

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC.,

Petitioner

v.

WESTERNGECO LLC

Patent Owner

Case IPR2014-00688

U.S. Patent No. 7,080,607

**PATENT OWNER'S MOTION FOR
ADMISSION PRO HAC VICE OF
TIMOTHY K. GILMAN PURSUANT TO 37 C.F.R. § 42.10(c)**

Pursuant to 37 C.F.R. § 42.10(c), WesternGeco LLC ("Patent Owner") respectfully requests the Board recognize Timothy K. Gilman as counsel *pro hac vice* during this proceeding.

I. LEGAL STANDARD

37 C.F.R. § 42.10(c) provides that:

The Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner and to any other conditions as the Board may impose. For example, where the lead counsel is a registered practitioner, a motion to appear *pro hac vice* by counsel who is not a registered practitioner may be granted upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.

These conditions are met here, as explained in the required statement of facts below and the accompanying declaration of Timothy K. Gilman attached to this motion.

II. STATEMENT OF FACTS SHOWING GOOD CAUSE

The Patent Owner meets both elements of § 42.10(c). First, lead counsel (Michael L. Kiklis, Reg. No. 38,939) is a registered practitioner before the

USPTO. Second, there is good cause to admit Mr. Gilman as *pro hac vice* counsel in this matter.

Mr. Gilman is a member in good standing of the Bar of the State of New York. (Gilman Decl. ¶ 3.) He has never been suspended or disbarred from practice in any forum, has never been denied in an application for admission to a court or administrative body, and has never received contempt citations from a court or administrative body. (Gilman Decl. ¶¶ 4-6.) Mr. Gilman has read and will comply with the rules outlined in the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials. (Gilman Decl. ¶ 7.) He will also comply with the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a). (Gilman Decl. ¶ 8.) He has never applied for *pro hac vice* admission in any other proceeding before the Office prior to this date. (Gilman Decl. ¶ 9.)

Mr. Gilman has a thorough understanding of patent law, as well as Patent Office rules and procedures. He is a partner at the law firm Kirkland & Ellis, L.L.P. and has practiced patent law since his admission to the New York Bar in 2004, over 10 years ago. (Gilman Decl. ¶¶ 2, 10.) He has been involved in numerous litigations involving patent infringement in district courts across the

country, at the Court of Appeals for the Federal Circuit, and the Supreme Court. (Gilman Decl. ¶ 11.)

Mr. Gilman also has extensive experience with the patents at issue in the following petitions and has represented the Patent Owner regarding these patents for over five years: IPR2014-00687 (U.S. Patent No. 7,162,967), IPR2014-00688 (U.S. Patent No. 7,080,607), IPR2014-00689 (U.S. Patent No. 7,293,520). (Gilman Decl. ¶¶ 12-14.) WesternGeco asserted all three patents in *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01872 (S.D. Tex.) (“the ION Litigation”); *WesternGeco L.L.C. v. Polarcus US Inc. and Polarcus Ltd.*, Civ. No. 4:13-cv-02385 (S.D. Tex.) (“the Polarcus Litigation”); *WesternGeco L.L.C. v. Petroleum Geo-Services, Inc. and PGS Geophysical AS*, Civ. No. 4:13-cv-02725 (S.D. Tex.) (“the PGS Litigation”); and *WesternGeco L.L.C. v. Multi Klient Invest AS, Petroleum Geo-Services, Inc., and PGS Geophysical AS*, Civ. No. 4:14-cv-03118 (S.D. Tex.) (“the Multi Klient Litigation”), collectively referred to as “the District Court Litigations”. (*Id.*) Mr. Gilman has represented the Patent Owner in all four of the District Court Litigations. (*Id.*)

The ION Litigation began in 2009, progressed to trial in 2012 where a jury found all three patents valid and infringed, and is currently on appeal to the Federal Circuit. (Gilman Decl. ¶ 15.) Mr. Gilman was trial counsel for these proceedings,

conducted the direct examination of co-inventor Dr. Bittleston at trial, and questioned the other co-inventor Mr. Hillesund (who was unavailable for trial) via deposition. (Gilman Decl. ¶ 16.) Mr. Gilman also conducted direct and cross examinations of technical expert witnesses regarding, *inter alia*, the scope and validity of the '967, '607 and '520 patents. (Gilman Decl. ¶ 17.)

The Polarcus and PGS Litigations were both filed in 2013. (Gilman Decl. ¶ 18.) The Multi Klient Litigation was filed in 2014. (Gilman Decl. ¶ 18.) Polarcus quickly took a license to the patents at issue and the case was dismissed. (Gilman Decl. ¶ 19.) The PGS and Multi Klient Litigations are ongoing. (Gilman Decl. ¶ 20.) Over the past five years, Mr. Gilman has thoroughly examined the patents at issue and become intimately familiar with their field of technology. (Gilman Decl. ¶ 21.) As counsel in the District Court Litigations, Mr. Gilman has been deeply involved in all aspects of the litigations, including claim construction and validity analysis. (Gilman Decl. ¶ 22.)

In addition, given Mr. Gilman's experience with the patents at issue, admission of Mr. Gilman *pro hac vice* will enable the Patent Owner to avoid unnecessary expense and duplication of work between this proceeding and the District Court Litigations.

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