

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ZHONGSHAN BROAD OCEAN MOTOR CO., LTD.,  
BROAD OCEAN MOTOR LLC, and  
BROAD OCEAN TECHNOLOGIES, LLC,  
Petitioners

v.

NIDEC MOTOR CORPORATION,  
Patent Owner

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Case IPR2014-01121  
U.S. Patent No. 7,626,349

**REBUTTAL DECLARATION OF IVAN T. HOFMANN, CPA/CFF, CLP**

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I, Ivan T. Hofmann, hereby declare as follows.

## **I. Introduction**

1. I am over the age of eighteen and otherwise competent to make this declaration.

2. I have been retained as an independent expert on behalf of Petitioners ZHONGSHAN BROAD OCEAN MOTOR CO., BROAD OCEAN MOTOR LLC, and BROAD OCEAN TECHNOLOGIES, LLC, (collectively, “Broad Ocean”) for the above-captioned *inter partes* review (“IPR”).

3. I understand that this IPR involves U.S. Patent No. 7,626,349 (the “ ‘349 Patent” or the “Patent-at-Issue”). EX. 1001. I understand that Joseph G. Marcinkiewicz, Arthur E. Woodard, Prakash B. Shahi, Mark E. Carrier, and Michael I. Henderson are the named inventors and that, according to the United States Patent and Trademark Office (“USPTO”) records, the ‘349 Patent is currently assigned to NIDEC MOTOR CORPORATION (“Nidec”). EX. 1001 and EX. 1018.

4. Nidec was formed when Nidec Corporation acquired the motors and controls business of Emerson Electric Company in September 2010. EX. 2015. Nidec is a manufacturer of commercial, industrial, and appliance motors and controls. EX. 2012.

5. Broad Ocean is a global supplier of small and electric machines, and serves customers in five continents around the globe with the annual production capacity of more than 50 million motors for various purposes. EX. 2017.

6. I have been asked by counsel for Broad Ocean to analyze Nidec's claims of commercial success and nexus related to the '349 Patent. I have specifically been asked to review and provide rebuttal testimony to the assertions regarding alleged commercial success and nexus related to the Patent-at-Issue within the Patent Owners' Response (the "POR"), dated May 8, 2015, and within the Declaration of Christopher J. Bokhart, dated May 7, 2015 (the "Bokhart Declaration"). Paper 29 and EX. 2010.

7. My rebuttal declaration focuses on the alleged commercial success of electronic motors and controllers described in the Bokhart Declaration, which include Nidec electric motors and controllers sold under the names PerfectSpeed, EcoTech, 16X4W, EcoApex48, Rescue Select, and SelecTech (the "Practicing Nidec Motors"). EX. 2010, p.11. I understand that Nidec claims that the Practicing Nidec motors are commercial embodiments falling within the scope of certain claims of the '349 Patent. EX. 2003, p.13-15 and EX. 2010, p.11.

8. I understand that the challenged claims of the '349 Patent "generally relate to systems and methods for heating, ventilating, and/or cooling ("HVAC")

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