microbattery GmbH v. Audio Partnership LLC d/b/a Cambridge Audio USA et al.*, United States District Court for the Eastern District of Texas, No. 2-21-cv-00037-JRG (pending); *VARTA Microbattery GmbH v. PEAG LLC d/b/a JLab Audio*, United States District Court for the Eastern District of Texas, No. 2-21-cv-00038-JRG (pending). Pet. 1; Paper 7, 2–3.

The parties further inform us that a petition directed to similar subject matter was filed in IPR2021-01207 and that petitions were filed against related patents in IPR2020-01211, -01212, -01213, and -01214. Pet. 1–2; Paper 7, 4 (Patent Owner also identifying IPR2021-00474 as a related matter).

D. The '776 Patent

The '776 patent is directed to “button cells having a housing consisting of two metal housing halves, which contains a wound electrode separator assembly, and to a method for its production.” Ex. 1001, 1:21–24.

Figure 1A of the '776 patent, as annotated by Patent Owner, is reproduced below (Prelim. Resp. 5):

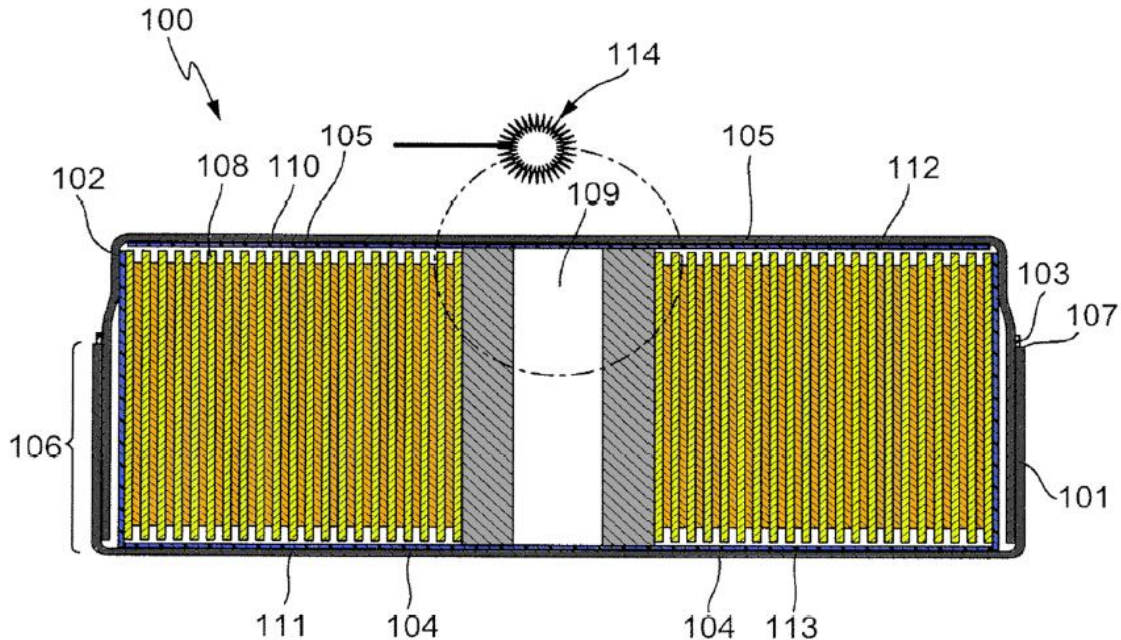


Figure 1A is a schematic cross-section of a preferred button cell of the '776 patent. *Id.* at 2:62–63. As shown in Figure 1A, button cell 100 comprises metal cup part 101 and metal top part 102, which act as two metal housing halves. *Id.* at 6:57–58. Seal 103 lies between the two halves of the housing, allowing the two housing halves to be connected together in a “leaktight” fashion. *Id.* at 6:58–60. As connected, button cell 100 has a plane bottom region 104 and plane top region 105, which act as poles for the button cell from which current may be drawn by a load. *Id.* at 6:60–64.

Assembly 108 is formed of strip-shaped electrodes and strip-shaped separators that are arranged and then rolled into a spiral-shaped winding. *Id.* at 7:4–9. The assembly is wound on winding core 109 (a hollow plastic cylinder) at the center of button cell 100. *Id.* at 7:9–15. Metal foils 110 and 111 are connected to the electrodes and act as conductors, with insulating elements 112 and 113 shielding the conductors from the end sides of the winding. *Id.* at 7:15–17.

Metal foils 110 and 111 are welded by laser 114, preferably in a location in the sub-region that delimits the axial cavity at the center of the winding. *Id.* at 7:24–29. This creates a weld bead that passes fully through the housing of button cell 100 from the outside inward and firmly connects metal foils 110 and 111 to the inner side of the housing. *Id.* at 7:29–34.

E. Illustrative Claim

Petitioner challenges claims 1–30 of the '776 patent. Pet. 14. Claim 1, reproduced below, is the only independent claim of the '776 patent and is illustrative of the challenged claims:

1. A method for producing a button cell, the method comprising:

providing a metal cell cup, the metal cell cup having a cell cup plane region connected to a cell cup lateral surface region;

providing a metal cell top, the metal cell top having a cell top plane region connected to a cell top lateral surface region;

providing a cylindrical electrode winding, the electrode winding having a first end side, a second end side, and an outer side, the electrode winding being formed from a multi-layer assembly that is wound in a spiral shape about an axis, the multi-layer assembly including:

a positive electrode formed from a first current collector coated with a first electrode material,

a negative electrode formed from a second current collector coated with a second electrode material, and

a separator disposed between the positive electrode and the negative electrode;

connecting a first conductor to one of the first current collector or the second current collector;

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