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 IPR2014-00689¹

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

PETROLEUM GEO-SERVICES INC.'S REQUEST FOR ORAL ARGUMENT

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



Pursuant to the Scheduling Order (Paper 34), Stipulation (Paper 76) and 37 C.F.R. § 42.70(a), Petitioner Petroleum Geo-Services Inc. ("PGS") respectfully requests that the Board hear oral argument in this proceeding on July 30, 2015, *see* Paper 33 at 6, at 9:00 am, *see* July 2015 PTAB Public Hearing Schedule. PGS requests that the Board hold the oral argument in this proceeding (IPR2014-00689) in sequence with any oral argument in the two other related proceedings (IPR2014-00687 and IPR2014-00688). PGS requests twenty minutes of oral argument per side for IPR2014-00689. If the hearings in the three matters are combined, PGS requests one hour of oral argument per side.

Pursuant to 37 C.F.R. § 42.70(a), PGS requests oral argument on all of the instituted grounds of unpatentability of Claims 1, 2, 18, and 19 of U.S. Patent No. 7,293,520.

In its Request for Oral Argument, WG included a page of briefing requesting leave to offer live testimony from Robin Walker. PGS opposes this request. The Board permits live testimony "under very limited circumstances" where, for example, "the demeanor of a witness is critical to assessing patentability." *K-40 Elecs., LLC v. Escort, Inc.*, IPR2013-00203, Paper 34 at 2 (May 21, 2014). PGS is aware of the Board granting this relief only once, in a case where the credibility of the inventor's testimony antedating the two prior art references was "key" and potentially "case dispositive." *Id.* Mr. Walker's testimony does not come close to



meeting this exacting standard. Setting aside that Mr. Walker's testimony is inadmissible for the reasons discussed in PGS's Motion to Exclude, it purports to bear only on objective indicia of nonobviousness, which are irrelevant to anticipation. In any event, the Board need never reach his testimony because WG does not establish nexus between the Q-Marine and the challenged claims in the first place. And even if credited in full, Mr. Walker's testimony is irrelevant. His purported evidence of secondary considerations relates only to lateral steering generally, not to the claims of the challenged patent. His testimony is thus neither "key" nor "case dispositive." Finally, the significant gaps and inconsistencies in Mr. Walker's testimony can be adequately evaluated from the parties' submissions and the ten hours of Mr. Walker's deposition cross examination. There is simply no need for the Board to hear Mr. Walker live.

PGS respectfully requests that the Board provide audio/visual equipment to display demonstrative exhibits and evidence of record, including the use of a projector and screen for displaying documents.

Dated: June 29, 2015 Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above-captioned *Petroleum Geo-Services Inc.'s Request for Oral Argument* was served on June 29, 2015, by delivering a copy via electronic mail upon the following attorneys of record.

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