

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PETROLEUM GEO-SERVICES INC.,  
Petitioner

v.

WESTERNGECO LLC,  
Patent Owner

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Cases<sup>1</sup>

IPR2014-00687 (Patent 7,162,967)  
IPR2014-00688 (Patent 7,080,607)  
IPR2014-00689 (Patent 7,293,520)

Before BRYAN F. MOORE, SCOTT A. DANIELS, and  
BEVERLY M. BUNTING, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
37 C.F.R. § 42.5

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<sup>1</sup> This Order addresses issues from the initial conference that are the same in all three cases. Therefore, we exercise our discretion to issue one Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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## INITIAL CONFERENCE SUMMARY

The initial conference call for these proceedings was held on January 14, 2015 including Judges Daniels, Moore, and Bunting, and respective counsel for the parties. PGS filed a list of potential motions (IPR2014-00687 (Paper 36), IPR2014-00688 (Paper 36), IPR2014-00689 (Paper 35), including a proposed motion regarding deposition time dispute. WesternGeco did not file a list of potential motions.

### *1. Scheduling Order*

Neither party identified any concerns with the Scheduling Order or proposed any changes to it. The parties are reminded that, without obtaining prior authorization from the Board, they may stipulate to different dates for DATES 1-5<sup>2</sup> by filing an appropriate notice with the Board.

### *2. Related Proceedings*

The parties confirmed that the related District Court action is currently ongoing, and that no settlement had been reached.

### *3. Protective Order*

The parties filed a joint motion for entry of the Default Protective Order on September 30, 2014, providing a copy of the Default Protective Order. Following an email inquiry by the parties on December 29, 2014, on December 30, 2014, the panel indicated in a response email to the parties that the Default Protective Order was properly executed. The Default Protective Order is entered in these proceedings.

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<sup>2</sup> The parties may not stipulate to changes for any other DUE DATE.

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#### *4. Discovery*

We encouraged the parties to reach agreement on discovery, specifically in regards to the current dispute over deposition times. We reminded the parties that they may request a conference call with the Board only if they cannot reach agreement.

As requested by the panel during the initial conference, the parties indicated in an email on January 16, 2015 that they could not resolve their dispute over deposition times for PGS's witnesses, Dr. Brian J. Evans, and Dr. Jack H. Cole. Although 37 C.F.R. § 42.53(c) provides seven hours for cross-examination, four hours for redirect examination, and two hours for re-cross examination in each proceeding, because the '520, '607, and '967 patents at issue in these proceedings are related as continuations of Application No. 09/787,723, (now U.S. Patent No. 6,932,017), a reasonable time period for EACH expert deposition is 17 hours total, including: 12 hours for cross-examination; 3 hours for redirect examination; and 2 hours for re-cross examination.

PGS is reminded that objections to evidence (IPR2014-00687 (Paper 35), IPR2014-00688 (Paper 35), IPR2014-00689 (Paper 34), are not to be filed with the board, but served on WesternGeco in accordance with 37 C.F.R. § 42.64(b)(1). Accordingly, the respective papers will be expunged from the records of these proceedings.

#### *5. Motion to Amend*

WesternGeco's counsel indicated that they were familiar with the process for making such a motion to amend. Any Motion to Amend must be filed by DUE DATE 1 of the Scheduling Order (Feb. 23, 2015).

WesternGeco is reminded that, should it decide to file a motion to amend, it

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must confer with the Board before filing the motion, and the conference should take place at least two weeks before filing the motion to amend.

*6. Motion to Exclude*

We remind the parties that motions to exclude evidence are extraordinary remedies and not always granted. We encourage the parties to consider issues of admissibility of evidence, in light of the Board's experience and diligence in applying appropriate weight to evidence, before filing any motion to exclude evidence.

Accordingly, it is

ORDERED that each deposition of Dr. Brian J. Evans, and Dr. Jack H. Cole shall not exceed 17 hours total, including: 12 hours for cross-examination; 3 hours for redirect examination; and 2 hours for re-cross examination; and

ORDERED that (IPR2014-00687 (Paper 35), IPR2014-00688 (Paper 35), IPR2014-00689 (Paper 34), are expunged from the records of these proceedings.

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