

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC.
and
ION GEOPHYSICAL CORPORATION
AND ION INTERNATIONAL S.A.R.L.
Petitioners

v.

WESTERNGECO LLC
Patent Owner

Case No. IPR2014-00689¹
U.S. Patent No. 7,293,520

PETITIONER PETROLEUM GEO-SERVICES INC.'S REPLY

David I. Berl, Reg. No. 72,751
Jessamyn S. Berniker, Reg. No. 72,328
Thomas S. Fletcher, Reg. No. 72,383
Christopher A. Suarez, Reg. No. 72,553
WILLIAMS & CONNOLLY LLP
725 12th St., NW
Washington, DC 20005
Telephone: 202-434-5000
Fax: 202-434-5029

Counsel for Petitioner, Petroleum Geo-Services Inc.

¹ Case IPR2015-00565 has been joined with this proceeding.

TABLE OF CONTENTS

TABLE OF AUTHORITIES	iii
I. CLAIM CONSTRUCTION	2
A. “Control Mode”	4
B. “Streamer Separation Mode”	5
C. “Feather Angle Mode”	7
II. WORKMAN (EX. 1004).....	9
A. The Experts Agree About How Workman Functions—And Disagree With WesternGeco.....	9
B. Workman Anticipates “Streamer Separation Mode.”	11
C. Workman is Presumed To Be Enabled and Was Enabled as of the Priority Date.	14
1. WesternGeco Cannot Rebut the Presumption that Workman is Enabled.....	14
2. WesternGeco’s Eleventh-Hour Evidence is Inapposite.....	17
D. The Claims Do Not Require the Other Features that WesternGeco Identifies.....	19
E. Workman Renders a Feather Angle Mode Obvious.	22
1. The POSA Must Have Marine Seismic Experience.....	22
2. The Unrebutted Evidence Shows that a POSA Had Several Reasons to Implement a Feather Angle Mode.....	25
3. The POSA Could Have Implemented Feather Angle Mode.	28
4. WesternGeco’s Attacks on Dr. Evans are Baseless.....	29
5. There Is No Credible Evidence of Objective Indicia.....	31
III. HEDBERG (EX. 1005)	36

A.	Hedberg’s Relative Positioning System Anticipates Both Modes.....	36
IV.	THIS IPR IS NOT TIME-BARRED.....	38
V.	CONCLUSION.....	40

TABLE OF AUTHORITIES

CASES

<i>AllVoice Computing PLC v. Nuance Commc'ns, Inc.</i> , 504 F.3d 1236 (Fed. Cir. 2007).....	3
<i>Amgen Inc. v. Hoechst Marion Roussel, Inc.</i> , 314 F.3d 1313 (Fed. Cir. 2003).....	14
<i>Amkor Tech., Inc. v. Tessera, Inc.</i> , IPR2013-00242.....	40
<i>Apple, Inc. v. Achates Reference Publ'g, Inc.</i> , IPR2013-00080.....	39
<i>Arthrocare Corp. v. Smith & Nephew, Inc.</i> , 406 F.3d 1365 (Fed. Cir. 2005).....	19
<i>Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.</i> , 776 F.2d 281 (Fed. Cir. 1985).....	31
<i>Bristol-Myers Squibb Co. v. Ben Venue Labs., Inc.</i> , 246 F.3d 1368 (Fed. Cir. 2001).....	15
<i>CSR, PLC v. Skullcandy, Inc.</i> , 594 F. App'x 672 (Fed. Cir. 2014).....	38
<i>Daiichi Sankyo Co. v. Apotex, Inc.</i> , 501 F.3d 1254 (Fed. Cir. 2007).....	23, 24
<i>Facebook, Inc. v. Pragmatus AV, LLC</i> , 582 F. App'x 864 (Fed. Cir. 2014).....	3
<i>Galderma Labs., L.P. v. Tolmar, Inc.</i> , 737 F.3d 731 (Fed. Cir. 2013).....	27
<i>GE Lighting Solutions, LLC v. AgiLight, Inc.</i> , 750 F.3d 1304 (Fed. Cir. 2014).....	7
<i>Gemstar-TV Guide Int'l, Inc. v. ITC</i> , 383 F.3d 1352 (Fed. Cir. 2004).....	3
<i>Google, Inc. v. Whitserve LLC</i> , IPR2013-00249.....	7
<i>In re Cuozzo Speed Techs., LLC</i> , 778 F.3d 1271 (Fed. Cir. 2015).....	3, 39, 40
<i>In re Schreiber</i> , 128 F.3d 1473 (Fed. Cir. 1997).....	11

<i>Innovention Toys, LLC v. MGA Entm't, Inc.</i> , 637 F.3d 1314 (Fed. Cir. 2011).....	25
<i>Int'l Nutrition Co. v. Horphag Research, Ltd.</i> , 220 F.3d 1325 (Fed. Cir. 2000).....	40
<i>Kennametal, Inc. v. Ingersoll Cutting Tool Co.</i> , 780 F.3d 1376 (Fed. Cir. 2015).....	33
<i>Linear Tech. Corp. v. ITC</i> , 566 F.3d 1049 (Fed. Cir. 2009).....	3
<i>MEHL/Biophile Int'l Corp. v. Milgraum</i> , 192 F.3d 1362 (Fed. Cir. 1999).....	20
<i>NTP, Inc. v. RIM, Ltd.</i> , 418 F.3d 1282 (Fed. Cir. 2005).....	20
<i>Rodime PLC v. Seagate Tech., Inc.</i> , 174 F.3d 1294 (Fed. Cir. 1999)	4
<i>Shamrock Techs., Inc. v. Med. Sterilization, Inc.</i> , 903 F.2d 789 (Fed. Cir. 1990).....	39, 40
<i>Taylor v. Sturgell</i> , 533 U.S. 880 (2008).....	39
<i>Transclean Corp. v. Jiffy Lube Intern., Inc.</i> , 474 F.3d 1298 (Fed. Cir. 2007).....	40
<i>United States v. Sine</i> , 493 F.3d 1021 (9th Cir. 2007)	32
<i>Zoll Lifecor Corp. v. Philips Elecs. N. Am. Corp.</i> , IPR2013-00616	38

OTHER AUTHORITIES

37 C.F.R. § 42.100(b)	3
154 Cong. Rec. S9987 (Sept. 27, 2008).....	40
77 Fed. Reg. 48,759 (2012)	39
77 Fed. Reg. at 48760	39
Fed. R. Evid. 105	18
Fed. R. Evid. 801	18

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