

Case IPR2014-00689  
Patent 7,293,520

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.  
Petitioner

v.

WESTERNGECO, LLC  
Patent Owner

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Case IPR2014-00689

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

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

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 exhibits served by Patent Owner WesternGeco, LLC on September 16, 2014. The exhibits objected to, and grounds for PGS’ objections, are listed below.

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

**A. Exhibit 2002**

PGS objects to Exhibit 2002 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. The Board has instituted the IPR based on various grounds that certain claims of U.S. Patent No. 7,293,520 (“the ’520 Patent”) are anticipated and/or obvious. The Board declined to deny the petition on the basis that ION Geophysical Corp. (“ION”) is a real party in interest or a privy of PGS in this proceeding. Because Patent Owner has cited this exhibit solely in an effort to show that ION is a real party in interest or a privy of PGS in this proceeding, this exhibit is irrelevant to the determination to be made in the IPR. Moreover, even were the question of ION’s status as a real party in interest or privy of PGS relevant to the proceeding, Exhibit 2002 is not relevant to that determination and therefore should be excluded under FRE 402. And because any relevance of Exhibit 2002 is significantly outweighed by the undue prejudice

associated with ancillary litigation of the tangential and irrelevant issue of Petitioner's relationship with ION, it should be excluded pursuant to FRE 403.

PGS further objects to Exhibit 2002 under FRE 901, 1002, and 1003. It has not been authenticated under FRE 901, is not self-authenticating under FRE 902, and is not a "duplicate" as defined by FRE 1001(e). Exhibit 2002 is therefore inadmissible under FRE 901, 1002, and 1003. Additionally, this exhibit is inadmissible hearsay under FRE 802.

**B. Exhibit 2003**

PGS objects to Exhibit 2003 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. The Board has instituted the IPR based on various grounds that certain claims of the '520 Patent are anticipated and/or obvious. The Board declined to deny the petition on the basis that ION is a real party in interest or a privy of PGS in this proceeding. Because Patent Owner has cited this exhibit solely in an effort to show that ION is a real party in interest or a privy of PGS in this proceeding, this exhibit is irrelevant to the determination to be made in the IPR. Moreover, even were the question of ION's status as a real party in interest or privy of PGS relevant to the proceeding, Exhibit 2003 is not relevant to that determination and therefore should be excluded under FRE 402. And because any relevance of Exhibit 2003 is significantly outweighed by the

undue prejudice associated with ancillary litigation of the tangential and irrelevant issue of Petitioner's relationship with ION, it should be excluded pursuant to FRE 403.

PGS further objects to Exhibit 2003 under FRE 901, 1002, and 1003. It has not been authenticated under FRE 901, is not self-authenticating under FRE 902, and is not a "duplicate" as defined by FRE 1001(e). Exhibit 2003 is therefore inadmissible under FRE 901, 1002, and 1003. Additionally, this exhibit is inadmissible hearsay under FRE 802.

### **C. Exhibit 2004**

PGS objects to Exhibit 2004 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. The Board has instituted the IPR based on various grounds that certain claims of the '520 Patent are anticipated and/or obvious. The Board declined to deny the petition on the basis that ION is a real party in interest or a privy of PGS in this proceeding. Because Patent Owner has cited this exhibit solely in an effort to show that ION is a real party in interest or a privy of PGS in this proceeding, this exhibit is irrelevant to the determination to be made in the IPR. Moreover, even were the question of ION's status as a real party in interest or privy of PGS relevant to the proceeding, Exhibit 2004 is not relevant to that determination and therefore should be excluded under FRE 402.

And because any relevance of Exhibit 2004 is significantly outweighed by the undue prejudice associated with ancillary litigation of the tangential and irrelevant issue of Petitioner's relationship with ION, it should be excluded pursuant to FRE 403.

**D. Exhibit 2005**

PGS objects to Exhibit 2005 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. The Board has instituted the IPR based on various grounds that certain claims of the '520 Patent are anticipated and/or obvious. The Board declined to deny the petition on the basis that ION is a real party in interest or a privy of PGS in this proceeding. Because Patent Owner has cited this exhibit solely in an effort to show that ION is a real party in interest or a privy of PGS in this proceeding, this exhibit is irrelevant to the determination to be made in the IPR. Moreover, even were the question of ION's status as a real party in interest or privy of PGS relevant to the proceeding, Exhibit 2005 is not relevant to that determination and therefore should be excluded under FRE 402. And because any relevance of Exhibit 2005 is significantly outweighed by the undue prejudice associated with ancillary litigation of the tangential and irrelevant issue of Petitioner's relationship with ION, it should be excluded pursuant to FRE 403.

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