

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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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.

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IPR2021-01207  
Patent 10,804,506 B2

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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 1–20 (all claims) of U.S. Patent No. 10,804,506 B2 (Ex. 1001, “the ’506 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 ’506 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 ’506 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 IPR2021-01206 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 '506 Patent*

The '506 patent is directed to “button cells having a housing consisting of two metal housing halves that contains a wound electrode separator assembly, and to a method for its production.” Ex. 1001, 1:18–21.

Figure 1A of the '506 patent, as annotated by Patent Owner (Prelim. Resp. 5), is reproduced below:

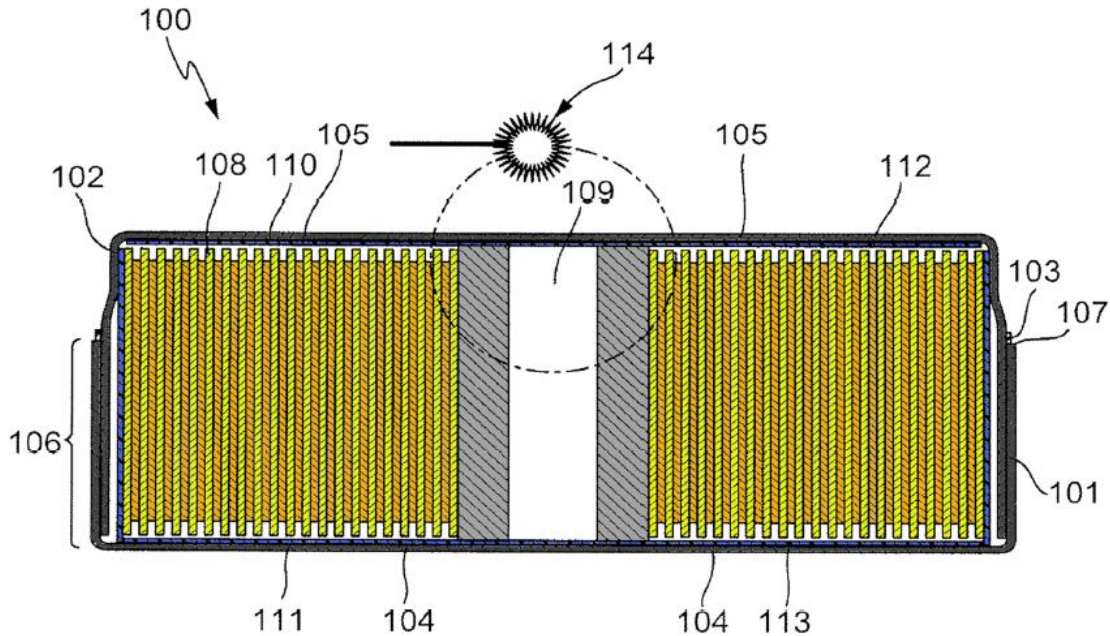


Figure 1A is a schematic cross-section of a preferred button cell of the '506 patent. Ex. 1001, 3:22–23. As shown in Figure 1A, button cell 100 comprises metal cup part 101 and metal top part 102, which act as two metal housing halves. *Id.* at 7:18–19. Seal 103 lies between the two halves of the housing, allowing the two housing halves to be connected together in a “leaktight fashion.” *Id.* at 7:19–21. As connected, button cell 100 has a plane bottom region 104 and plane top region 105, which act as poles of the button cell from which current may be drawn by a load. *Id.* at 7:21–25.

Assembly 108 is formed of strip-shaped electrodes and strip-shaped separators, which are rolled into a spiral-shaped winding. *Id.* at 7:32–36. The assembly is wound on winding core 109 (a hollow plastic cylinder) at the center of button cell 100. *Id.* at 7:37–40. 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 7:43–47.

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 7:52–57. 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 7:57–62.

*E. Illustrative Claim*

Petitioner challenges claims 1–20 of the '506 patent. Pet. 11–12. Claim 1 is illustrative of the challenged claims and is reproduced below:

1. A rechargeable button cell comprising:

a housing including metal housing halves separated from one another by an electrically insulating injection-molded seal or film seal, one of the housing halves including a planar bottom region and another housing half including a planar top region substantially parallel to the planar bottom region, the housing having a height-to-diameter ratio of less than one;

an electrode separator assembly comprising a positive electrode and a negative electrode disposed inside the housing, wherein the electrode separator assembly is in the form of a winding, end sides of the winding respectively facing in directions of the planar bottom region and the planar top region such that layers of the electrode separator assembly are oriented essentially orthogonally to the planar bottom region and the planar top region of the housing, the winding having a substantially centrally located axis and an open cavity extending along the axis interiorly of the winding, the open cavity having axially spaced opposite ends, the planar top and bottom regions of the housing each having a subregion, each subregion disposed both radially and axially adjacent one of the ends of the open cavity, the positive electrode and the negative electrode each including a current collector in the form of a metal foil or a metal mesh coated on both sides with active electrode material, and each of the current collectors comprises an uncoated section;

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