		Page 1
1	UNITED STATES PATENT AND TRADEMARK OFFICE	
2	BEFORE THE PATENT TRIAL AND APPEAL BOARD	
3		
	PETROLEUM GEO-SERVICES, )	
4	)	
	Petitioner, ) Case No.	
5	) IPR2014-00687,	
	vs. ) -00688, -00689	
6	)	
	WESTERNGECO, )	
7	)	
	Patent Owner. )	
8	x	
9		
10		
11		
12		
13	DEPOSITION OF BRIAN EVANS, PH.D.	
14 15	VOLUME I	
16		
17	Washington, D.C.	
18	Thursday, February 5, 2015	
19		
20		
21		
22		
23	Reported by: Lori J. Goodin, RPR, CLR, CRR	
24	Realtime Systems Administrator	
25	Job No. 90106	

	Page 2		Page 3
1		1	A P P E A R A N C E S:
2		2	ATTEMANY CES.
3	February 5, 2015	3	On Behalf of Petitioner:
4	8:49 a.m.	4	WILLIAMS & CONNOLLY
5	0.+ <i>y</i> a.m.	5	725 Twelfth Street, Northwest
6		6	Washington, D.C. 20005
7	Deposition of BRIAN EVANS, PH.D.,	7	BY: THOMAS FLETCHER, ESQUIRE
8	held at Williams & Connolly, 725 12th	8	BY: DAVID BERL, ESQUIRE
9	Street, Northwest, Washington, D.C. before	9	BY: CHRISTOPHER SUAREZ, ESQUIRE
10	Lori J. Goodin, RPR, CLR, CRR, a Notary	10	DT. CHRISTOTTILK SUARLZ, LSQUIRL
11	Public of the District of Columbia.	11	PETROLEUM GEO-SERVICES, INC.
12	I usite of the District of Columbia.	12	15150 Memorial Drive
13		13	Houston, Texas 77079
14		14	BY: KEVIN HART, ESQUIRE
15		15	D1. REVINIARI, ESQUIRE
16		16	On Behalf of Patent Owner:
17		17	OBLON MCCLELLAND MAIER &
18		18	NEUSTADT
19		19	1940 Duke Street
20		20	Alexandria, Virginia 22314
21		21	BY: SCOTT MCKEOWN, ESQUIRE
22		22	
23		23	CHRISTOPHER BULLARD, ESQUIRE
24		24	
24		25	
23		23	
	Page 4		Page 5
1	A P P E A R A N C E S (CONTINUED):	1	B. Evans, Ph.D.
2		2	BRIAN J. EVANS, PH.D.,
3	On Behalf of Patent Owner:	3	having been first duly sworn, testified as
4	KIRKLAND & ELLIS	4	follows:
5	300 North La Salle	5	EXAMINATION
6	Chicago, Illinois 60654	6	BY MR. MCKEOWN:
7	BY: SIMEON PAPACOSTAS, ESQUIRE	7	Q. Can you please state your name for 08:49
8		8	the record. 08:49
9		9	A. Brian John Evans. 08:49
10		10	Q. Okay. Mr. Evans, my name is Scott 08:49
11		11	McKeown, I'm an attorney for WesternGeco, and 08:49
12		12	you have filed some declarations in some 08:49
13		13	proceedings at the U.S. Patent and Trademark 08:49
14		14	Office. Those are 2014-687 through 689. 08:49
15		15	Are you generally familiar with 08:49
16		16	those proceedings? 08:49
17		17	A. Generally. But I'm not a lawyer. 08:49
18		18	Q. Sure. 08:49
19		19	MR. BERL: I don't mean to 08:49
20		20	interrupt, but are we putting appearances 08:49
21		21	on the record? 08:49
22		22	MR. MCKEOWN: Yes, sure, we can go 08:49
23		23	around the table, if you want to. 08:49
24		24	So, I'm Scott McKeown. I'm an 08:49
25		25	attorney for WesternGeco. To my right is 08:49
		1	another for thesteringees. To my fight is 00.47

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	Page 6		Page
1	B. Evans, Ph.D.	1	B. Evans, Ph.D.
2	Chris Bullard, also with the Oblon firm. 08:49	2	extent you can. And you are required to answer 08
3	To his immediate right is Simeon 08:49	3	unless your attorney instructs you not to 08:51
4	MR. PAPACOSTAS: Papacostas. 08:49	4	answer. 08:51
5	MR. MCKEOWN: There you go. Of the 08:49	5	Do you understand that? 08:51
6	Kirkland & Ellis firm. 08:49	6	A. Oh, okay. 08:51
7	MR. BERL: And it is David Berl of 08:49	7	Q. Okay. Have you had, have you been 08:
8	Williams & Connolly for petitioner. Along 08:50	8	previously deposed before? 08:51
9	with me is Tom Fletcher from Williams & 08:50	9	A. What do you mean by deposed? 08:5
10	Connolly, Chris Suarez from Williams & 08:50	10	Q. This, what we are doing today is a 08:51
11	Connolly and Kevin Hart from PGS. 08:50	11	deposition. 08:51
12	BY MR. MCKEOWN: 08:50	12	A. Because I'm not legal. I'm a 08:51
13	Q. So, I will be asking you some 08:50	13	scientist. 08:51
14	questions today about some declarations you 08:50	14	Q. Okay. 08:51
15	prepared in those proceedings at the Patent 08:50	15	A. No, I have never. This is the first 08:51
16	Office. 08:50	16	time. 08:51
17	I would ask that we try not to talk 08:50	17	Q. Okay. Fair enough. Do you have any 08:
18	over each other. And if you need more 08:50	18	other questions before we begin? 08:51
19	information or clarification about a question, 08:50	19	A. I don't know until I've got 08:51
20	please feel free to ask. If you need a break 08:50	20	something to ask. 08:51
21	for the bathroom, we can do that whenever you 08:50	21	Q. Okay, fair enough. Fair enough. 08:51
22	need it, just as long as it is not as a 08:50	22	Are you an inventor on any patents, Mr. Evans? 0
23	question is pending. 08:50	23	A. I am a coinventor on three. Not 08:51
24	So, when I ask you questions, you 08:50	24	that they have been continued, because we paid 08
25	are expected to give truthful answers to the 08:50	25	the money out. 08:51
1	B. Evans, Ph.D.	1	
~			B. Evans, Ph.D.
2	Q. Are they U.S. patents? 08:51	2	the '607. 08:52
3	A. No, Australia. 08:51	2 3	the '607. 08:52 MR. MCKEOWN: This is the '607. I 08
3 4	<ul><li>A. No, Australia. 08:51</li><li>Q. Okay. What is the subject matter of 08:51</li></ul>	2 3 4	the '607.08:52MR. MCKEOWN: This is the '607. I08may as well give them all out here. That08:
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3 4 5 6 7	A.No, Australia.08:51Q.Okay. What is the subject matter of those patents?08:51A.Oh, it was a seismic, seismic data08:51processing were two of them.08:52	2 3 4 5 6 7	the '607.08:52MR. MCKEOWN: This is the '607. I08may as well give them all out here. That08:is the '967.08:53THE WITNESS: This isn't the same08index as I have had it.08:53
3 4 5 6 7 8	A.No, Australia.08:51Q.Okay. What is the subject matter of those patents?08:51A.Oh, it was a seismic, seismic data processing were two of them.08:51And the other one was a function of 08:5208:52	2 3 4 5 6 7 8	the '607.08:52MR. MCKEOWN: This is the '607. I08may as well give them all out here. That08:is the '967.08:53THE WITNESS: This isn't the same08index as I have had it.08:53MR. BERL: Yes.08:53
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3 4 5 7 8 9 10 11 12 13 14 15 16	A.No, Australia.08:51Q.Okay. What is the subject matter of08:51those patents?08:51A.Oh, it was a seismic, seismic data08:51processing were two of them.08:52And the other one was a function of08:52my Ph.D. thesis about 3D techniques.08:52Q.What was the title of your Ph.D.08:52thesis?08:52A.I need to see my I can't remember08:52these things.08:52Q.Okay. Why don't I give you your08:52declarations here.08:52So, I will give you all three of08:52them.08:52	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	the '607.08:52MR. MCKEOWN: This is the '607. I08may as well give them all out here. That08:is the '967.08:53THE WITNESS: This isn't the same08index as I have had it.08:53MR. BERL: Yes.08:53BY MR. MCKEOWN:08:53Q. And this is the '520. So, we will08:53be talking about all three of these today. I08:53will try to keep it clear which one we are08:53MR. BERL: And for the record, as08:53MR. BERL: And for the record, as08:53MR table of contents was inappropriately08:53
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A.No, Australia.08:51Q.Okay. What is the subject matter of08:51those patents?08:51A.Oh, it was a seismic, seismic data08:51processing were two of them.08:52And the other one was a function of08:52Mat the other one was a function of08:52Q.What was the title of your Ph.D.08:52Q.What was the title of your Ph.D.08:52thesis?08:52Q.Okay. Why don't I give you your08:52declarations here.08:52So, I will give you all three of08:52A.Okay, thanks.08:52	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	the '607.08:52MR. MCKEOWN: This is the '607. I08may as well give them all out here. That08:3is the '967.08:53THE WITNESS: This isn't the same08index as I have had it.08:53MR. BERL: Yes.08:53BY MR. MCKEOWN:08:53Q. And this is the '520. So, we will08:53be talking about all three of these today. I08:53will try to keep it clear which one we are08:53MR. BERL: And for the record, as08:53Dr. Evans just noted. We realize that the08:53abridged in his declarations.08:53
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A.No, Australia.08:51Q.Okay. What is the subject matter of08:51those patents?08:51A.Oh, it was a seismic, seismic data08:51processing were two of them.08:52And the other one was a function of08:52my Ph.D. thesis about 3D techniques.08:52Q.What was the title of your Ph.D.08:52thesis?08:52A.I need to see my I can't remember08:52these things.08:52Q.Okay. Why don't I give you your08:52declarations here.08:52So, I will give you all three of08:52A.Okay, thanks.08:52Q.And, a copy for your counsel as08:52well. So, the first one I'm handing you is for08:52THE WITNESS: This is the '607.08:52	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the '607.08:52MR. MCKEOWN: This is the '607. I08may as well give them all out here. That08:is the '967.08:53THE WITNESS: This isn't the same08index as I have had it.08:53MR. BERL: Yes.08:53BY MR. MCKEOWN:08:53Q. And this is the '520. So, we will08:53be talking about all three of these today. I08:53will try to keep it clear which one we are08:53MR. BERL: And for the record, as08:53MR. BERL: And for the record, as08:53MR. BERL: And for the record, as08:53And we prepared, and it may move08:53And we prepared, and it may move08:things along more quickly to use table of08:contents that goes down each level and08:reflects the actual sections of the08:53
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A.No, Australia.08:51Q.Okay. What is the subject matter of08:51those patents?08:51A.Oh, it was a seismic, seismic data08:51processing were two of them.08:52And the other one was a function of08:52my Ph.D. thesis about 3D techniques.08:52Q.What was the title of your Ph.D.08:52thesis?08:52A.I need to see my I can't remember08:52these things.08:52Q.Okay. Why don't I give you your08:52declarations here.08:52So, I will give you all three of08:52them.08:52Q.And, a copy for your counsel as08:52well. So, the first one I'm handing you is for08:52the '607.08:52	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	the '607.08:52MR. MCKEOWN: This is the '607. I08may as well give them all out here. That08:3is the '967.08:53THE WITNESS: This isn't the same08index as I have had it.08:53MR. BERL: Yes.08:53BY MR. MCKEOWN:08:53Q. And this is the '520. So, we will08:53be talking about all three of these today. I08:53will try to keep it clear which one we are08:53MR. BERL: And for the record, as08:53MR. BERL: And for the record, as08:53MR. BERL: And for the record, as08:53MR. BERL: And for the record, as08:53And we prepared, and it may move08:53And we prepared, and it may move08:53And we gos down each level and08:53

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1	B. Evans, Ph.D.	1	B. Evans, Ph.D.
2	make the process more efficient in the 08:53	2	don't know that I need to use them. So, 08:54
3	coming days. The table of contents in the 08:53	3	let's just keep them on the side. 08:54
4	actual declarations only go down two or 08:54	4	MR. BERL: It may make it easier to 08:54
5	sometimes three levels, rather than all of 08:54	5	find. 08:54
6	the way down. 08:54	6	MR. MCKEOWN: I will be referring to 08:54
7	THE WITNESS: So, do I get an update 08:54	7	paragraph numbers, so I am not using 08:54
8	then? 08:54	8	headings. 08:54
9	MR. BERL: He will likely give you a 08:54	9	THE WITNESS: The headings help me 08:55
10	copy. 08:54	10	to find it in the 08:55
11	MR. MCKEOWN: Do you have a copy of 08:54	11	BY MR. MCKEOWN: 08:55
12	this, Mr. Evans? 08:54	12	Q. Yes, okay. I will refer you to 08:55
13	THE WITNESS: No, I don't. 08:54	13	the 08:55
14	MR. BERL: So, I will give you three 08:54	14	A. Because in between these, I get 08:55
15	copies of each, Mr. McKeown, and then you 08:54	15	confused. 08:55
16	can give them back to Dr. Evans. 08:54	16	Q. Okay. Sure. Yes. So I was just 08:55
17	MR. MCKEOWN: Okay. All right. 08:54	17	asking the name, or the title of your thesis. 08:55
18	MR. BERL: And maybe mark them as-B 08:54	18	A. Okay. Can I It is one of these 08:55
19	or however you want to mark them is fine 08:54	19	three replacement contents. 08:55
20	with us. 08:54	20	Q. Let me see if I can find it for you. 08:55
21	MR. MCKEOWN: So, are these 08:54	21	Looks to be about Paragraphs 10 through 11 talk 08:55
22	corresponding to outline entries in the 08:54	22	about your Ph.D. 08:55
23	actual declaration or are these 08:54	23	A. What page? 08:55
24	MR. BERL: Yes. 08:54	24	Q. So, looks like Paragraph 10 top of 08:55
25	MR. MCKEOWN: Okay. All right. I 08:54	25	Page 5 in the '520. 08:55
	5 10		
	Page 12		Page 13
1	B. Evans, Ph.D.	1	B. Evans, Ph.D.
2	B. Evans, Ph.D. A. Page 5. 08:55	2	B. Evans, Ph.D. objection, sorry, I'm not, I don't 08:56
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1	B. Evans, Ph.D.	1	B. Evans, Ph.D.
2	Q. For this matter. 08:57	2	answer you can try to answer his question, 08:58
3	A. For the whole 08:57	3	if you understand it. 08:58
4	MR. BERL: Objection. 08:57	4	THE WITNESS: Okay. I don't 08:58
5	MR. MCKEOWN: Right. 08:57	5	understand the process, you understand. 08:58
б	BY MR. MCKEOWN: 08:57	6	Now, could you repeat? 08:58
7	Q. So, you have three declarations in 08:57	7	BY MR. MCKEOWN: 08:58
8		8	Q. Sure. So you prepared four 08:58
9	front of you. 08:57 A. Yes. 08:57	9	
10		10	declarations, correct? 08:58
	Q. Did you just prepare three? 08:57	11	A. Yes. 08:58
11	A. I think there was a fourth, I think. 08:57		Q. And they were 08:58
12	My memory isn't what it should be. 08:57	12	A. To the best of my memory. 08:58
13	Q. Okay. 08:57	13	Q. And they were submitted to the 08:58
14	A. I think there is a fourth. 08:57	14	Patent Office; is that right? 08:58
15	Q. Are you aware of the Patent Office's 08:57	15	A. Through his company. 08:58
16	review of those declarations? 08:57	16	Q. Okay. Have you seen the decisions 08:58
17	MR. BERL: Objection. 08:57	17	from the Patent Office? 08:58
18	THE WITNESS: I'm confused in him 08:58	18	A. Yes, I have scanned over them. 08:58
19	saying objection. Am I supposed to stop 08:58	19	Q. Okay. So you are aware that the 08:58
20	now or 08:58	20	fourth submission, or one of these submissions 08:
21	MR. BERL: You can answer the 08:58	21	was denied; is that right? 08:58
22	question. He will ask you questions, I may 08:58	22	MR. BERL: Objection. 08:58
23	object. 08:58	23	THE WITNESS: Yes. Because now, you 0
24	If I tell you not to answer, then 08:58	24	know, I am working with three now instead 08:
25	you don't answer. Unless I tell you not to 08:58	25	of four. That is my 08:58
	Page 16		Page 1
1		1	
	B. Evans, Ph.D.	1	B. Evans, Ph.D.
1 2 3	B. Evans, Ph.D. BY MR. MCKEOWN: 08:58		B. Evans, Ph.D. MR. BERL: Objection, relevance. 09:00
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