

UNITED STATES OF AMERICA
 FEDERAL TRADE COMMISSION
 OFFICE OF ADMINISTRATIVE LAW JUDGE



In the Matter of

Otto Bock HealthCare North
 America, Inc.,

a corporation,

Respondent.

ORIGINAL
 DOCKET NO. 9378

**NON-PARTY NABTESCO CORPORATION'S
 MOTION FOR *IN CAMERA* TREATMENT**

Pursuant to Rule 3.45 of the Federal Trade Commission's Rules of Practice, 16 C.F.R. § 3.45(b), non-party Nabtesco Corporation ("Nabtesco") respectfully moves this Court for *in camera* treatment of one competitively-sensitive, confidential document, Exhibit No. PX03004, Bates Range FTC-NBTS-000068 to FTC-NBTS-000072 (the "Confidential Document"). Nabtesco produced the Confidential Document in response to a civil investigative demand and non-party subpoena issued by Federal Trade Commission counsel ("Complaint Counsel") supporting the complaint in this matter. The Complaint Counsel has now notified Nabtesco that he intends to introduce the Confidential Document into evidence at the administrative trial in this matter. *See* Letter from Complaint Counsel dated May 24, 2018, attached hereto as Exhibit A.

All of the materials for which Nabtesco is seeking *in camera* treatment are confidential business documents that contain confidential commercial or financial information protected by Section 6(f) of the Federal Trade Commission Act, such that if they were to become part of the public record, Nabtesco would be significantly harmed in its ability to compete in the assistive products industry. For the reasons discussed in this motion, Nabtesco requests that this Court grant

its confidential business documents *in camera* treatment indefinitely. In support of this motion, Nabtesco relies on the Declaration of Shuji Fujisawa (the "Fujisawa Declaration"), attached hereto as Exhibit B, which provides additional details regarding the documents for which Nabtesco seeks *in camera* treatment.

I. Description of the Confidential Document

Nabtesco seeks *in camera* treatment for the following portion of the Confidential Document, copies of which are attached hereto as Exhibit C in non-redacted version and in redacted version.

Exhibit No.	Description	Date	Bates Range	In Camera Scope
PX03004	Email from Shuji Fujisawa to William Cooke re: U.S. Federal Trade Commission Investigation with attachment FTC-Nabtesco 11.21.2017.pdf	November 20, 2017	FTC-NBTS-000068-000072	FTC-NBTS-000072

II. Legal Standard for *In Camera* Treatment

In camera treatment of material is appropriate when its "public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting" such treatment. 16 C.F.R. § 3.45(b). The party requesting *in camera* treatment demonstrates serious injury by showing that the documents are secret and that they are material to the business. *In re General Foods Corp.*, 95 F.T.C. 352, 355 (1980); *In re Dura Lube Corp.*, 1999 F.T.C. LEXIS 255, *5 (1999). In this context, Courts generally attempt "to protect confidential business information from unnecessary airing." *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1188 (1961). In considering both secrecy and materiality, the Administrative Law Judge should consider the following factors: (1) the extent to which the information is known outside of the business; (2) the extent to which it is known by employees and others involved in the business; (3) the extent of measures taken to guard the secrecy of the information; (4) the value of the information to the business and its

competitors; (5) the amount of effort or money expended in developing the information; and (6) the ease or difficulty with which the information could be acquired or duplicated by others. *In re Bristol Myers Co.*, 90 F.T.C. 455, 456-457 (1977).

III. Nabtesco's Competitively Sensitive Information is Secret, Material to Nabtesco's Business, and Disclosure Would Result in Serious Injury to Nabtesco

Nabtesco seeks *in camera* treatment for secret and material sales, pricing, and margin information contained in the Confidential Document (the "Competitively Sensitive Information") that is exactly the type of information for which the Commission has traditionally afforded *in camera* treatment. Fujisawa Decl. at ¶ 3; *see, e.g., The Matter of Champion Spark Plug Company*, 1982 LEXIS 85 at *2 (April 5, 1982) (finding that "there is ample support for granting *in camera* treatment for sales data of a type not normally disclosed.").

Nabtesco's Competitively Sensitive Information is secret because Nabtesco maintains the confidentiality of such information by not disclosing such information outside of Nabtesco and narrowly disclosing such information to employees within Nabtesco who have a specific need to know it to perform their duties. Fujisawa Decl. at ¶ 4, 5. Within Nabtesco, information on customer pricing and purchasing volumes is held within IT systems that restrict access only to those individuals requiring the information for their job duties. *Id.* at ¶ 5. For no person outside of Nabtesco has access to, or is aware of, the Competitively Sensitive Information, and only a select few individuals within Nabtesco have access to it. *Id.* at ¶ 4, 5.

Nabtesco's efforts to maintain the secrecy of the Competitively Sensitive Information extended to this matter. When Nabtesco produced the Confidential Document, it took steps to maintain its confidentiality by requesting confidential treatment under the Federal Trade Commission Act, as part of the Commission's non-public investigation prior to filing of the

Complaint in this matter, and by requesting designation as “CONFIDENTIAL – FTC Docket No. 9378” under the December 20, 2017 Protective Order Governing Confidential Material in this matter (“Protective Order”), the purpose of which is to protect “the interests of parties and third parties in [this] matter against improper use and disclosure of confidential information submitted or produced in connection with this matter.” *See* Protective Order (Dec. 20, 2017), at 2. It would be anomalous for the Court to make public the highly sensitive, confidential business documents that are currently under the Protective Order.

The Competitively Sensitive Information is also material to Nabtesco’s business, the disclosure of which to its suppliers, distributors, customers, and competitors would be exceedingly detrimental to Nabtesco. Fujisawa Decl. at ¶ 3, 7. Publishing Competitively Sensitive Information will result in the loss of a business advantage to Nabtesco and will result in “serious injury” to Nabtesco. *Id.* at ¶ 7 – 9; *see In re Dura Lube Corp.*, 1999 F.T.C. LEXIS 255 at *7 (Dec. 23, 1999) (“the likely loss of business advantages is a good example of a ‘clearly defined, serious injury.’”). Making sales, pricing, and margin information public would undermine Nabtesco’s ability to negotiate favorable terms with its suppliers, distributors, and customers; it would also give a business advantage to Nabtesco’s competitors by allowing them to more effectively target customers by undermining Nabtesco’s pricing, disrupting Nabtesco’s business opportunities. Fujisawa Decl. at ¶ 8, 9. Nabtesco would lose significant business advantage if suppliers, distributors, customers, and competitors learned Nabtesco’s pricing strategy, as well as its research, development, and production strategies, all significantly hindering Nabtesco’s ability to compete. *Id.* at ¶ 10, 11.

Additionally, Nabtesco spends a significant amount of time and internal resources on compiling and tracking internal sales data and using that data to develop highly-confidential

business strategies. *Id.* at ¶ 10. It would be highly prejudicial to Nabtesco to allow its suppliers, distributors, customers, and competitors to capitalize on these efforts and use Nabtesco's data to its detriment. *Id.* at ¶ 11 – 13. Notably, Nabtesco's competitors will be afforded an opportunity to refine their business strategies by predicting or reverse engineering Nabtesco's strategies or correcting or replacing their assumptions or information regarding those strategies, which would normally require the investment of significant time and internal resources, with actual data on the operations and performance of Nabtesco's business. *Id.* at ¶ 11 – 13. Because of the highly confidential nature of the information and its materiality to Nabtesco's business, *in camera* treatment of Nabtesco's Competitively Sensitive Information is appropriate.

Finally, Nabtesco's non-party status weighs in favor of *in camera* treatment of its information. The Commission has held that “[t]here can be no question that the confidential records of businesses involved in Commission proceedings should be protected insofar as possible.” *H.P. Hood & Sons*, 58 F.T.C. at 1186. This is especially so in the case of a non-party, which deserves “special solicitude” in its request for *in camera* treatment for its confidential business information. *See In re Kaiser Aluminum & Chem. Corp.*, 103 F.T.C. 500, 500 (1984) (“As a policy matter, extensions of confidential or *in camera* treatment in appropriate cases involving third party bystanders encourages cooperation with future adjudicative discovery requests.”).

IV. The Competitively Sensitive Information Will Remain Sensitive Over Time and Thus, Permanent *In Camera* Treatment Is Justified

Given the highly-sensitive nature of the Competitively Sensitive Information, Nabtesco requests that it be given *in camera* treatment indefinitely. The Competitively Sensitive Information contained in the Confidential Document “is likely to remain sensitive or become more

sensitive with the passage of time” such that the need for confidentiality is not likely to decrease over time. *See In re Dura Lube Corp.*, 1999 FTC LEXIS at *7-8.

As described above, maintaining the confidentiality of the Competitively Sensitive Information is key to Nabtesco’s ability to effectively negotiate with suppliers, distributors, and customers and compete with competitors. Fujisawa Decl. at ¶ 7 – 9. Even if the information is older, such as ten years old, pricing information and sales data can be used to reverse engineer Nabtesco’s existing pricing and negotiation strategies, and to refine third party business strategies through the inclusion of actual data about Nabtesco’s business. *Id.* at ¶ 12. Further, while particular prices may no longer be worthy of *in camera* treatment, Nabtesco’s Competitively Sensitive Information contains information that could allow a competitor to learn the process by which Nabtesco sets prices and negotiations, which continues to be secret and material today. *Id.* at ¶ 10, 12 – 13.

Nabtesco therefore requests that these documents receive *in camera* treatment indefinitely, or, at a minimum, for a period of ten years.

V. Competitively Sensitive Information Should be Limited to Outside Counsel

Nabtesco also requests that the Court limit access to Nabtesco’s Competitively Sensitive Information to the individuals designated in the Protective Order, including the Administrative Law Judge, court personnel, and outside counsel, but not employees of Respondent. *See* Protective Order (Dec. 7, 2017), at ¶ 7. As explained above, one of the key risks to Nabtesco is the disclosure of its Competitively Sensitive Information to a competitor. Respondent is a competitor of Nabtesco. Fujisawa Decl. at ¶ 6. Accordingly, the Court should continue to apply the restrictions on access to Nabtesco’s Competitively Sensitive Information pursuant to the Protective Order.

VI. Conclusion

For these reasons, Nabtesco respectfully requests that this Court grant *in camera* treatment for the Competitively Sensitive Information indefinitely, or, at a minimum, for a period of ten years, and permit only those individuals identified in the Protective Order to access such information.

Dated: June 8, 2018

Respectfully submitted,

OHASHI & HORN LLP

/s/ Cody A. Kachel

Jeff J. Horn Jr.

Cody A. Kachel

325 N. St. Paul Street, Suite 4400

Dallas, Texas 75201

214.743.4170 Phone

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horn@ohashiandhorn.com

ckachel@ohashiandhorn.com

**ATTORNEYS FOR NON-PARTY
NABTESCO CORPORATION**

STATEMENT REGARDING MEET AND CONFER

I hereby certify that on June 5, 2018, I conferred with counsel for the parties via email and telephone regarding non-party Nabtesco Corporation's intent to seek *in camera* treatment of the Confidential Document. Counsel for the parties indicated that they would not object to this motion.

/s/ Cody A. Kachel

Cody A. Kachel

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the electronic copy sent to the Secretary of the Commission on June 8, 2018 is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

/s/ Cody A. Kachel

Cody A. Kachel

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES**

In the Matter of

**Otto Bock HealthCare North
America, Inc.,**

a corporation,

Respondent.

DOCKET NO. 9378

**[PROPOSED] ORDER ON NON-PARTY NABTESCO CORPORATION'S MOTION
FOR *IN CAMERA* TREATMENT**

Upon consideration of Non-Party Nabtesco Corporation's Motion for *In Camera* Treatment, it is HERBY ORDERED that the following document, as redacted, is to be provided permanent *in camera* treatment from the date of this Order, and it is further ORDERED that this document may only be viewed by those permitted to view it under the Protective Order entered in this matter.

Exhibit No.	Description	Date	Bates Range	<i>In Camera</i> Scope
PX03004	Email from Shuji Fujisawa to William Cooke re: U.S. Federal Trade Commission Investigation with attachment FTC-Nabtesco 11.21.2017.pdf	November 20, 2017	FTC-NBTS-000068-000072	FTC-NBTS-000072

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2018, I electronically filed the foregoing document using the FTC's E-Filing system, which will send notifications to:

Donald S. Clark
Secretary
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-113
Washington, DC 20580
Secretary@ftc.gov

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Ave., NW, Rm. H-110
Washington, DC 20580
oalj@ftc.gov

I hereby further certify that on June 8, 2018, I served a true and correct copy of the foregoing document via email to:

Daniel Zach, dzach@ftc.gov
Stephen Mohr, smohr@ftc.gov
Steven Lavender, slavender@ftc.gov
Lisa DeMarchi Sleigh,
ldemarchisleigh@ftc.gov
Catherine Sanchez, csanchez@ftc.gov
Amy Posner, aposner@ftc.gov
Lynda Lao, llao1@ftc.gov
Jordan Andrew, jandrew@ftc.gov
Jonathan Ripa, jripa@ftc.gov
Stephen Rodger, srodger@ftc.gov
Dylan Brown, dbrown4@ftc.gov
Sarah Wohl, swohl@ftc.gov
Meghan Iorianni, miorianni@ftc.gov
Joseph Neely, jneely@ftc.gov
Yan Gao, ygao@ftc.gov
William Cooke, wcooke@ftc.gov
Betty McNeil, bmcneil@ftc.gov
Michael Moiseyev, mmoiseyev@ftc.gov
James Weiss, jweiss@ftc.gov

Federal Trade Commission
Bureau of Competition
600 Pennsylvania Ave., NW
Washington, DC 20580
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Philadelphia, PA 19203
Counsel for Respondent

/s/ Cody A. Kachel
Cody A. Kachel

EXHIBIT A



Bureau of Competition
Mergers I Division

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

May 24, 2018

VIA EMAIL

Nabtesco Corporation
c/o Naomi Honda, Esq.
Dickinson Wright
2600 W. Big Beaver Road, Suite 300
Troy, MI 48084-3312

RE: *In the Matter of Otto Bock HealthCare North America, Inc.*, Federal Trade Commission
Dkt. No. 9378

Dear Ms. Honda,

By this letter we are providing formal notice, pursuant to Rule 3.45(b) of the Commission's Rules of Practice, 16 C.F.R. § 3.45(b), that Complaint Counsel intend to offer the document referenced in the enclosed Attachment A into evidence in the administrative trial in the above-captioned matter. The administrative trial is scheduled to begin on July 10, 2018. All exhibits admitted into evidence become part of the public record unless *in camera* status is granted by Administrative Law Judge D. Michael Chappell.

For documents or testimony which include sensitive or confidential information that you do not want on the public record, you must file a motion seeking *in camera* status or other confidentiality protections pursuant to 16 C.F.R §§ 3.45, 4.10(g). Judge Chappell may order that materials, whether admitted or rejected as evidence, be placed *in camera* only after finding that their public disclosure will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting *in camera* treatment.

Motions for *in camera* treatment for evidence to be introduced at trial must meet the strict standards set forth in 16 C.F.R. § 3.45 and explained in *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re Jerk, LLC*, 2015 FTC LEXIS 39 (Feb. 23, 2015); and *In re Basic Research, Inc.*, 2006 FTC LEXIS 14 (Jan. 25, 2006). Motions also must be supported by a declaration or affidavit by a person qualified to explain the confidential nature of the documents. *In re 1-800 Contacts, Inc.*, 2017 FTC LEXIS 55 (April 4, 2017); *In re North Texas Specialty Physicians*, 2004 FTC LEXIS 66 (April 23, 2004). You must also provide one copy of the documents for which *in camera* treatment is sought to the Administrative Law Judge.

Please be aware that under the current Scheduling Order dated April 26, 2018, the deadline for filing motions seeking *in camera* status is June 11, 2018.

If you have any questions, please feel free to contact me at (202) 326-2331.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Cooke', with a long horizontal flourish extending to the right.

William Cooke
Counsel Supporting the Complaint

Exhibit No.	Description	Date	BegBates	EndBates
PX03004	Email from Shuji Fujisawa to William Cooke re: U.S. Federal Trade Commission Investigation w/Attach: FTC_Nabtesco_11.21.2017.pdf; pic14893.jpg; pic24648.jpg; pic22483.jpg	11/20/2017	FTC-NBTS- 000068	FTC-NBTS- 000072

EXHIBIT B

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of

Otto Bock HealthCare North
America, Inc.,

a corporation,

Respondent.

DOCKET NO. 9378

**DECLARATION OF SHUJI FUJISAWA IN SUPPORT OF NON-PARTY
NABTESCO CORPORATION'S MOTION FOR *IN CAMERA* TREATMENT**

I, Shuji Fujisawa, hereby declare as follows:

1. I am the General Manager of the Assistive Products Department, Accessibility Innovations Company, of Nabtesco Corporation ("Nabtesco"). I make this declaration in support of non-party Nabtesco's Motion for In Camera Treatment in the above-referenced matter. I have personal knowledge of the matters stated herein.

2. I have reviewed and am familiar with the documents Nabtesco produced to the Federal Trade Commission in this matter. Due to my position at Nabtesco, I am familiar with the types of information contained in the documents at issue and their confidential nature and competitive significance.

3. Exhibit No. PX03004, Bates Range FTC-NBTS-000068 to FTC-NBTS-000072 (the "Confidential Document"), for which Nabtesco seeks *in camera* treatment contains, at Bates No. FTC-NBTS-000072, confidential, competitively-sensitive sales, pricing, and margin information that is secret and highly material to Nabtesco's business, including a breakdown, by product and by year from 2014 through October 2017, of the quantity of units sold, list price,

average sales price per unit, and total sales (collectively, the "Competitively Sensitive Information").

4. The Confidential Document has not been publicly disclosed, is maintained in strict confidence, and is stored only on my computer within Nabtesco. Only the very limited Nabtesco personnel and counsel who have been directly involved in this matter have seen the Confidential Document.

5. The Competitively Sensitive Information, which is the underlying data contained in the Confidential Document, is not publicly reported or disclosed outside of Nabtesco, and Nabtesco maintains this information in strict confidence. Even within Nabtesco, the customer pricing and purchasing volume information contained in the Competitively Sensitive Information is only accessible by a limited number of employees who have a specific need to know such information to perform their duties and who have been granted specific access, and access to this information is subject to internal controls, including restricted access permissions via Nabtesco's IT systems. Further, an employee who has access to a portion of the Competitively Sensitive Information may not have access to other portions of the Competitively Sensitive Information.

6. Complaint Counsel notified Nabtesco that he intends to introduce the Confidential Document, including the Competitively Sensitive Information, into evidence at the administrative trial in this matter. The Respondent in this matter is a competitor of Nabtesco.

7. Based on my review of such information, my knowledge of Nabtesco's business, and my familiarity with the confidentiality protection accorded to these types of information by Nabtesco, I submit that the disclosure of the secret and material Competitively Sensitive Information contained in the Confidential Document to the public and to suppliers, distributors, customers and competitors of Nabtesco would cause serious competitive injury to Nabtesco and

be exceedingly detrimental to Nabtesco's business.

8. Public disclosure of the sales, pricing, and margin information contained in the Competitively Sensitive Information would undermine Nabtesco's ability to negotiate with its suppliers, distributors, and customers and leverage negotiating power against Nabtesco.

9. Public disclosure of the sales, pricing, and margin information contained in the Confidential Document would enable Nabtesco's competitors to gain a competitive advantage by targeting customers where Nabtesco's prices are higher than theirs, disrupting Nabtesco's business opportunities.

10. Nabtesco spends a significant amount of time and resources compiling and tracking the Competitively Sensitive Information and would be highly prejudiced if it were disclosed publicly. In order to remain competitive, Nabtesco personnel spend significant hours each month analyzing sales data, costs, and margins for use in determining its pricing strategies, as well as in determining research, development, and production strategies.

11. In the hands of Nabtesco's competitors, the Competitively Sensitive Information could be used to predict Nabtesco's strategies regarding targeting customers and end-use applications, allocating capacity, and negotiating pricing. This would significantly hinder Nabtesco's ability to compete.

12. In the hands of Nabtesco's competitors, even somewhat older, such as ten years old, Competitively Sensitive Information could be used to the detriment of Nabtesco through reverse engineering of Nabtesco's pricing and negotiating strategies, both current and future.

13. In the hands of Nabtesco's competitors, the Competitively Sensitive Information could also be used to the detriment of Nabtesco through updates to their current assumptions regarding Nabtesco's business strategies.

I declare under penalty of perjury that the foregoing is true and correct.

Executed June 8th, 2018, in Kobe, Japan.



Shuji Fujisawa
General Manager of
Assistive Products Department,
Accessibility Innovations Company
Nabtesco Corporation

EXHIBIT C

REDACTED VERSION OF EXHIBIT C

From: Shuji_Fujisawa@nabtesco.com
Sent: Monday, November 20, 2017 9:13 PM
To: Cooke, William <wcooke@ftc.gov>
Cc: Takahiro Ikeda <iked@nabtescomotioncontrol.com>; NHonda@dickinson-wright.com
Subject: RE: U.S. Federal Trade Commission Investigation
Attach: FTC_Nabtesco_11.21.2017.pdf; pic14893.jpg; pic24648.jpg; pic22483.jpg

Dear Will,

I am Shuji Fujisawa from Assistive Products Department at Nabtesco Corporation.

I apologized the delay in my reply since I missed your email for any reason.

Although I believe I have answered to your questions through Nabtesco Motion Control Inc, I hereby submit these answers again;

- Q1. Whether we are manufacturing and selling following products
- microprocessor prosthetic knees
 - non-microprocessor prosthetic knees
 - microprocessor prosthetic feet
 - non-microprocessor prosthetic feet

A1. Yes, we manufacture "microprocessor prosthetic knees" and "non-microprocessor prosthetic knees" in Japan, and selling these products worldwide including US market

- Q2. Whether we are manufacturing and selling these products in USA

A2. Yes, we sell these knee products through following 4 US distributors, but we don't manufacture any prosthetic products in USA.

1. CASCADE ORTHOPEDIC SUPPLY, INC.
2638 Aztec Drive, Chico, California 95928
Phone 800-888-0865
2. SPS (Southern Prosthetic Supply, Inc.)
6025 Shiloh Road, Suite A Alpharetta, GA 30005
Phone 678-455-8888
3. PEL LLC
4666 Manufacturing Ave, Cleveland, OH 44135-2672
Phone 216-267-5775
4. Proteor Inc (*Brad Mattear)
S81 W18475 Gemini Drive, Muskego, WI 53150
Phone 262-682-7580

- Q3. Sales results in USA from 2014 till 2017

A3. Please refer to attached PDF file.

This is basically the same file as Naomi forwarded, but I added list prices of each product on that table since these sales figures are for our distributors.

I am afraid that I don't know how much they discount from such list prices.

(See attached file: FTC_Nabtesco_11.21.2017.pdf)

Please verify if above answers fulfill your questions, and let me know it if you need any additional information from us. We are willing to cooperate with your investigation since I am feeling that this acquisition would narrow users' option down to two major players in this industries such as Ottobock and Ossur not only for US market but also for other markets including Japan.

Best regards,
Shuji Fujisawa

Shuji FUJISAWA
General Manager, Assistive Products Department
Accessibility Innovations Company
Nabtesco Corporation
Uozakihamamachi 35, Higashinada-Ku, Kobe, Hyogo, 6580024 JAPAN
E-mail:Shuji_Fujisawa@nabtesco.com
Tel:+81-78-413-2724, Fax:+81-78-413-2725
<http://welfare.nabtesco.com/english/>

----- Message from Naomi Honda <NHonda@dickinson-wright.com> on Mon, 20 Nov 2017 19:29:49 +0000 -----

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>----->
> "Cooke, William" <wcooke@ftc.gov>
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>----->
> Naomi Honda <NHonda@dickinson-wright.com>, "Brandon C. Hubbard" <BHubbard@dickinson-wright.com>, "Roger H. Cummings" <RCummings@dickinson-wright.com>
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> RE: U.S. Federal Trade Commission Investigation
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Hi, Will,
Thank you for our earlier call and forwarding your email to Mr. Fujisawa. As far as I know, it seems that you have correct email address of him, and I do not know why he did not receive it. It may have been filtered as a spam. I will forward your email to him through Nabtesco Motion Control ("NMC") so that he can get it this time. Please find attached a spreadsheet which I believe contains all information you need. This is the sales information of Nabtesco Corporation in the U.S. market,

and as far as I know the products are sold through 4 of its distributors in the U.S. Therefore Nabtesco Corporation may not know the sales price from the distributors to their customers in the U.S. As you can see in the file, this information was put together by Mr. Fujisawa at Assistive Products Department of Nabtesco Corporation, who is in charge of these products. As I explained to you, though NMC is one of the subsidiaries of Nabtesco Corporation, it has nothing to do with these products, and has no knowledge about them. Nabtesco Corporation has several departments within the company, and NMC belongs to a different department from Assistive Products Department. If you have further questions, it would be more straight forward to ask directly to Nabtesco Corporation.

I would like you to confirm by responding to this email, that this email together with the attached file satisfies your request to NMC and FTC releases NMC from both (1) hearing and deposition (scheduled on November 30) and (2) production of documents (due November 27).

NMC is really concerned about these investigation and the due dates, and wishes to be excused and released promptly.

Please let us know if you have any questions.

Thank you,
Naomi

Naomi Honda Attorney, Director of Japanese Business Development

2500 W.
Big
Beaver Rd. Phone
Suite 300 248-433
Troy MI Fax -7588
48084 844-670
(Embedded -6009
image Email
moved to NHonda@
file: dickins
pic14893. onwrigh
jpg) t.com
(Embedded
image
moved to
file:
pic24648.
jpg)

(Embedded image moved to file: pic22483.jpg)
From: Cooke, William [mailto:wcooke@ftc.gov]
Sent: Monday, November 20, 2017 1:41 PM
To: Naomi Honda
Subject: FW: U.S. Federal Trade Commission Investigation
Hi Naomi,
Please see my email communication to Shuji below.
Thank you again for your help. Let me know of any questions.
Best regards,
Will

Will Cooke
Attorney
Federal Trade Commission, Bureau of Competition
Direct: (202) 326-2331 | wcooke@ftc.gov
From: Cooke, William
Sent: Thursday, November 16, 2017 10:38 AM
To: 'Shuji Fujisawa@nabtesco.com'
Subject: U.S. Federal Trade Commission Investigation
Dear Shuji,

I am an attorney at the United States Federal Trade Commission. I received your contact information from Brad Mattear in the Nabtesco & Proteor in USA office. Brad mentioned that he told you that I would contact you directly.

We are in the process of investigating Otto Bock's acquisition of Freedom Innovations. During this investigation, we reached out to Brad to discuss the Nabtesco & Proteor business. Brad referred us to you as someone who can provide some additional information we will need in our investigation.

Are you free for a phone call to discuss our investigation either today or tomorrow? I expect the phone call will last approximately 15 minutes. I have contacted someone in our building who can serve as a translator, in case that will prove helpful. We will do our best to accommodate your schedule as best we can.

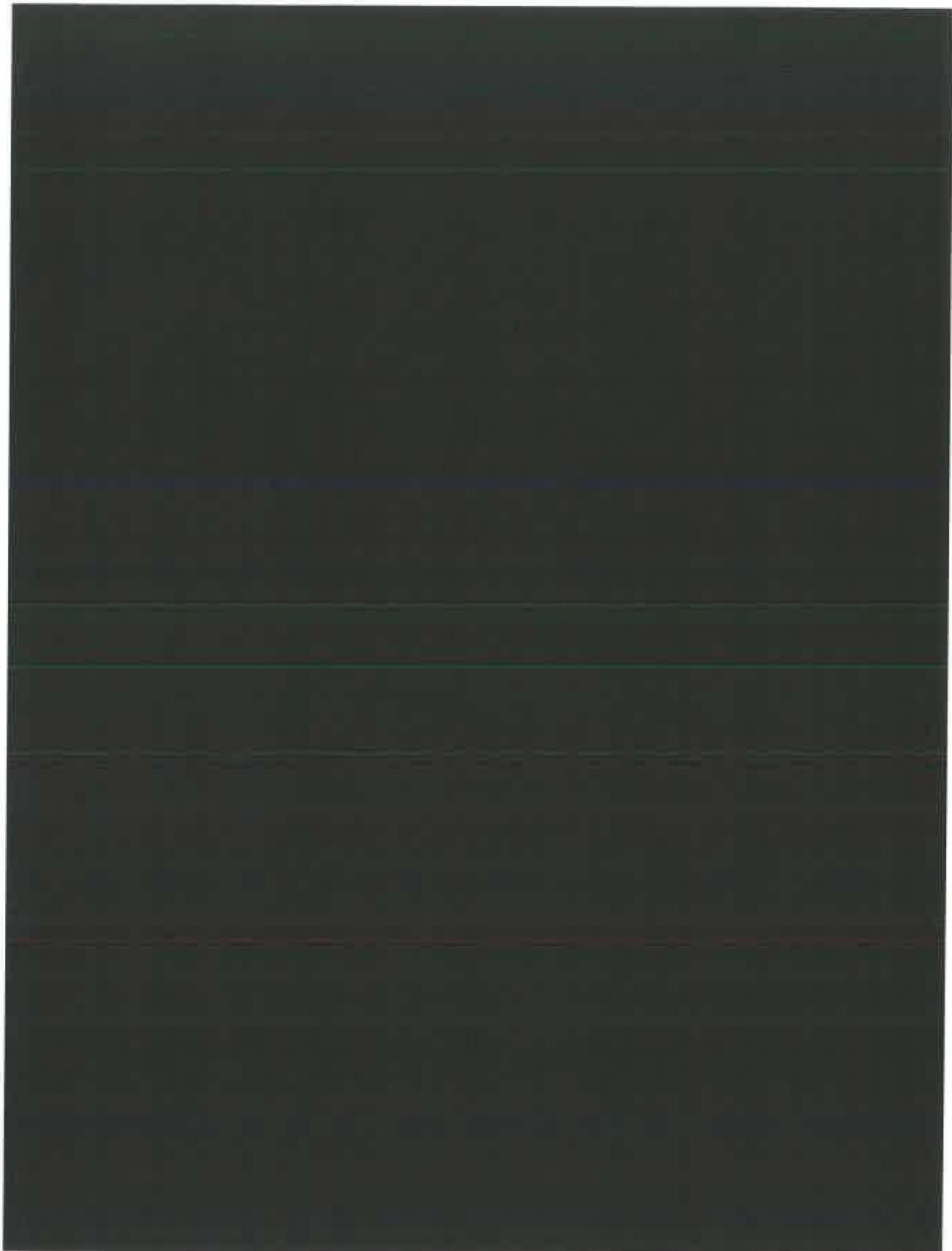
Thank you in advance!

Best regards,
Will Cooke

Will Cooke
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Direct: (202) 326-2331 | wcooke@ftc.gov

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本メールの添付ファイルは、暗号化なしで送信しています。

Attachments of this email have been sent unencrypted.
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Notice of Electronic Service

I hereby certify that on June 08, 2018, I filed an electronic copy of the foregoing Non-Party Nabtesco Corporation's Motion for In Camera Treatment, with:

D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., NW
Suite 110
Washington, DC, 20580

Donald Clark
600 Pennsylvania Ave., NW
Suite 172
Washington, DC, 20580

I hereby certify that on June 08, 2018, I served via E-Service an electronic copy of the foregoing Non-Party Nabtesco Corporation's Motion for In Camera Treatment, upon:

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