

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZHONGSHAN BROAD OCEAN MOTOR CO., LTD.
Petitioner

v.

NIDEC MOTOR CORPORATION
Patent Owner

Case IPR2014-01121
Patent 7,626,349

**DECLARATION OF NATHAN J. REES IN SUPPORT OF
PETITIONER'S MOTION TO SUBMIT A CORRECTED
EXHIBIT AND MAINTAIN FILING DATE
PURSUANT TO 37 C.F.R. §42.104(c)**

**IPR2014-01121 - Ex. 1012
Zhongshan Broad Ocean Motor Co., Ltd., Petitioner
Nidec Motor Corporation, Patent Owner**

I, Nathan J. Rees, declare as follows:

1. I graduated from Franklin Pierce Law Center with a Juris Doctorate degree (cum laude) in 2007.

2. I joined Fulbright & Jaworski LLP in 2007 and am now a senior associate with Fulbright & Jaworski LLP.

3. I am admitted to practice before the United States Patent and Trademark Office and my registration no. is 63,820.

4. I am aware that on September 25, 2013, Nidec Motor Corporation filed the patent infringement suit, *Nidec Motor Corporation v. Broad Ocean Motor LLC, et al.*, Civil Action No. 4:13-CV-01895-JCH (E.D. Mo.) (the "Litigation") which asserted U.S. Patent No. 7,626,349 against Broad Ocean Motor LLC, et al. ("the Petitioner"). Charles S. Baker, then a partner at Fulbright & Jaworski LLP, was retained by the Petitioner to defend it against the Litigation.

5. As part of developing its defenses against the Litigation, Petitioner identified Japanese Patent Publication JP 2003-348885 and obtained an English translation thereof.

6. The English language translation of JP 2003-348885 was obtained by Petitioner's litigation counsel Charles S. Baker in furtherance of Petitioner's defense of the Litigation. Because the English translation of JP 2003-348885 was obtained for use in the Litigation, I assumed that an affidavit attesting to the

accuracy of the translation had been obtained from the translator at the time of the translation for evidentiary purposes and had been included as part of Exhibit 1005.

7. On July 3, 2014, Petitioner filed a petition for *inter partes* review of U.S. Patent No. 7,626,349. The Petition identified me as Lead Counsel and Daniel A. Prati (Reg. No. 65,869) as Back-Up Counsel. See Paper No. 1 at p. 2.

8. Along with the petition, we submitted Exhibit 1003 (JP 2003-348885 in Japanese), Exhibit 1004 (an English Abstract of JP 2003-348885), and Exhibit 1005 (an English translation of JP 2003-348885).

9. On July 25, 2014, the Patent Office issued the Notice Of Filing Date Accorded To Petition which identified, as a defect, that the Exhibits lacked a label with the petitioner's name and exhibit number. See Paper No. 4 at p. 2.

10. On July 28, 2014, we filed the Response To Notice Of Filing Date Accorded To Petition, and therein noted that "the first page of each [corrected] Exhibit has been labeled with the Petitioner's name and Exhibit number in accordance with the Notice." See Paper No. 6 at p. 2.

11. During the course of placing the label on the first page of Exhibit 1005, nobody noticed that an affidavit attesting to the accuracy of the English translation of JP 2003-348885 was not included as the last page of Exhibit 1005.

12. On July 31, 2014, the Patent Office accepted the corrected petition filed on July 28, 2014. See Paper No. 8.

13. On October 3, 2014, Petitioner moved to have me and Mr. Prati of Fulbright & Jaworski L.L.P. withdrawn as its counsel in this proceeding. See Paper No. 9.

14. At no point in time did I intend to file the English translation of JP 2003-348885 without an affidavit of attestation. It was an unintended and inadvertent oversight.

15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are 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 U.S. Patent No. 7,626,349.

Respectfully submitted,



Dated: November 10, 2014

Nathan J. Rees
Fulbright & Jaworski LLP
Registration No. 63,820

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 November 10, 2014, a complete and entire copy of the foregoing DECLARATION OF NATHAN J. REES IN SUPPORT OF PETITIONER'S MOTION TO SUBMIT A CORRECTED EXHIBIT AND MAINTAIN FILING DATE UNDER 37 C.F.R. §42.104(c) 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 November 10, 2014, a complete and entire copy of the foregoing DECLARATION OF NATHAN J. REES IN SUPPORT OF PETITIONER'S MOTION TO SUBMIT A CORRECTED EXHIBIT AND MAINTAIN FILING DATE UNDER 37 C.F.R. §42.104(c) 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: November 10, 2014

/ Steven F. Meyer /

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