

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC.,
Petitioner

v.

WESTERNGECO LLC
Patent Owner

Cases

IPR2014-00687 (U.S. Patent No. 7,162,967)
IPR2014-00688 (U.S. Patent No. 7,080,607)
IPR2014-00689 (U.S. Patent No. 7,293,520)

THIRD DECLARATION OF TIMOTHY K. GILMAN

Pursuant to 28 U.S.C. § 1746, I, Timothy K. Gilman, the undersigned, hereby declare as follows:

1. My name is Timothy K. Gilman. I am over eighteen years of age, of sound mind, and in all ways qualified and competent to make this declaration. I have personal knowledge of the facts contained in this declaration and they are true and correct.
2. I am a partner in the law firm of Kirkland & Ellis, L.L.P., counsel for WesternGeco L.L.C. (“WesternGeco”).
3. Exhibit 2141 is a true and correct copy of an Unopposed Notice of Application for Issuance of Letter of Request dated April 13, 2011 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

4. Exhibit 2142 is a true and correct copy of a Letter of Request dated April 20, 2011 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

5. Exhibit 2143 is a true and correct copy of a Memorandum and Order dated June 19, 2013 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

6. Exhibit 2144 is a true and correct copy of the Final Judgment dated May 7, 2014 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

7. Exhibit 2146 in IPR2014-00687 is a true and correct copy of European Patent Application EP 1850151A2.

8. Exhibit 2146 in IPR2014-00688 is a true and correct copy of an opposition to EP1847851 filed by ION Geophysical Corporation.

9. Exhibit 2147 is a true and correct copy of an opposition to EP1850151 filed by ION Geophysical Corporation.

10. Exhibit 2149 is a true and correct copy of ION's Response to WesternGeco's Motion to Disqualify ION's Consultants/Experts dated June 1, 2010 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

11. Exhibit 2150 is a true and correct copy of ION's Responsive Brief and Evidence in Support of Its Claim Construction for WesternGeco's Patents-in-Suit dated February 26, 2010 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

12. Exhibit 2151 is a true and correct copy of ION Geophysical Corporation's Trial Brief on Marking dated August 13, 2012 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

13. Exhibit 2152 is a true and correct copy of Defendant's Reply in Support of Motion for Judgment as a Matter of Law and for a New Trial Due to Incorrect Claim Construction dated November 9, 2012 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

14. Exhibit 2153 is a true and correct copy of ION's Motion for Judgment as a Matter of Law, Motion for New Trial on Damages, and Alternatively, Motion for Remittitur dated September 28, 2012 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

15. Exhibit 2154 is a true and correct copy of ION's Geophysical Corporation's Statement of Grounds of Appeal related to European Patent No. EP 1850151.

16. Exhibit 2155 is a true and correct copy of ION Geophysical Corporation's Answer, Affirmative Defenses, and Counterclaims to WesternGeco L.L.C.'s Complaint for Patent Infringement dated June 16, 2009 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

17. Exhibit 2156 is a true and correct copy of ION's Final Invalidity Contentions dated February 3, 2012 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

18. Exhibit 2157 is a true and correct copy of the deposition of John Thompson dated October 26, 2011 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

19. Exhibit 2158 is a true and correct copy of Exhibit 4 to the deposition of John Thompson dated October 26, 2011 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.), an email with the subject line “ION Press Release” dated June 22, 2009.

20. Exhibit 2159 is a true and correct copy of Exhibit 3 to the deposition of John Thompson dated October 26, 2011 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.), a press release entitled “ION Files Patent Infringement Lawsuit Against WesternGeco.”

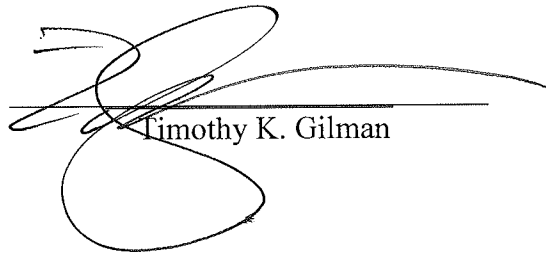
21. Exhibit 2160 is a true and correct copy of Exhibit 14 to the deposition of John Thompson dated October 26, 2011 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.), a document entitled “Issues Summary ION v. WesternGeco U.S. Law Suit Related to Lateral Steering of Marine Seismic Streamers.”

22. Exhibit 2161 is a true and correct copy of a Memorandum and Order dated July 16, 2010 from *WesternGeco L.L.C. v. ION Geophysical Corp., et al.*, Civ. No. 4:09-cv-01827 (S.D. Tex.).

23. Exhibit 2164 is a true and correct copy of European Patent No. EP 1850151B1.

24. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the results of these proceedings.

25. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Timothy K. Gilman

June 22, 2015
New York, New York