

Case IPR2014-01121
Patent 7,626,349

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

**Zhongshan Broad Ocean Motor Co.,
Ltd.; Broad Ocean Motor LLC; and
Broad Ocean Technologies, LLC**

Petitioners

v.

Nidec Motor Corporation

Patent Owner

Case IPR2014-01121

Patent 7,626,349

DECLARATION BY JOHN FILLA

1. I, John Filla, am Director of Product Management for Commercial and Residential Motors for Nidec Motor Corporation (“Nidec”). I am familiar with the recordkeeping practices of Nidec, the process of inputting data into Nidec’s electronic financial database, and the process of querying Nidec’s electronic financial database to generate reports.

2. Nidec maintains a financial database on an Oracle platform. Among other things, Nidec’s electronic financial database stores sales data, like pricing and volume information relating to customer orders, that Nidec employees like myself can later query to generate reports. Nidec requires data entered into the database to be accurate and complete so that when queried an accurate and complete picture of Nidec’s financial status is provided. This is because Nidec

relies on the accuracy and completeness of the data compiled in Nidec's electronic financial database when making business decisions.

3. I am familiar with the document shown in Exhibit 2007. I helped prepare Exhibit 2007, which, behind the sales tab, comprises a true and accurate report of financial information collected from Nidec's electronically maintained financial database relating to the pricing and sales of PerfectSpeed, EcoTech, 16X4W and SelecTech electric motors and controls since they were first sold in 2007. The pricing and sales data reflected in Exhibit 2007 was entered into Nidec's electronic financial database at or near the time of each order or payment event by a person with knowledge of the order or payment event and whose job responsibilities require the accurate entry of pricing and sales data into Nidec's electronic financial database. Users input the pricing and sales data maintained in Nidec's electronic financial database as a regular practice and custom. Indeed, Nidec maintained the pricing and sales data reflected in the sales tab of Exhibit 2007 in its electronic financial database relating to the PerfectSpeed, EcoTech, 16X4W and SelecTech electric motors and controls in the course of Nidec's regularly conducted business activity to track Nidec's financial performance.

4. Nidec relies on reports like that shown behind the sales tab in Exhibit 2007 so that Nidec can operate its business with accurate knowledge of its financial status. Indeed, it is part of Nidec's business practice to run reports similar

to what is shown behind the sales tab of Exhibit 2007 to gauge the sales success of various Nidec products and assist decision-making by Nidec with respect to its products and overarching business strategies.

5. I am also familiar with the summary of information set forth behind the market tab of 2007, which comprises a true and accurate estimate of Nidec's market share of variable speed electric motors and controls, including the OEM and aftermarket segments. At Nidec, Ryan Wade (the Vice President of Aftermarket for Commercial and Residential Motors at Nidec) and I have responsibility for tracking market share information for the OEM and aftermarket business segments. There is no publicly available information source that tracks those market segments broken down as shown in the market tab of 2007. Mr. Wade and I rely on Nidec's own sales data, knowledge of the market size, and analytically forecast the likely size of the variable speed HVAC electric motor and controls market, including OEM and aftermarket segments.

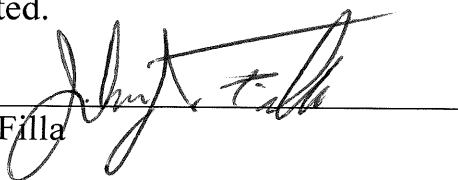
6. Accordingly, behind the market tab of 2007, comprises a true and accurate summary of market share data compiled from Nidec's own sales data, and Nidec's knowledge of the market size. As part of our job responsibilities, Ryan and I routinely gather, record, and maintain market intelligence data that is used to compile market share data as we observe and receive the information in the market. We are careful in our selection and use of data used to compile market

share data because Nidec needs the most accurate market share information as possible to make its business decisions. Ryan and I maintain the data used to compile market share information reflected in the market tab of Exhibit 2007 in an electronic format in the course of Nidec's regularly conducted business activity.

7. Nidec relies on the market share information like that shown behind the market tab in Exhibit 2007 so that Nidec can operate its business with the best possible knowledge of its market position. Indeed, it is part of Nidec's business practice to rely on market share data similar to what is shown behind the market tab of Exhibit 2007 to gauge Nidec's trends in the market and assist decision-making by Nidec with respect to its products and overarching business strategies.

8. I further declare that all statements made herein of my own knowledge are true and that statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Declaration is directed.

John Filla



Date:

5/6/15