

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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Case IPR2014-00689<sup>1</sup>

U.S. Patent No. 7,293,520

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**PETROLEUM GEO-SERVICES INC.'S OBJECTIONS TO EVIDENCE**

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<sup>1</sup> Case IPR2015-00565 has been joined with this proceeding.

Petitioner Petroleum Geo-Services Inc. (“PGS”) objects pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”) to the admissibility of supplemental evidence served by Patent Owner WesternGeco, LLC on May 20, 2015. PGS files these objections pursuant to 37 C.F.R. § 42.64(b)(1), which—as of May 19, 2015—requires objections to be filed with the Board. *See* 80 F.R. 28,561, 28,563. Nothing contained herein shall be deemed to withdraw any objection in PGS’ Objections to Evidence previously served on Patent Owner on March 27, April 16, and May 6, 2015.

The exhibits objected to, and grounds for PGS’ objections, are listed below. PGS also objects to Patent Owner’s reliance on or citation to any objected evidence in its papers.

**I. IDENTIFICATION OF CHALLENGED EVIDENCE AND GROUNDS FOR OBJECTIONS**

**A. Exhibit 2140**

PGS objects to Exhibit 2140, the Second Supplemental Declaration of Robin Walker, under FRE 402 and FRE 403 because it is irrelevant and its probative value is substantially outweighed by the danger of wasting time in this compressed proceeding. Exhibit 2140 purports to authenticate various exhibits. Exhibit 2140 is irrelevant to the extent that it attempts to authenticate irrelevant exhibits.

Exhibit 2140 is also irrelevant in that it does not cure the objections identified in PGS' Objections to Evidence of May 6, 2015.

PGS further objects to Exhibit 2140 because it seeks to authenticate exhibits that are untimely under 37 C.F.R § 42.64(b)(2), as described in PGS' Objections to Evidence of May 6, 2015.

PGS further objects to Exhibit 2140 under FRE 402, 403 and 602 because Mr. Walker provides comments that are outside his personal knowledge or lack foundation. Additionally, this exhibit is inadmissible hearsay under FRE 802.

PGS also objects to Exhibit 2140 to the extent that Patent Owner seeks to rely on it for any purpose other than to respond to PGS' Objections to Evidence under 37 C.F.R. § 42.64(b). Exhibit 2140 is untimely—it was not filed within the due date for Patent Owner's response, March 20, 2015. *See* Paper 38 at 2.

Moreover, Patent Owner has not requested authorization from the Board to file supplemental information under 37 C.F.R. § 42.123, and Patent Owner does not and cannot demonstrate that this exhibit reasonably could not have been obtained earlier or that it would be in the interests of justice to allow this supplemental information. *See* 37 C.F.R. § 42.123.

Nothing herein shall be deemed to withdraw any of PGS' objections to exhibits referenced in Exhibit 2140.

## II. CONCLUSION

To the extent Patent Owner fails to correct the defects identified above, PGS may file a motion to exclude under 37 C.F.R. § 42.64(c).

Dated: May 28, 2015

Respectfully submitted,

/Jessamyn Berniker/

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the above-captioned *Petroleum Geoservices Inc.'s Objections to Evidence* was served on May 28, 2015, by delivering a copy via electronic mail upon the following attorneys of record.

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Respectfully submitted,

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