

Filed on behalf of Nidec Motor Corporation

IPR2015-00762

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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 No. IPR2015-00762  
U.S. Patent No. 7,626,349

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**PATENT OWNER'S OPPOSITION TO  
PETITIONERS' REQUEST FOR REHEARING**

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Pursuant to 37 C.F.R. § 42.71(d), Petitioners requested rehearing of the Decision (Paper 12) denying Petitioners' Motion for Joinder and the resulting denial of the institution of an *inter partes* review of U.S. Patent No. 7,626,349 ("the '349 patent"). For the following reasons, Petitioners fail to meet their burden of showing that the Decision should be modified. Nidec Motor Corporation ("Nidec") respectfully requests that this Board deny Petitioners' Motion.

**I. IPR2014-01121 IS SET FOR ORAL ARGUMENT ON OCTOBER 16, AND THUS A GRANT OF REHEARING WOULD SUBSTANTIALLY PREJUDICE NIDEC.**

Petitioners seek to join IPR2014-01121. (Paper 4, at 4). Oral argument in IPR2014-01121 is scheduled for October 16, 2015. IPR2014-01121, Paper 21. At this late date, a grant of rehearing would substantially prejudice Nidec. Indeed, that proceeding is concluding and Nidec has expended substantial time and effort developing a case of non-obviousness, including identification of objective indications of non-obviousness. *See* IPR2014-01121, Paper 29. Nidec's effort in IPR2014-01121 may be entirely wasted if anticipation based on Hideji (IPR2015-00762, Paper 3, at 11-44) is now joined to that proceeding. Nidec may then have to amend and much of the work to date may become moot. Nidec urges the Board to bear this potential for prejudice in mind in deciding this Motion, particularly given that Petitioners' sole purpose in seeking rehearing is to attempt yet another "bite at the apple" to rectify a "substantively significant defect" in their original petition.

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