

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



In the Matter of:

Otto Bock HealthCare North America, Inc.,
a corporation,

Respondent.

Docket No. 9378

**NONPARTY-PARKER HANNIFIN CORPORATION’S MOTION FOR IN CAMERA
TREATMENT OF DESIGNATED TRIAL EXHIBITS AND RELATED TESTIMONY**

Nonparty Parker-Hannifin Corporation respectfully moves under Rule of Practice 3.45 for *in camera* treatment of 10 exhibits, including excerpts of related deposition testimony by one of its executives, Achilleas Dorotheou, that complaint counsel and respondent obtained from Parker by subpoena and have designated as potential evidence in the administrative trial in this matter.

All of the designated Parker exhibits contain nonpublic, competitively sensitive information relating to Freedom Holdings LLC—respondent’s acquisition of which is challenged in this matter. Parker formerly owned a minority equity interest in Freedom, and Mr. Dorotheou wrote, sent, or received the designated documents and emails while serving on Freedom’s board of directors. Those document and emails reveal vital, detailed information about Freedom’s business, ranging from [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In his March 23, 2018, deposition in this action, Mr. Dorotheou testified at length about all of these documents and the critically sensitive competitive and commercial issues for both Parker and Freedom to which they relate.

For reasons explained by Mr. Dorotheou, public disclosure of this information would seriously injure Freedom’s business and its ability to compete against its rivals, and it potentially could also seriously injure Parker. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Accordingly, Parker seeks *in camera* treatment for the exhibits.

In support of its motion, Parker submits:

- **Exhibit A**, a chart identifying (i) the respective exhibit numbers for the documents and deposition transcript excerpts designated as potential trial exhibits by the parties and for which Parker seeks *in camera* treatment, and (ii) the types of *in camera* material in each;
- **Exhibit B**, the declaration of Achilleas Dorotheou, explaining the *in camera* material in the exhibits and how its public disclosure would seriously injure Parker; and
- **Exhibits 1–10**, a copy of each of the documents and the deposition transcript designated by the parties as potential trial exhibits and for which Parker seeks *in camera* treatment.

Complaint counsel and respondent’s counsel confirmed on June 8, 2018, by telephone and by email, respectively, that they have no objection to, nor do they oppose, this motion.

I. BACKGROUND

Parker is a nonparty in this action. It does not compete with respondent or with Freedom. Nor does it have any intention to do so. However, from December 2014 until September 2017, Parker held a minority equity interest in Freedom, and it had the right to appoint one person to Freedom’s board of directors. It appointed the head of its human motion and control business unit, Achilleas Dorotheou, who served in that role for the duration of Parker’s investment.

As a Freedom board member, Mr. Dorotheou routinely received highly confidential, detailed reports from Freedom's top management on all of Freedom's most important and competitively sensitive matters, including its business strategies, customers, financial condition and obligations, and R&D efforts. Dorotheou Decl. ¶ 3. He also participated in the Freedom board's deliberations and decision to put Freedom up for sale and to accept respondent's offer to buy the company. *Id.*

Freedom's management also provided similarly confidential and detailed briefings to Parker executives as one of Freedom's major investors. *Id.* ¶ 4. These often included much the same information that Freedom's management provided to Freedom's board of directors. *Id.* And Mr. Dorotheou "often served as an intermediary, communicating commercially and competitively sensitive information between Freedom's and Parker's senior management." *Id.*

The parties served identical document subpoenas on Parker and subpoenaed Mr. Dorotheou for deposition. In response, Parker produced a substantial volume of documents from Mr. Dorotheou's and other executives' files and produced Mr. Dorotheou for a deposition. All of the designated Parker exhibits for which Parker seeks *in camera* treatment were produced in response to the parties' subpoenas and used as exhibits in Mr. Dorotheou's March 23, 2018, deposition.

II. LEGAL STANDARD

Commission Rule of Practice 3.45(b) allows *in camera* treatment where, as here, "public disclosure [of the evidence] will likely result in a clearly defined, serious injury to the person, partnership, or corporation requesting in camera treatment." 16 C.F.R. § 3.45(b). This requires a clear "showing that the information concerned is sufficiently secret and sufficiently material to their business that disclosure would result in serious competitive injury." *In re 1-800 Contacts, Inc.*, Dkt. 9372, 2017 FTC LEXIS 55, at *2 (April 4, 2017), quoting *In re Gen. Foods Corp.*, 95 F.T.C. 352, 355 (1980); see also *In re Bristol-Myers Co.*, 90 FTC 455, 456-57 (1977).

In *Bristol-Myers*, the Commission identified six factors to be weighed when determining secrecy and materiality. The first three focus on secrecy: (1) the extent to which the information is known outside of the applicant's business; (2) the extent to which the information is known by employees and others involved in the applicant's business; and (3) the extent of measures taken by the applicant to guard the secrecy of the information. 90 F.T.C. at 456-57. The latter three focus on materiality: (4) the value of the information to the applicant and its competitors; (5) the amount of effort or money expended by the applicant to develop the information; and (6) the ease or difficulty with which the information could be properly acquired or duplicated by others. *Id.*

The Court has broad discretion in applying these factors. *H.P. Hood & Sons, Inc.*, 58 F.T.C. 1184, 1185 (1961). A showing of injury may rest on of extrinsic evidence or, in certain instances, may be inferred from the nature of the documents themselves. *In re E.I. du Pont de Nemours & Co.*, 97 F.T.C. 116 (1981). Moreover, the Commission has long recognized that requests for *in camera* treatment by nonparties, like Parker, "deserve special solicitude." *In re Crown Cork & Seal Co.*, 71 F.T.C. 1714 (1967) ("[P]etitioner's plea warrants special solicitude coming as it does from a third party bystander in no way involved in the proceedings whose records, if *in camera* treatment is denied, will be open to the scrutiny of its competitors."); accord *In re Kaiser Aluminum & Chem. Corp.*, 103 F.T.C. 500 (1984) ("a public understanding of this proceeding does not depend on access to [this] data submitted by these third party firms. . . . 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.").

III. ARGUMENT

The designated Parker exhibits for which Parker seeks *in camera* treatment—both the documents and the excerpts from Mr. Dorotheou's deposition transcript—meet the Rule 3.45 requirements for that protection.

A. The Designated Exhibits Are Sufficiently Secret to Merit *In Camera* Treatment.

The competitively and commercially sensitive information revealed in the designated Parker exhibits is nonpublic and for good reason. It includes [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As Mr. Dorotheou explained, Parker and Freedom took scrupulous care to guard the secrecy of the information and to ensure it did not improperly become public [REDACTED]

[REDACTED]

[REDACTED] Dorotheou Decl. ¶ 5. More specifically, Freedom’s “management strictly limited disclosure of the information, inside and outside the company, to only those who had a need to know.” *Id.* Parker also “limited distribution” of the information it received from Mr. Dorotheou and in periodic reports from Freedom’s senior management “to [Mr. Dorotheou], [his] superiors, all of whom are Parker officers with responsibility for the Freedom investment, and Parker’s most senior executives. *Id.*”

Consistent with the steps Parker and Mr. Dorotheou took to preserve the confidentiality of this highly sensitive information in the ordinary course of their business, Parker also designated the documents it produced in response to the parties’ subpoenas in this case (including the designated exhibits) as confidential under the terms of the Court’s protective order.

B. The Designated Exhibits Are Sufficiently Material to Merit *In Camera* Treatment.

The risk of serious injury to Parker and Freedom posed by public disclosure of the competitively sensitive information in the designated Parker exhibits is beyond reasonable dispute.

The value of the information in the designated exhibits to Freedom, to its competitors, and ultimately to Parker scarcely can be overestimated. As Mr. Dorotheou explains in detail, the exhibits include documents and emails exchanged among Freedom's senior management, board members, and key investors regarding [REDACTED]

[REDACTED] Such documents are routinely granted *in camera* protection, particularly for nonparties like Parker.

- [REDACTED]

[REDACTED] *Id.* ¶ 13. Such documents merit *in camera* protection as a matter of course as their disclosure creates competitive disadvantage. *See, e.g., In the Matter of McWane, Inc., & Star Pipe Prods., Ltd.*, Dkt. 9351, 2012 WL 5879803, at *1 (Nov. 8, 2012) (granting *in camera* treatment to “strategic planning” documents). There is no reason to treat any of the designated Parker exhibits differently here.¹

- [REDACTED]

¹ All but one of the documents in the exhibits is less than three years old. The only exception is a Parker strategy plan from late 2014. *See* Dorotheou Decl. ¶ 15.c. However, as Mr. Dorotheou explains, this plan's contents remain competitively relevant even today. *Id.* [REDACTED]

[REDACTED] As the plan remains competitively relevant today, it is entitled to *in camera* treatment. *See, e.g., In re Polypore Int'l*, Dkt. 9327, 2009 WL 1499350, at *5 (May 13, 2009) (granting *in camera* treatment “sales and financial information” and “costing data” more than three years old because still competitively relevant).

[REDACTED]

[REDACTED]

[REDACTED] Hence, they too ordinarily are accorded *in camera* protection and should be here. See *In the Matter of Polypore Int'l*, 2009 WL 1499350, at *5 (granting *in camera* treatment for “sales and financial information” and “costing data”).

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] And so they too merit *in camera* protection. Cf. *In re E.I. du Pont de Nemours & Co.*, 97 F.T.C. 116 (1981) (granting *in camera* treatment for information that might permit competitors to “extrapolate an accurate model” of DuPont’s business).

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- The parties have also designated as PX-05125 and RX-0990 the entirety of the transcript of Mr. Dorotheou’s March 23, 2018, deposition. *See* Dorotheou Decl. ¶ 17. As he explains, the transcript records his testimony regarding (1) the above-referenced exhibits and the issues to which they pertain; [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Accordingly, Parker seeks *in camera*

treatment for all of the listed excerpts as well.

All of these documents and the information in them reflect the extraordinary effort and investment expended by Freedom, Parker, and Freedom’s other stakeholders [REDACTED]

[REDACTED]

[REDACTED] As the information is proprietary and confidential to Freedom and its stakeholders, there is no opportunity for third parties to acquire or duplicate this information.

* * * *

In sum, each of the designated Parker exhibits meets the Rule 3.45 requirements for *in camera* treatment. This is particularly true in light of the “special solicitude” the Commission affords nonparties, *In re Crown Cork & Seal Co.*, 71 F.T.C. at 1714; *In re Kaiser*, 103 F.T.C. at 500; and the absence of any compelling public need for public disclosure of the designated Parker exhibits that might trump the serious injury to which Parker would be exposed by doing so (there is none).

C. The Court Should Grant *In Camera* Protection to Ensure the Confidentiality of the Designated Parker Exhibits for Five Years.

Five years is the appropriate period for *in camera* treatment for the designated Parker exhibits. *See, e.g., 1-800 Contacts, Inc.*, 2017 FTC LEXIS at *6, 9-10, 12, 18 (citing cases and granting nonparties' ordinary business records *in camera* protection for 5 years). The exhibits, as explained, contain (among other things) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

IV. CONCLUSION

For the forgoing reasons, Parker respectfully requests that the Court grant *in camera* treatment to each of the designated Parker exhibits for a period of five years.

Dated: June 11, 2018

Respectfully submitted,

By: /s/ Brian K. Grube
Brian K. Grube (Ohio Bar No. 0068846)
JONES DAY
North Point – 901 Lakeside Ave.
Cleveland, OH 44114-1190
Telephone: +1.216.586.3939
Facsimile: +1.216.579-0212
Email: bkgrube@jonesday.com

UNITED STATES OF AMERICA
BEFORE THE 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 PARKER HANNIFIN CORPORATION'S
MOTION FOR *IN CAMERA* TREATMENT OF CERTAIN DOCUMENTS**

On June 11, 2018, non-party Parker Hannifin Corporation filed a motion seeking *in camera* treatment for 10 documents proposed to be used as exhibits in this proceeding as listed in Exhibit A, and included in Exhibits 1-10, filed concurrently therewith.

Parker Hannifin Corporation's motion is **GRANTED**.

ORDERED:

D. Michael Chappell
Chief Administrative Law Judge

Date:

Certificate of Service

I hereby certify that on June 13, 2018, I filed an electronic copy of the following documents on the parties listed below:

- **NON-PARTY PARKER-HANNIFIN'S MOTION FOR IN CAMERA TREATMENT (PUBLIC VERSION)**
- **[PROPOSED] ORDER**

Donald S. Clark
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, N.W., Room H-172
Washington, D.C. 20580

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, N.W., Room H-106
Washington, D.C. 20580

I hereby certify that on June 11, 2018, I served via E-Service an electronic copy of the foregoing documents upon:

Steven Lavender
Attorney
Federal Trade Commission
slavender@ftc.gov
Complaint

William Cooke
Attorney
Federal Trade Commission
wcooke@ftc.gov
Complaint

Yan Gao
Attorney
Federal Trade Commission
ygao@ftc.gov
Complaint

Lynda Lao
Attorney
Federal Trade Commission
llao1@ftc.gov

Complaint

Stephen Mohr
Attorney
Federal Trade Commission
smohr@ftc.gov
Complaint

Michael Moiseyev
Attorney
Federal Trade Commission
mmoiseyev@ftc.gov
Complaint

James Weiss
Attorney
Federal Trade Commission
jweiss@ftc.gov
Complaint

Daniel Zach
Attorney
Federal Trade Commission
dzach@ftc.gov
Complaint

Amy Posner
Attorney
Federal Trade Commission
aposner@ftc.gov
Complaint

Meghan Iorianni
Attorney
Federal Trade Commission
miorianni@ftc.gov
Complaint

Jonathan Ripa
Attorney
Federal Trade Commission
jripa@ftc.gov
Complaint

Wayne A. Mack
Duane Morris LLP

wamack@duanemorris.com
Respondent

Edward G. Biester III
Duane Morris LLP
egbiester@duanemorris.com
Respondent

Sean P. McConnell
Duane Morris LLP
spmconnell@duanemorris.com
Respondent

Erica Fruiterman
Duane Morris LLP
efruiterman@duanemorris.com
Respondent

Sarah Kulik
Duane Morris LLP
skulik@duanemorris.com
Respondent

William Shotzbarger
Duane Morris LLP
wshotzbarger@duanemorris.com
Respondent

Lisa De Marchi Sleigh
Attorney
Federal Trade Commission
ldemarchisleigh@ftc.gov
Complaint

Catherine Sanchez
Attorney
Federal Trade Commission
csanchez@ftc.gov
Complaint

Sarah Wohl
Attorney
Federal Trade Commission
swohl@ftc.gov
Complaint

Joseph Neely
Attorney
Federal Trade Commission
jneely@ftc.gov
Complaint

Sean Zabaneh
Duane Morris LLP
SSZabaneh@duanemorris.com
Respondent

Dylan Brown
Attorney
Federal Trade Commission
dbrown4@ftc.gov
Complaint

Betty McNeil
Attorney
Federal Trade Commission
bmcneil@ftc.gov
Complaint

Stephen Rodger
Attorney
Federal Trade Commission
srodger@ftc.gov
Complaint

Christopher H. Casey
Partner
Duane Morris LLP
chcasey@duanemorris.com
Respondent

Simeon Poles
Duane Morris LLP
sspoles@duanemorris.com
Respondent

Andrew Rudowitz
Duane Morris LLP
ajrudowitz@duanemorris.com
Respondent

J. Manly Parks

Attorney
Duane Morris LLP
JMParks@duanemorris.com
Respondent

Jordan Andrew
Attorney
Federal Trade Commission
jandrew@ftc.gov
Complaint

Kelly Eckel
Duane Morris LLP
KDEckel@duanemorris.com
Respondent

/ s / Laura Malament

Laura Malament


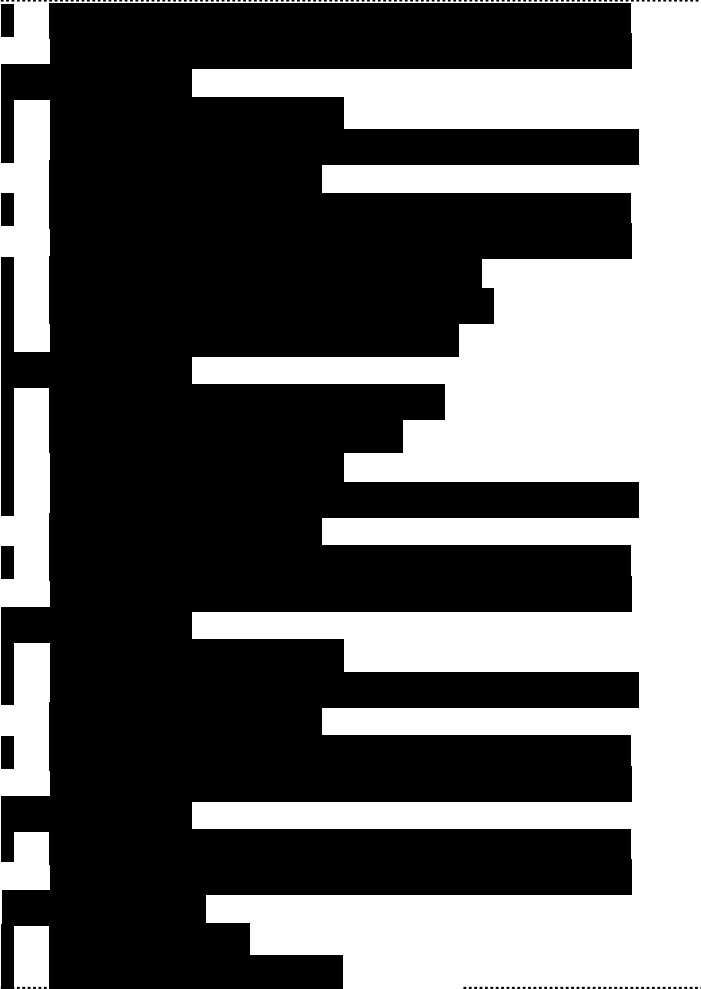


Exhibit A
Parker Hannifin Corporation Motion for In Camera
Treatment of FTC/Otto Bock Designated Trial Exhibits

FTC Trial Ex. [Bates Range]	OB Trial Ex. [Bates Range]	Description	<i>In Camera</i> Material / Reasons for <i>In Camera</i> Treatment
-	RX-0375 ¹ [PHC-0000001848-1850]	[REDACTED]	[REDACTED]
PX-03080 [PHC-0000001138-1218]	RX-0406 [PHC-0000001138-1218]	[REDACTED]	[REDACTED]
PX-03084 [PHC-0000002150-2201]	RX-0401 [PHC-0000002150-2151]	[REDACTED]	[REDACTED]

¹ Respondent's trial exhibit RX-0375 corresponds to Exhibit 1 in the March 23, 2018, deposition of Achilles Dorotheou.

FTC Trial Ex. [Bates Range]	OB Trial Ex. [Bates Range]	Description	<i>In Camera</i> Material / Reasons for <i>In Camera</i> Treatment
PX-03085 ² [PHC-0000002312]	RX-0373 [PHC-0000002312]	[REDACTED]	[REDACTED]
PX-03087 [PHC-0000002722-2723]	RX-0483 [PHC-0000002722-2723]	[REDACTED]	[REDACTED]
PX-03088 [PHC-0000002761-2790]	RX-0465 [PHC-0000002761-2762]	[REDACTED]	[REDACTED]
PX-03092 [PHC-0000003162]	RX-0301 [PHC-0000003162]	[REDACTED]	[REDACTED]
PX-03093 [PHC-0000003660-3803]	RX-0410 [PHC-0000003660-3663]	[REDACTED]	[REDACTED]

² In its May 25, 2018, notification letter to Parker’s counsel, complaint counsel designated PHC-0000002312–2363 as the bates range of its trial exhibit PX-03085; however, respondent confirmed by telephone on June 8, 2018, that this bates range reflects a typographical error and that the correct range for this exhibit is PHC-0000002312.

FTC Trial Ex. [Bates Range]	OB Trial Ex. [Bates Range]	Description	<i>In Camera</i> Material / Reasons for <i>In Camera</i> Treatment
			
PX-03096 [PHC-000006311-6312]	RX-0302 [PHC-000006311]		

FTC Trial Ex. [Bates Range]	OB Trial Ex. [Bates Range]	Description	<i>In Camera</i> Material / Reasons for <i>In Camera</i> Treatment
PX-05125	RX-0990	3/23/18 Dep. Tr. of Achilleas Dorotheou	<p style="text-align: center;"><u>Dorotheou Decl. ¶ 17</u></p> <p><u>Transcript excerpts:</u> 20:16–26:15; 27:12–28:3; 29:8–14; 30:1–22; 35:6–46:12; 47:11–51:22; 54:1–59:6; 63:24–64:13; 66:6–69:7; 69:23–70:15; 79:21–82:21; 83:25–85:2; 86:5–93:15; 95:11–99:24; 100:14– 101:23; 103:4–108:4; 109:7–115:9; 116:4–118:2; 118:20–119:2; 119:24–124:15; 125:12–125:22; 126:4–129:15; 130:3–132:12; 133:4–137:5; 137:21–139:13; 140:11–141:17; 142:9–156:17; 158:11–159:15; 160:5–24; 161:7–163:14; 163:20–172:14; 173:3–181:17; 182:24–183:20; 184:21–185:19; 187:14–23; 188:14–189:3.</p>

UNITED STATES OF AMERICA
BEFORE THE 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 ACHILLEAS DOROTHEOU

I, Achilleas Dorotheou, submit this declaration in support of the motion for *in camera* treatment of designated trial exhibits and testimony filed by nonparty Parker-Hannifin Corporation (Parker). The facts stated in this declaration are based on my personal knowledge and my review of the relevant documents.

1. I am a Vice President of Parker and Head of Parker's Human Motion and Control (HMC) business unit. I have held this position since 2013, when HMC was formed. In this role, I lead the development and execution of Parker's HMC strategy.

2. In December 2014, this strategy led Parker to purchase a minority equity interest in Freedom Innovations LLC (Freedom). I participated in the analysis of, and helped develop the strategic rationale for, this investment, and recommended it to Parker's senior management. By virtue of its minority equity interest, Parker had the right to appoint one member of Freedom's board of directors. Parker appointed me, and I served in that role from December 2014 until September 2017, when Ottobock HealthCare, the respondent in this action, acquired Freedom.

3. On Freedom's board, I regularly received highly confidential, written and oral reports from Freedom's senior management, in connection with regular and special board meetings. These reports routinely included detailed information regarding Freedom's most commercially and

competitively sensitive matters, including its business plans and strategic initiatives, research and development efforts, new product releases, financial performance, financial obligations, and capital requirements. Freedom's board members used and relied on this information to exercise our fiduciary obligations to oversee, evaluate, and manage the company, its executives, and the material events and decisions that affected it. Between 2015 and 2017, this included the activities, events, and decisions that culminated in the sale of Freedom to Ottobock.

4. Freedom's management also regularly provided executives at Parker, as one of Freedom's largest shareholders, with detailed reports and presentations concerning, among other things, Freedom's actual and projected financial performance (including revenues, costs, and profits), business plans and strategies, and R&D and new product developments. These reports often included much the same information that Freedom's management provided to Freedom's board of directors. As a Freedom board member and a Parker executive, I often served as an intermediary, communicating commercially and competitively sensitive information between Freedom's and Parker's senior management.

5. [REDACTED], its management strictly limited disclosure of the information, inside and outside the company, to only those who had a need to know. Within Parker, we also limited distribution to myself, my superiors, all of whom are Parker officers with responsibility for the Freedom investment, and Parker's most senior executives.

6. Despite Freedom's sale to Ottobock, Parker has an ongoing interest in preserving the confidentiality of this critical information. [REDACTED]

[REDACTED]

7. I am familiar with all the documents that the parties have designated as trial exhibits. Produced from my and other Parker executives' files in response to the parties' subpoenas, they include documents I received, wrote, and relied on while serving on Freedom's board and reporting on Freedom's business affairs to Parker management. All were used by the parties as exhibits in my March 23, 2018, deposition in this action, the transcript of which the parties also have designated, in its entirety, as a separate exhibit. For the reasons outlined above, as well as those that follow, public disclosure of the documents and testimony subject to Parker's motion would seriously injure Freedom's business and its ability to compete. It also could seriously injure Parker,

[REDACTED]

8. RX-0375 (designated as Exhibit 1 in my deposition) is an email exchange I had on February 27, 2017, with Parker executives responsible for the Freedom investment, [REDACTED]

[REDACTED]

9. PX-03080/RX-0406 is a presentation that Freedom's management made to its board of directors (including myself) on April 19, 2017. The presentation details [REDACTED]

[REDACTED]

10. PX-03084/RX-0401 is an email I sent on April 4, 2017, to Parker management responsible for the Freedom investment. [REDACTED]

[REDACTED]

[REDACTED]

b. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

c. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

11. PX-03085/RX-0373 is an email I sent to Parker executives on February 22, 2017. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

12. PX-03087/RX-0483 is an email I sent on August 1, 2017, to Parker management responsible for managing the Freedom investment, [REDACTED]

[REDACTED]

13. PX-03088/RX-0465 is an email I sent on July 19, 2017, to Parker management [REDACTED]

[REDACTED]

14. PX-03092/RX-0301 is an email I sent on October 9, 2016, to Parker management responsible for the Freedom investment. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. PX-03093/RX-0410 is an email I sent on April 25, 2017, to Paul Vallone, Parker's Vice President of Business Planning and Development. (In addition to the email, the exhibit includes ten attachments: five distinct documents, and five duplicate copies of those attachments. Parker seeks in camera treatment for the all the documents in the exhibit.) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- a. [REDACTED]
- [REDACTED]

[REDACTED]

b.

[REDACTED]

c.

[REDACTED]

[REDACTED]

d. [REDACTED]

e. [REDACTED]

f. [REDACTED]

16. PX-03096/RX-0302 is an email I sent on October 10, 2016, to Parker management

[REDACTED]

[REDACTED]


17. The parties have also designated as PX-05125 and RX-0990 the entirety of the transcript of my March 23, 2018, deposition in this action. The transcript records my detailed testimony regarding confidential, commercially- and competitively-sensitive matters for which Parker seeks in camera treatment, including (1) the above-described documentary exhibits and the issues to which they pertain; [REDACTED]

[REDACTED]

[REDACTED] Accordingly, Parker seeks in camera treatment for all of these excerpts.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed: June 11, 2018



Achilles Dorocheou

Exhibits Filed Under Seal

Notice of Electronic Service

I hereby certify that on June 13, 2018, I filed an electronic copy of the foregoing Nonparty Parker Hannifin 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 13, 2018, I served via E-Service an electronic copy of the foregoing Nonparty Parker Hannifin Corporation's Motion for In Camera Treatment, upon:

Steven Lavender
Attorney
Federal Trade Commission
slavender@ftc.gov
Complaint

William Cooke
Attorney
Federal Trade Commission
wcooke@ftc.gov
Complaint

Yan Gao
Attorney
Federal Trade Commission
ygao@ftc.gov
Complaint

Lynda Lao
Attorney
Federal Trade Commission
llao1@ftc.gov
Complaint

Stephen Mohr
Attorney
Federal Trade Commission
smohr@ftc.gov
Complaint

Michael Moiseyev
Attorney
Federal Trade Commission
mmoiseyev@ftc.gov
Complaint

James Weiss
Attorney
Federal Trade Commission
jweiss@ftc.gov

Complaint

Daniel Zach
Attorney
Federal Trade Commission
dzach@ftc.gov
Complaint

Amy Posner
Attorney
Federal Trade Commission
aposner@ftc.gov
Complaint

Meghan Iorianni
Attorney
Federal Trade Commission
miorianni@ftc.gov
Complaint

Jonathan Ripa
Attorney
Federal Trade Commission
jripa@ftc.gov
Complaint

Wayne A. Mack
Duane Morris LLP
wamack@duanemorris.com
Respondent

Edward G. Biester III
Duane Morris LLP
egbiester@duanemorris.com
Respondent

Sean P. McConnell
Duane Morris LLP
spmccconnell@duanemorris.com
Respondent

Sarah Kulik
Duane Morris LLP
skulik@duanemorris.com
Respondent

William Shotzbarger
Duane Morris LLP
wshotzbarger@duanemorris.com
Respondent

Lisa De Marchi Sleigh
Attorney
Federal Trade Commission
ldemarchisleigh@ftc.gov
Complaint

Catherine Sanchez
Attorney

Federal Trade Commission
csanchez@ftc.gov
Complaint

Sarah Wohl
Attorney
Federal Trade Commission
swohl@ftc.gov
Complaint

Joseph Neely
Attorney
Federal Trade Commission
jneely@ftc.gov
Complaint

Sean Zabaneh
Duane Morris LLP
SSZabaneh@duanemorris.com
Respondent

Dylan Brown
Attorney
Federal Trade Commission
dbrown4@ftc.gov
Complaint

Betty McNeil
Attorney
Federal Trade Commission
bmcneil@ftc.gov
Complaint

Stephen Rodger
Attorney
Federal Trade Commission
srodger@ftc.gov
Complaint

Christopher H. Casey
Partner
Duane Morris LLP
chcasey@duanemorris.com
Respondent

Simeon Poles
Duane Morris LLP
sspoles@duanemorris.com
Respondent

Andrew Rudowitz
Duane Morris LLP
ajrudowitz@duanemorris.com
Respondent

J. Manly Parks
Attorney
Duane Morris LLP
JMParks@duanemorris.com

Respondent

Jordan Andrew
Attorney
Federal Trade Commission
jandrew@ftc.gov
Complaint

Kelly Eckel
Duane Morris LLP
KDEckel@duanemorris.com
Respondent

Theresa A. Langschultz
Duane Morris LLP
TLangschultz@duanemorris.com
Respondent

Laura Malament
Attorney