

**From:** Berniker, Jessamyn  
**Sent:** Thursday, April 16, 2015 7:08 PM  
**To:** 'Trials'; 'Michael L. Kiklis'  
**Cc:** 'CP Docket Kiklis'; 'CPDocketRicciuti'; 'CP Docket Cappaert'; Berl, David; Suarez, Christopher; Berniker, Jessamyn; Fletcher, Thomas  
**Subject:** RE: IPR2014-00687; 00688; 00689

Dear Board Members,

Patent Owner's proposed change is not "typographical"; the witness's original statement was not signed under oath. The filing (rather than mere service) of a "corrected" declaration with a newly added oath is a submission of "supplemental information" under 37 C.F.R. 42.123(b). Under that provision, Patent Owner is required to file a motion showing "why the supplemental information reasonably could not have been obtained earlier, and that consideration of the supplemental information would be in the interests-of-justice." Patent Owner has not attempted to make that showing, and Petitioner has no reason to believe it can meet that standard.

Respectfully submitted,

Jessamyn Berniker  
Counsel for Petitioner

Williams & Connolly LLP  
202-434-5474  
[JBerniker@wc.com](mailto:JBerniker@wc.com)

-----Original Message-----

**From:** Trials [[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)]  
**Sent:** Thursday, April 16, 2015 03:31 PM Eastern Standard Time  
**To:** Michael L. Kiklis; Trials  
**Cc:** CP Docket Kiklis; CPDocketRicciuti; CP Docket Cappaert; Berl, David; Berniker, Jessamyn; Suarez, Christopher  
**Subject:** RE: IPR2014-00687; 00688; 00689

Counsel:

Petitioner should explain in an email to the Board and cc'ing Patent Owner, in one paragraph of 100 words or less why they oppose this request.

Thank you,

Maria Vignone  
Paralegal Operations Manager  
Patent Trial and Appeal Board

571-272-4645

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**From:** Michael L. Kiklis [<mailto:MKiklis@oblon.com>]

**Sent:** Wednesday, April 15, 2015 4:35 PM

**To:** Trials

**Cc:** CP Docket Kiklis; CPDocketRicciuti; CP Docket Cappaert; [dberl@wc.com](mailto:dberl@wc.com); Berniker, Jessamyn ([JBerniker@wc.com](mailto:JBerniker@wc.com)); [CSuarez@wc.com](mailto:CSuarez@wc.com)

**Subject:** IPR2014-00687; 00688; 00689

Trials,

The Patent Owner noticed a typographical omission in Ex. 2077 of each Patent Owner Response in the above-noted IPRs and now seeks permission from this Board to fix the error by filing corrected declarations with the Board in each case.

The Patent Owner filed its Patent Owner Responses in IPR2014-00687, 00688, and 00689, where each Response included the same declaration from Mr. Robin Walker as Ex. 2077. The Petitioner objected to this exhibit, and in responding to the objections, the Patent Owner noticed that it had inadvertently omitted an oath in the declaration. The Patent Owner timely served a corrected declaration on the Petitioner as supplemental evidence where the only changes were (1) the inclusion of an oath and (2) a change in the title to indicate that the exhibit was a "corrected" declaration. No substantive changes, and indeed, no other changes of any kind were made to the declaration. The Patent Owner now seeks to file this corrected declaration with the Board in each case so that the Board will have an accurate record and to show the Board that this oversight has been corrected.

The Petitioner does not consent to this request.

Respectfully submitted,

Michael L. Kiklis

Lead Counsel for Patent Owner, WesternGeco



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