

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC.,
Petitioner

v.

WESTERNGECO LLC
Patent Owner

Cases

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)

DECLARATION OF TIMOTHY K. GILMAN

Pursuant to 28 U.S.C. § 1746, I, Timothy K. Gilman, the undersigned, hereby declare as follows:

1. My name is Timothy K. Gilman. I am over eighteen years of age, of sound mind, and in all ways qualified and competent to make this declaration. I have personal knowledge of the facts contained in this declaration and they are true and correct.
2. I am a partner in the law firm of Kirkland & Ellis, L.L.P., counsel for WesternGeco L.L.C. (“WesternGeco”).

3. I am a member in good standing of the Bar for the State of New York.

4. I am not currently suspended or disbarred from any court or administrative body.

5. I have not been denied admission to any Bar, court, or administrative body.

6. I have not been sanctioned or held in contempt by any court or administrative body.

7. I have read and will comply with the Office Patent Trial Practice Guide and the Patent Trial and Appeal Board's Rules of Practice.

8. I agree to be subject to 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).

9. I have never applied for *pro hac vice* admission in any other proceeding before the Office prior to this date.

10. I have been practicing patent law since my admission to the bar in 2004, over 10 years ago.

11. I have 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.

12. I have been representing WesternGeco LLC with respect to U.S. Patent Nos. 7,162,967, 7,080,607, and 7,293,520 for over five years.

13. I have extensive experience with U.S. Patent Nos. 7,162,967, 7,080,607, and 7,293,520.

14. I have represented WesternGeco LLC in the following federal district court litigations where WesternGeco LLC asserted the above captioned patents: *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”.

15. 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.

16. I was trial counsel for the ION Litigation, 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.

17. At the ION trial, I also conducted direct and cross examinations of technical expert witnesses regarding, *inter alia*, the scope and validity of the above captioned patents.

18. The Polarcus and PGS Litigations were both filed in 2013. The Multi Klient Litigation was filed in 2014.

19. Shortly after WesternGeco filed its complaint, Polarcus took a license to the patents at issue and the case was dismissed.

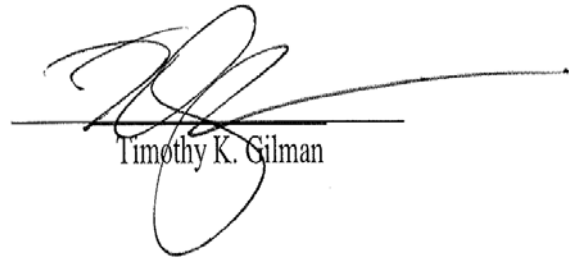
20. The PGS and Multi Klient Litigations are ongoing.

21. I am familiar with the patents at issue and their field of technology.

22. I have been involved in all aspects of the District Court Litigations, including claim construction and validity analysis.

23. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the results of these proceedings.

24. I declare under penalty of perjury that the foregoing is true and correct.



Timothy K. Gilman

April 1, 2015
New York, New York