

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

WESTERNGECO L.L.C.,

Plaintiff,

V.

ION GEOPHYSICAL CORPORATION,
FUGRO-GEOTEAM, INC.,
FUGRO-GEOTEAM AS,
FUGRO NORWAY MARINE SERVICES
AS, FUGRO, INC., FUGRO (USA), INC. and
GEOSERVICES, INC.,

Defendants.

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CIVIL ACTION NO. 4:09-cv-01827

Judge Keith P. Ellison

JURY TRIAL DEMANDED

LETTER OF REQUEST

FROM: The United States District Court for the Southern District of Texas,
United States of America

TO: The Royal Ministry of Justice and Police
Department of Civil Affairs
P.O. Box 8005 Dep
0030 Oslo, Norway

I. PARTIES AND THEIR REPRESENTATIVES

A. Plaintiff

The Plaintiff in this action (the "U.S. Action") is WesternGeco, L.L.C. ("WesternGeco" or "Plaintiff"). The Plaintiff is represented in the United States by:

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Additionally, Plaintiff has engaged the following counsel in Norway:

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B. Defendants

The Defendants in the U.S. Action are ION Geophysical Corporation (“ION” or “Defendant”), Fugro-Geoteam, Inc., Fugro, Inc., Fugro (USA), Inc. and Fugro Geoservices, Inc. (collectively, the “Fugro Defendants”). ION is represented in the United States by:

David L. Burgert
Ray T. Torgerson
Paul A. Dyson
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ION has engaged the following counsel in Norway:

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The Fugro Defendants are represented in the United States by:

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ARNOLD & KNOBLOCH LLP
4900 Woodway, Suite 900
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ROYSTON, RAYZOR, VICKERY & WILLIAMS, LLP
711 Louisiana, Suite 500
Houston, Texas 77002-6418
Tel: (713) 224-8380
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C. Third Party Witness

The third party witness from whom evidence is requested herein is as follows:

Nils Lunde ("Mr. Lunde")
c/o Petroleum Geophysical Services ("PGS")
Strandveien 4
N-1366 Lysaker
Oslo, Norway

PGS is represented in the United States by:

Michael F. Heim
HEIM, PAYNE & CHORUSH, LLP
JP Morgan Chase Tower
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PGS is represented in Norway by:

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II. NATURE OF THE PROCEEDINGS

The U.S. Action is an action for patent infringement under U.S. law.

III. CURRENT STATE OF PROCEEDINGS

Following the consolidation of suits involving the Fugro Defendants, the Court in the U.S. Action suspended all deadlines. As such, no trial date is presently set. ION contends that the orders requested herein are necessary to the U.S. Action in order to provide a full trial of the issues raised by the parties. Plaintiff and Defendants already have begun conducting discovery in accordance with United States procedure. ION has currently sought documents from Plaintiff and propounded on Plaintiff written questions relevant to the issues in the case. Plaintiff has also issued subpoenas for documents and testimony to third parties in the United States with knowledge of relevant facts.

Expeditious issuance of the orders requested herein is claimed by ION to be necessary to enable the parties to complete discovery and prepare for trial.

United States Federal Rule of Civil Procedure 28(b) expressly permits the taking of depositions and the obtaining of documents in foreign countries. However, under the applicable procedural rules in the United States, ION cannot compel deposition testimony or document production from such persons except by the procedure being utilized here.

IV. THE WITNESS IN NORWAY—NILS LUNDE

Nils Lunde is a resident of Norway. ION contends that Nils Lunde has personal knowledge of facts and information about the patents at issue in the U.S. Action. ION further contends that, as a former employee of WesternGeco, Nils Lunde was deeply involved in the development of Plaintiff's Q-Fin streamer steering device, control system, and related products. Accordingly, ION contends that Nils Lunde has personal knowledge of facts and information about the validity and unenforceability of the patents at issue. These are among the issues hotly contested in the U.S. Action.

Further, Mr. Lunde is a current employee of PGS, a customer of Defendant ION using certain products that Plaintiff accuses of infringing its patents-in-suit, including DigiFIN. Therefore, ION contends that Mr. Lunde possesses relevant, necessary information regarding the alleged infringement of certain U.S. patents. Also, Mr. Lunde is likely in possession of documents which directly relate to the infringement claims asserted by Plaintiff.

In addition, in conjunction with his work at PGS, Mr. Lunde is familiar with a new lateral steering device, known as the e-Bird, which PGS has developed with Kongsberg and may represent a non-infringing substitute product in the marine seismic industry.

These facts and information are material to the issues of the direct infringement of the patents under U.S. law. ION seeks to examine Nils Lunde concerning these facts and circumstances. ION contends that Nils Lunde's testimony is important to a complete trial of the issues raised by the parties.

V. REQUEST FOR AID IN OBTAINING TESTIMONY OF WITNESS

IT IS THEREFORE REQUESTED that:

1.1 A summons be issued compelling Nils Lunde to appear in the designated local court of law at an appropriate date and time, to give testimony under oath by question and

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