

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC.,
Petitioner,

v.

WESTERNGECO LLC,
Patent Owner.

Cases¹

IPR2014-01475 (Patent 7,162,967)

IPR2014-01477 (Patent 7,080,607)

IPR2014-01478 (Patent 7,293,520)

Before SCOTT A. DANIELS, BEVERLY M. BUNTING, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This Order addresses issues from the initial conference that are the same in all three cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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INITIAL CONFERENCE SUMMARY

The initial conference call for these proceedings was held on April 13, 2015 including Judges Daniels, Parvis, and Bunting, and respective counsel for the parties. PGS filed a list of potential motions (IPR2014-01475 (Paper 24), IPR2014-01477 (Paper 24), IPR2014-01478 (Paper 24)). WesternGeco similarly filed a list of potential motions (IPR2014-01475 (Paper 23), IPR2014-01477 (Paper 23), IPR2014-01478 (Paper 23)).

1. Scheduling Order

The parties are reminded that, without obtaining prior authorization from the Board, they may stipulate to different dates for DATES 1-5² by filing an appropriate notice with the Board. In the discussion that follows, because of the related discovery matters to a first group of PGS proceedings IPR 2014-00687–689 involving the same group of patents, we refer to the present proceedings as the second group of PGS proceedings.

3. Protective Order

The parties filed in each one of the second group of PGS proceedings a joint motion for entry of the Default Protective Order on March 2, 2015, providing a copy of the Default Protective Order as an exhibit. The joint motion is granted and the Default Protective Order is entered in the second group of PGS proceedings.

4. Discovery

We encouraged the parties to reach agreement on discovery, specifically in regards to the current dispute over deposition locations and

² The parties may not stipulate to changes for any other DUE DATE.

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dates. We reminded the parties that they may request a conference call with the Board only if they cannot reach agreement. We encouraged the parties to notify the Board by April 21, 2015 if no agreement was reached. The parties have not notified us of a failure to reach an agreement.

The parties indicated that in light of the second PGS proceedings, as well as the first PGS proceedings, they were not able to reach agreement on deposition dates and location for PGS's witness, Dr. Brian J. Evans. The parties also could not agree on a deposition location and place for WesternGeco's witness, Dr. Michael S. Triantafyllou.

WesternGeco also indicated that its witness, Dr. Michael S. Triantafyllou, has a strenuous travel schedule, and was unavailable in the U.S. until May 22nd and 23rd. This is contrary to the stipulation between the parties in the first group of PGS proceedings where WesternGeco indicated that it would produce its witness between April 20, 2015, and May 8, 2015. Paper 38. The concern raised by PGS was that this was only two weeks prior to its Reply to Patent Owner Response (Due Date 2) due, June 8, 2015. This is sufficient time to incorporate evidence from the deposition into the Reply. As we indicated during the call, Dr. Triantafyllou's deposition can take place on May 22 and 23 in the U.S. *See* 37 C.F.R. § 42.53(d)(2).

Due Date 7 for oral argument will not be moved in either group of proceedings.

5. Motion to Amend

WesternGeco's counsel indicated that they were familiar with the process for making a motion to amend, and at this time they did not intend to

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file such a motion. Any Motion to Amend must be filed by DUE DATE 1 of the Scheduling Order (June 3, 2015). WesternGeco is reminded that, should it decide to file a motion to amend, it must confer with the Board before filing the motion, and the conference should take place at least two weeks before filing the motion to amend.

6. Motion to Exclude

We remind the parties that motions to exclude evidence are extraordinary remedies and not always granted. We encourage the parties to consider issues of admissibility of evidence, in light of the Board's experience and diligence in applying appropriate weight to evidence, before filing any motion to exclude evidence.

Accordingly, it is

ORDERED that Dr. Triantafyllou's deposition will take place on or before May 22 and 23 in the U.S., unless the parties can agree otherwise;

ORDERED that the joint motion for entry of the Default Protective Order is *granted*; and

ORDERED that a copy of this Order shall also be filed in the first PGS proceedings, IPR2014-00687, IPR2014-00688, and IPR2014-00689.

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