

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.,  
and  
ION GEOPHYSICAL CORPORATION  
AND ION INTERNATIONAL S.A.R.L.,  
Petitioners,

v.

WESTERNGECO LLC,  
Patent Owner.

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Cases<sup>1 2</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*.

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<sup>1</sup> This Order addresses issues 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.

<sup>2</sup> Cases IPR2015-00565, IPR2015-00566, IPR2015-00567 have been joined with these proceedings.

IPR2014-00687 (Patent 7,162,967)

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IPR2014-00689 (Patent 7,293,520)

ORDER

Conduct of the Proceeding

37 C.F.R. § 42.5

Westerngeco filed a Request for Rehearing (“Request”) under 37 C.F.R. § 42.71 on May 7, 2015 in each of IPR2015-00565, IPR2015-00566, IPR2015-00567, as well as in the present proceedings, asserting that the Board’s Joinder Order (“Joinder Order”) filed April 23, 2015 was premature under 35 U.S.C. § 315(c).<sup>3</sup> Westerngeco contends that because it had not filed a preliminary response, and the underlying time period for filing a preliminary response had not expired, the Board should: (1) “vacate its Joinder Order,” (2) provide Westerngeco “with a reasonable opportunity to file a preliminary response,” and if the Board ultimately grants joinder, (3) provide Westerngeco “the opportunity to file a Patent Owner Response to raise petitioner-specific defenses against ION.” Request 2.

IPR2015-00565, IPR2015-00566, and IPR2015-00567 were accorded a filing date of January 14, 2015, January 15, 2015, and January 14, 2015 in their respective Notices of Filing Date, mailed February 4, 2015, February 5, 2015, and February 4, 2015 respectively. The deadlines for filing a preliminary response were thus May 4 and 5, 2015. Because the Joinder Order was issued 11–12 days prior to the deadline, it is reasonable to extend Westerngeco’s time to file a preliminary response by 12 days from the filing date of this Order. We defer ruling on the Request until we have had an opportunity to review Westerngeco’s preliminary response. With respect to PGS counsel’s May 18, 2015 email to the Board, no additional

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<sup>3</sup> Westerngeco filed an Opposition to Ion’s Motion for joinder in IPR2015-00565, IPR2015-00566, and IPR2015-00567. See Paper 10.

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briefing from Petitioners is authorized. The current trial schedule remains unchanged.

Accordingly, it is

ORDERED that the time to file Westergeco's preliminary response is extended 12 days from the filing date of this Order, a copy of the preliminary response should be filed in each of IPR2015-00565, IPR2015-00566, IPR2015-00567, 2014-00687, IPR2014-00688, and IPR2014-00689; and

FURTHER ORDERED that no additional briefing besides Westergeco's preliminary response is authorized at this time;

IPR2014-00687 (Patent 7,162,967)

IPR2014-00688 (Patent 7,080,607)

IPR2014-00689 (Patent 7,293,520)

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