UNITED STATES PATENT AND TRADEMARK OFFICI
BEFORE THE PATENT TRIAL AND APPEAL BOARD
PETROLEUM GEO-SERVICES INC. Petitioner
V.
WESTERNGECO, LLC Patent Owner
Case IPR2014-01477 ¹
U.S. Patent No. 7,080,607

PETITIONER PETROLEUM GEO-SERVICES INC.'S MOTION TO EXCLUDE



¹ Case IPR2014-00688 is a related proceeding.

TABLE OF CONTENTS

Tabl	e of A	uthorities	ii	
I.	Mr. Walker's Declaration, Ex. 2099, Should Be Excluded			
	A.	Mr. Walker's Declaration Should Be Excluded As Irrelevant	3	
	В.	Significant Parts of Walker's Declaration and the Exhibits Cited Therein Should Be Excluded as Outside His Personal Knowledge, Lacking Foundation, and Improper Hearsay	4	
	C.	The Walker Declaration Should Be Excluded in Its Entirety as Unreliable.	7	
II.	Mate	erials from the ION Case Are Inadmissible.	11	
	A.	The ION Case Jury Verdict Is Irrelevant and Hearsay	11	
	B.	Testimony from the <i>ION</i> Case Is Hearsay.	11	
	C.	Other Materials from the <i>ION</i> Case Are Inadmissible	12	
Ш	Cone	clusion	15	



TABLE OF AUTHORITIES

CASES

ABT Sys., LLC v. Emerson Elec. Co., 797 F.3d 1350 (Fed. Cir. 2015)	3-4
Arthrocare Corp. v. Smith & Nephew, Inc., 406 F.3d 1365 (Fed. Cir. 2005)	15
Consolidated Rail Corp. v. Grand Trunk W. R. Co., 2011 WL 6004291 (E.D. Mich. Dec. 1, 2011)	10
Corwin v. Walt Disney Co., 475 F.3d 1239 (11th Cir. 2007)	6
Gaffney v. Dep't of Info. Tech. & Telecomms., 579 F. Supp. 2d 455 (S.D.N.Y. 2008)	13, 14
Gunville v. Walker, 583 F.3d 979 (7th Cir. 2009)	5
Kirk v. Raymark Indus., Inc., 61 F.3d 147 (3d Cir. 1995)	6, 12
Turner v. BNSF R. Co., 338 F.3d 1058 (9th Cir. 2003)	12
U.S. v. Hunt, 521 F.3d 636 (6th Cir. 2008)	14
U.S. v. Sine, 493 F.3d 1021 (9th Cir. 2007)	11
W. Union Co. v. MoneyGram Payment Sys., Inc., 626 F.3d 1361 (Fed. Cir. 2010)	4
RULES AND REGULATIONS	
37 C.F.R. § 42.64(c)	1
Federal Rule of Evidence 402	4, 14, 15
Federal Rule of Evidence 602	5, 6, 7
Federal Rule of Evidence 801	5, 6, 12
Federal Rule of Evidence 803	13
Federal Rule of Evidence 804	12, 15



ederal Rule of Evidence 703					
Federal Rule of Evidence 901	15				



Pursuant to 37 C.F.R. § 42.64(c), Petitioner Petroleum Geo-Services Inc. ("PGS") moves to exclude exhibits offered and relied on by Patent Owner WesternGeco, LLC ("WG"). The following table identifies the exhibits PGS moves to exclude, which are discussed in detail below.

Ex.	Section Addressed (Bases for Exclusion)	Ex.	Section Addressed (Bases for Exclusion)
2053	II.C (H, R)	2108	II.C (H)
2059	II.B (H)	2109	II.C (H)
2060	II.C (A, H)	2115	II.C (H)
2061	II.C (A, H)	2116	II.C (H)
2063	II.C (H)	2117	II.C (H)
2067	II.C (A, H)	2118	II.C (A, H)
2083	II.B (H)	2119	I.B, II.C (H)
2085	II.B (H)	2120	II.C (H)
2087	II.B (H)	2121	II.A (H, R)
2096	II.C (H)	2123	II.C (H)
2097	II.C (H)	2124	II.B (H)
2099	I, I.A, I.B, I.C, (H, R, F, P)	2125	II.B (H)
2101	II.C (H)	2127	II.C (H)
2102	II.C (H)	2128	II.C (H)
2103	II.C (H)	2129	II.C (H)
2104	I.B, II.C (H)	2130	II.C (H)
2105	I.B, II.C (H)	2131	II.C (H)
2106	I.B, II.B (H)	2132	II.C (H)
2107	II.C (A, H)	2140	II.B (H)

Key: A – Authentication; H – Hearsay; F – Lacks Foundation; R- Relevance; P – Lacks Personal Knowledge

PGS timely objected to each of these exhibits, on the grounds identified above, on Aug. 14, 2015. *See* IPR2014-01475 ("-01475"), Paper 42 at 2-11, 13,



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

