

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 IPR2014-01477<sup>1</sup>

U.S. Patent No. 7,080,607

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**PETITIONER'S MOTION TO SEAL UNDER 37 C.F.R. § 42.14**

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<sup>1</sup> Case IPR2014-00688 is a related proceeding.

Pursuant to 37 CFR § 42.14, Petitioner Petroleum Geo-Services Inc. (PGS) respectfully submits this Motion to Seal portions of its Reply to the Patent Owner Response to 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 Redacting Portions of the Motion**

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 Reply to WesternGeco's Patent Owner Response to the Petition for *Inter Partes* Review of 7,080,607 includes several exhibits (1108, 1111, 1112, 1122, 1124, 1129, 1130) that were designated as confidential pursuant to a protective order in district court litigation against ION. *WesternGeco LLC v. ION Geophysical Corp. et al.*, No. 09-cv-01827, ECF No. 28 (S.D. Tex. Aug. 28, 2009). 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), 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). PGS's Reply also includes other exhibits (1104, 1113-16, 1119) that have been designated by WesternGeco as containing business confidential information. These exhibits, including the statement and deposition transcripts of Mr. Robin Walker in this proceeding, have been designated as confidential by WesternGeco.

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

## **II. Conclusion**

For the foregoing reasons, Petitioner requests that the Board grant Petitioner's Motion to Seal. Petitioner understands that the documents filed concurrently with this motion will remain sealed pending the outcome of the decision on this motion. *See* 37 C.F.R. § 42.14. Should the Board require it before deciding this motion, PGS is prepared to meet and confer with WesternGeco to prepare any Joint Motion to Seal that may be required to further clarify the bases for sealing the above documents.

Dated: September 25, 2015

Respectfully Submitted,

/Jessamyn Berniker/

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above-captioned Petroleum Geo-Service Inc.'s "Motion to Seal Under 37 C.F.R. § 42.14" was served to the Patent Owner by delivering a copy via electronic mail upon the following attorneys of record.

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