

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

PETITIONERS' MOTION TO SEAL

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, Petitioner Zhongshan Broad Ocean Motor Co., Ltd.; Broad Ocean Motor; LLC, and Broad Ocean Technologies, LLC (collectively, “Broad Ocean”) hereby move to seal Petitioners’ Reply and Exhibits 1014 and 1020. As detailed below, these papers contain confidential and financial information related to a non-party, Goodman Manufacturing, that Broad Ocean has not and would never make publicly available, and that provided to Broad Ocean under a nondisclosure agreement prohibiting their disclosure.

I. Good Cause Exists For Sealing Certain Confidential Information

Counsel for Broad Ocean and Nidec have agreed on the terms of a modified protective order relating to the use of confidential information and Exhibits in this proceeding. Specifically, the Default Protective Order has been amended to accommodate a second “Attorneys’ Eyes Only” provision to protect highly confidential material contained in the relevant Exhibits. Patent Owner has filed the Stipulated Protective Order along with a redline showing how the Stipulated Protective Order differs from the Board’s Default Protective Order. Patent Owner has requested that the Board enter the Stipulated Protective Order so that the small number of identified Exhibits may be designated “Attorneys’ Eyes Only.”

The Confidential Documents in Appendix I constitute or contain portions of documents that a non-party to this proceeding, Goodman Manufacturing, provided

to a Broad Ocean employee, Ge Hu, whose declaration is being submitted contemporaneously herewith. These documents were supplied to Mr. Hu under a nondisclosure agreement with Goodman, a customer of Broad Ocean. Ex. 1020, Declaration of Ge Hu. In addition, Petitioner's expert Ivan Hoffman has cited to and relied upon certain confidential material of Patent Owner. Portions of these Confidential Documents have been cited or reproduced in Petitioners' Reply, and the accompanying Declarations of Ge Hu and Ivan Hoffman. These portions of the Petitioners' Reply, Mr. Hu's (Ex. 1020), and Mr. Hoffman's (Ex. 1014) declarations should also be sealed.

II. Certification of Non-Publication

Upon information and belief, Counsel for Broad Ocean certifies that the Confidential Documents sought to be sealed by this Motion have not been published or otherwise made public, based on Goodman's designation as confidential, and based on Patent Owner's designation.

III. Certification Pursuant to 37 C.F.R. § 42.54

Broad Ocean has conferred with Patent Owner in good faith concerning the Confidential Documents submitted.

II. Conclusion

For the reasons stated above, Broad Ocean respectfully requests that the Petitioners' Reply and the Declarations of Ge Hu (Exhibit 1020) and Ivan Hoffman (Exhibit 1014) remain under seal.

Dated: August 21, 2015

Respectfully submitted,

by: /s/ Charles S. Baker

Steven F. Meyer (Reg. No. 35,613)
Charles S. Baker (*pro hac vice*)
LOCKE LORD LLP
Three World Financial Center
New York, New York 10281-2101

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e) and 37 C.F.R. §42.105(b), the undersigned hereby certifies that on August 21, 2015, a complete and entire copy of the foregoing **PETITIONERS' MOTION TO SEAL** was electronically served in its entirety on the Patent Owner of record (as agreed upon by counsel) at sbrown@hoveywilliams.com, mwalters@hoveywilliams.com, and litigation@hoveywilliams.com.

Additionally, the undersigned certifies that on August 21, 2015, a complete and entire copy of the foregoing **PETITIONERS' MOTION TO SEAL** was electronically served on the Patent Owner's below-listed counsel of record at jschwent@thompsoncoburn.com, djinkins@thompsoncoburn.com, and syoo@thompsoncoburn.com, in the co-pending litigation *Nidec Motor Corporation v. Broad Ocean Motor LLC et al.*, Civil Action No. 4:13-CV-01895-JCH (E.D. Mo.), as agreed upon by the parties.

Dated: August 21, 2015

/s/ Charles S. Baker

Steven F. Meyer (Reg. No. 35,613)

Charles S. Baker (*pro hac vice*)

LOCKE LORD LLP

Three World Financial Center

New York, New York 10281-2101

Attorneys for Petitioners Zhongshan

Broad Ocean Motor Co., Ltd.;

Broad Ocean Motor LLC; and

Broad Ocean Technologies, LLC

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