

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC.
Petitioner

v.

WESTERNGECO LLC
Patent Owner

Case No. IPR2014-01477
Patent No. 7,080,607

PETITIONER'S MOTION TO SEAL UNDER 37 CFR §§ 42.14 and 42.55

Pursuant to 37 CFR §§ 42.14 and 42.55 Petitioner Petroleum Geo-Services Inc. (PGS) respectfully submits this Motion to Seal portions of its Petition for *Inter Partes Review*, as well as certain Exhibits attached thereto, all of which are being filed concurrently with this Motion.

I. Reasons for Sealing Exhibits and Redacting Related Portions of the Petition

The standard governing the Board's determination of whether to grant a

motion to seal is “good cause.” *Garmin v. Cuozzo*, IPR2012-0001, Paper 36 (April 5, 2013). The board aims to “strike a balance between the public’s interest in maintaining a complete and understandable file history and the parties’ interest in protecting truly sensitive information.” *Id.*

PGS’s Petition for *Inter Partes* Review of 7,080,607 includes three exhibits (PGS 1017, 1019, and 1025) that the Patent Owner, WesternGeco, LLC, designated as highly confidential pursuant to a protective order in litigation styled *WesternGeco LLC v. ION Geophysical Corp. et al.*, No. 09-cv-01827, ECF No. 28 (S.D. Tex. Aug. 28, 2009) (Exhibit A). These materials were obtained by Petitioner via compelled discovery in the context of its current litigation against PGS in *WesternGeco LLC v. Petroleum Geo-Services, Inc.*, No. 13-cv-2725, ECF No. 60 (S.D. Tex. Jan. 13, 2014) (Exhibit B), and are subject to a protective order in that litigation as well. *WesternGeco LLC v. Petroleum Geo-Services, Inc.*, No. 13-cv-2725, ECF No. 37 (S.D. Tex. Jan. 13, 2014) (Exhibit C).

Pursuant to Section 4(A)(ii) of the Board’s default protective order, PGS has filed a confidential, non-redacted version of its Petition as well as a redacted version of its Petition to remove references and citations to the sealed information and exhibits. Because the sealed exhibits and redacted portions of the Petition are subject to the aforementioned protective orders, Petitioner brings this motion to seal with good cause and under good faith.

II. PROPOSED PROTECTIVE ORDER

Pursuant to 37 CFR § 42.55(a), Petitioner proposes that the default protective order found in Appendix B of the Trial Practice Guide be entered.

Dated: September 11, 2014

Respectfully Submitted,

/s/ David I. Berl

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above-captioned Petroleum Geo-Service Inc.'s "Motion to Seal Under 35 C.F.R. §§ 42.14 and 42.55" and true copies of Exhibits A-C were served on this 11th day of September, 2014, on the Patent Owner at the official correspondence address for the attorney of record for the '607 Patent as shown in USPTO PAIR via FedEx:

WesternGeco L.L.C.
10001 Richmond Avenue
IP Administration Center of Excellence
Houston TX 77042

DATE: September 11, 2014.

/s/ David I. Berl
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Exhibit A

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