

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” or “Petitioners”) hereby move to seal portions of Petitioners’ Response to Patent Owner’s Motion to Exclude (“Petitioners’ Response”). As detailed below, the Response contains references to 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 that are described below 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 has been submitted under seal. Ex. 1020. Hu's Declaration references these documents that were also filed under seal. See Exhibits 2034 and 2035. These documents were supplied to Mr. Hu under a nondisclosure agreement with Goodman, a customer of Broad Ocean. Ex. 1020, Declaration of Ge Hu. Portions of Petitioners' Response references Hu's sealed declaration and the sealed exhibits. See Petitioners' Response at p. 3, § III, 2nd (end of first sentence to end of paragraph) and 4th Paragraph (second to last and last sentence of paragraph). These portions of the Petitioners' Response should therefore 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.

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 portions of the Petitioners' Response remain under seal.

Dated: September 25, 2015

Respectfully submitted,

by: /s/ Charles S. Baker

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

Charles S. Baker (*pro hac vice*)

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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 September 25, 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: September 25, 2015

/s/ Charles S. Baker

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

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