

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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**JOINT MOTION FOR ENTRY OF THE  
DEFAULT PROTECTIVE ORDER  
AND TO SEAL UNDER  
37 C.F.R. §§ 42.14 AND 42.54**

Joint Motion for Entry of Default Protective Order and to Seal  
Case IPR2014-00689  
U.S. PATENT 7,293,520

Pursuant to 37 C.F.R. §§ 42.14, 42.54 and the Board's August 12, 2014 Order (Paper 22), Patent Owner, WesternGeco L.L.C ("WesternGeco" or "Patent Owner") and Petitioner, Petroleum Geo-Services, Inc. ("PGS" or "Petitioner") jointly submit this Motion for Entry of the Default Protective Order and to Seal certain exhibits submitted with the Petition for *Inter Partes* Review ("Petition") filed by Petitioner filed on April 23, 2014, and certain exhibits submitted with the Patent Owner Preliminary Response ("Preliminary Response") filed by Patent Owner on September 16, 2014.

The Petition and certain accompanying exhibits were filed under seal because they contained information that Patent Owner had designated as confidential. The Preliminary Response and all of the accompanying exhibits were filed under seal to allow the parties time to confer regarding which exhibits or portions thereof should remain confidential. Submitted herewith is an updated Patent Owner Exhibit List that identifies which Patent Owner exhibits can be made public, and which Patent Owner exhibits should remain under seal. In addition, a redacted, public version of the Preliminary Response is submitted with this joint motion.

The parties have conferred and have agreed to the terms of the Default Protective Order, submitted herewith as Exhibit 2038.

**I. Reasons for Sealing Certain Confidential Information**

**A. Petition Exhibits**

Exhibits 1019, 1022, and 1053 were filed under seal. As set forth in the Table 1, below, good cause exists for maintaining these exhibits under seal.

**Table 1. Exhibits to the Petition that Should Remain Under Seal**

Exhibit	Description	Good Cause
1019	Opposition to Defendants’ Motion for Summary Judgment of Invalidity of the Bittleston Patents in <i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827, DE 287, dated April 20, 2012.	Patent Owner states that this exhibit includes WesternGeco and third party (Ion Geophysical Corporation, “ION”) confidential materials that are subject to a protective order in <i>WesternGeco L.L.C. v. Ion Geophysical Corp.</i> , Civil Action No. 4:09-CV-01827. In particular, this document contains excerpts of confidential WesternGeco internal technical development plans that are not public, maintained in confidence, and unnecessary for the public to understand the patentability dispute at issue.” It also contains an excerpt of ION expert Robert Brune’s deposition transcript, which was marked highly confidential in its entirety.
1022	WesternGeco's Motion for Summary Judgment of Willful Infringement of Valid Claims of the '520 Patent in <i>WesternGeco L.L.C. v. ION Geophysical Corporation</i> Civil Action No. 4:09-CV-01 827,	Patent Owner states that this exhibit includes WesternGeco confidential materials that are subject to a protective order in <i>WesternGeco L.L.C. v. Ion Geophysical Corp.</i> , Civil Action No. 4:09-CV-01827. In particular, this document, the entirety

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	DE 276, dated March 30, 2012.	of WesternGeco’s opening brief in support of its motion for summary judgment of willful infringement, contains discussions of confidential business information and technical development documents that are not public, that are maintained in confidence, and that are unnecessary for the public to understand the patentability dispute at issue.
1053	Defendants' Amended Response in Opposition to Westerngeco LLC's Motion for Summary Judgment of Willful Infringement of Valid Claims of the '520 Patent (DE 298)	Patent Owner states that this exhibit includes third party (Ion Geophysical Corporation) confidential materials that are subject to a protective order in <i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827.

**B. Preliminary Response**

As set forth in the Table 2, below, good cause exists for maintaining Exhibits 2002, 2003, 2004, 2006, 2014, 2019, 2020, 2021, 2022, 2023, and 2027 under seal.

**Table 2. Exhibits to the Preliminary Response that Should Remain Under Seal**

Exhibit	Description	Good Cause
2002	“Proposal For Next Generation Streamer Positioning System,” <i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827, ION10473-505.	Patent Owner states that this exhibit includes third party (Ion Geophysical Corporation) confidential materials that are subject to a protective order in <i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827.
2003	<i>WesternGeco L.L.C. v. Ion</i>	Patent Owner states that this exhibit

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Exhibit	Description	Good Cause
	<i>Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827, ION17940-74.	includes third party (Ion Geophysical Corporation) confidential materials that are subject to a protective order in <i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827.
2004	<i>WesternGeco LLC v. Petroleum Geo-Services Inc.</i> , et al., No. 4-13-cv-02725, PGSUS 10.	Petitioner states that this exhibit includes confidential business information of the Petitioner concerning the negotiation of a commercial agreement. This business information is not public, is maintained in confidence, and is unnecessary for the public to understand the patentability dispute at issue.
2006	<i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827, ION732624-28.	Petitioner states that this exhibit includes confidential business information of the Petitioner concerning the negotiation of a commercial agreement. This business information is not public, is maintained in confidence, and is unnecessary for the public to understand the patentability dispute at issue.
2014	<i>WesternGeco LLC v. Petroleum Geo-Services Inc.</i> , et al., No. 4-13-cv-02725, PGSI-T2725-WG-46643.	Petitioner states that this exhibit includes confidential business information of the Petitioner concerning its business organization. This business information is not public, is maintained in confidence, and is unnecessary for the public to understand the patentability dispute at issue.

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