

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

DECLARATION OF ALAN F. KESSLER

BOM Exhibit 1028
BOM v. Nidec
IPR2014-01121

1. I am the president of A. Kessler Consulting, LLC. I am an independent consultant providing professional management services for improving engineering and quality operations, technical program management and general business development, including strategic planning and support to achieve business, manufacturing and marketing objectives.

2. I formed my consulting business in 2011 after retiring from my position as corporate vice president of research and development at Rheem Manufacturing Company. Previously, I was Vice President of Research and Development of Rheem Manufacturing Co.'s AC Division. I worked at Rheem Manufacturing Co. from 2004 to 2011. Rheem is a leading manufacturer of water heaters and air conditioning and heating systems for residential and commercial applications. While I was Vice President at Rheem I had responsibility for engineering of all product lines, including residential HVAC systems. From 2004 to 2007, I was the Vice President of Research and Development for the air conditioning division of Rheem, which included residential HVAC systems.

3. Before my time with Rheem, I worked for Fisher Controls International from 2002 to 2004 which is a leading global manufacturer of process control systems.

4. From 1987 to 2001, I worked for Raytheon/Amana Appliances, which is was leading manufacturer of major appliances and heating and cooling products, including residential HVAC systems. Amana Appliances was a subsidiary of Goodman Manufacturing Co. from 1997 to 2001. While at Goodman, I was Vice President, Technology and Government Relations, from 1999 to 2001, and before that, from 1997 to 1999, I was a Vice President of Engineering and Quality at Amana Appliances at which time I had responsibility for engineering and quality on all product lines, including residential HVAC systems.

5. From 1993 to 1997, I was the Vice President, Engineering, at Raytheon Appliances and Chief Technology Officer, responsible for Engineering and Quality on all business unit product lines, including refrigeration, cooking, microwave, laundry, sourced products and HVAC systems. From 1992 to 1993, I was Vice President of Engineering at Amana Refrigeration Inc., a Raytheon subsidiary, where I had management responsibility for engineering on all products lines, including refrigeration, HVAC systems, cooking, microwave and sourced products. From 1991 to 1992, I was Vice President, Engineering and Tipton operations at Caloric Corporation, a subsidiary of Raytheon. In 1987 through 1991, I was the Chief Engineer of the Heating and Cooling division of Amana Refrigeration Inc. in which I had management responsibilities for the design, development and production support of HVAC systems.

6. From 1970 to 1987, I worked for the Trane Company, which is a leading HVAC equipment manufacturer. I held the positions of: Manager, Unitary Design Engineering; from 1986 to 1987, Manager, Product Development Engineering; from 1984 to 1986, Manager, Production Support Engineering; from 1983 to 1984, Senior Principal Engineer; 1983, Development Engineering Manager; from 1979 to 1983, Development Engineering Supervisor; from 1978 to 1979; and Senior Development Engineer from 1974 to 1978 in which I had technical engineering responsibility for residential and mid-range commercial unitary HVAC split systems. Prior to that, I was a Project Development Engineer, from 1970 to 1974, with responsibility for several product lines.

7. I obtained a Bachelor of Science in Agricultural Engineering in 1969 from Kansas State University. I then obtained a Master of Science in Engineering, Mechanical Engineering, in 1970 from Purdue University. I am a Life Member of ASHRAE and I am a currently Licensed Professional Engineer in the states of Kansas and Iowa. Attached hereto as Exhibit 1029 is a true and correct copy of my current resume.

8. I have over forty (40) plus years of experience in the HVAC industry, including experience with product development, manufacturing, and marketing of residential air conditioning products. I have experience with the design and

application of electronically-commutated motors (“ECM”), variable speed motors to furnaces and blower coils as replacement or substitutes for Permanent Split Capacitor (“PSC”) motors for improved efficiency and operational benefits, and I am knowledgeable of the market demand for these motors. I have had executive management responsibilities for engineering design, quality control, manufacturing processes and product development to achieve business sales and marketing and profit objectives on many product lines, including residential HVAC systems.

9. I have been retained by Locke Lord LLP, counsel for Broad Ocean Motors (“BOM”). I am being compensated at the rate of \$175 per hour. More specifically, I have been retained to assist in determining whether Nidec’s blower motors, allegedly incorporating the patented technology, were commercially successful, and describe my experience as to the factors that drive an Original Equipment Manufacturer (“OEM”) to purchase these motors that are to be used in residential HVAC systems. I have also been retained to offer rebuttal testimony to any evidence or argument advanced by Nidec Motor Corporation (“Nidec”) regarding issues of commercial success. In all cases, my review and opinions are based upon my experience in the field of residential HVAC systems.

10. While performing my analysis and developing the opinions reflected in this Declaration, I relied upon various documents produced by the parties and

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