

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC.
and
ION GEOPHYSICAL CORPORATION
AND ION INTERNATIONAL S.A.R.L.
Petitioners

v.

WESTERNGECO, LLC
Patent Owner

Case IPR2014-00688¹

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

PETITIONER'S MOTION TO SEAL UNDER 37 CFR § 42.14

¹ Case IPR2015-00567 has been joined with this proceeding.

Pursuant to 37 CFR § 42.14, Petitioner Petroleum Geo-Services Inc. (PGS) respectfully submits this Motion to Seal portions of its Reply to the Patent Owner Response to its Petition for *Inter Partes Review*, as well as certain Exhibits attached thereto, all of which are being filed concurrently with this Motion.

I. Reasons for Sealing Exhibits and Redacting Related Portions of the Petition

The standard governing the Board's determination of whether to grant a motion to seal is "good cause." *Garmin v. Cuozzo*, IPR2012-0001, Paper 36 (April 5, 2013). The board aims to "strike a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." *Id.*

PGS's Reply to WesternGeco's Patent Owner Response to the Petition for *Inter Partes Review* of 7,080,607 includes several exhibits (PGS 1065, 1068, 1074, 1076, 1078, 1079, 1083, 1088, 1095, and 1101) that the Patent Owner, WesternGeco, LLC, designated as highly confidential and/or attorneys-eyes only pursuant to a protective order in district court litigation against ION. *WesternGeco LLC v. ION Geophysical Corp. et al.*, No. 09-cv-01827, ECF No. 28 (S.D. Tex. Aug. 28, 2009). These materials were obtained by Petitioner via compelled discovery in the context of its current litigation against PGS in *WesternGeco LLC v. Petroleum Geo-Services, Inc.*, No. 13-cv-2725, ECF No. 60 (S.D. Tex. Jan. 13,

2014), and are subject to a protective order in that litigation as well. *WesternGeco LLC v. Petroleum Geo-Services, Inc.*, No. 13-cv-2725, ECF No. 37 (S.D. Tex. Jan. 13, 2014).

PGS's reply also includes other exhibits (PGS 1066, 1067, 1069, 1070, 1089, 1090, and 1092) that have been designated by WesternGeco as containing business confidential information. Exhibit 1070 is an exhibit that WesternGeco intended to file as part of Exhibit 2077, which was designated confidential by WesternGeco. Exhibit 1069 contains screenshots of a spreadsheet produced by WesternGeco in this proceeding that it designated as confidential. Exhibits 1089 and 1090, deposition transcripts of Mr. Robin Walker in this proceeding, have been designated as confidential by WesternGeco, and Exhibits 1066 and 1067 are drawings from that deposition.

Pursuant to Section 4(A)(ii) of the Board's default protective order applicable in this proceeding, PGS has filed a confidential, non-redacted version of its Reply as well as a redacted version of its Reply to remove references and citations to the sealed information and exhibits. Similarly, confidential, non-redacted versions of Exhibit 1092—a designated deposition transcript—has been filed along with the Reply as well as a public, redacted version of this exhibit. Because the sealed exhibits and redacted portions of the Reply are subject to the aforementioned protective orders, Petitioner brings this motion to seal with good cause.

II. Conclusion

For the foregoing reasons, Petitioner requests that the Board grant Petitioner's Motion to Seal. Petitioner understands that the documents filed concurrently with this motion will remain sealed pending the outcome of the decision on this motion. *See* 37 C.F.R. § 42.14. Should the Board require it before deciding this motion, PGS is prepared to meet and confer with WesternGeco to prepare any Joint Motion to Seal that may be required to further clarify the bases for sealing the above documents.

Dated: June 18, 2015

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above-captioned Petroleum Geo-Service Inc.'s "Motion to Seal Under 35 C.F.R. § 42.55" was served to the Patent Owner by delivering a copy via electronic mail upon the following attorneys of record.

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