

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETROLEUM GEO-SERVICES INC.,

Petitioner

v.

WESTERNGECO, L.L.C.,

Patent Owner

Case IPR2014-01478
U.S. Patent No. 7,293,520

**JOINT MOTION FOR ENTRY OF THE
DEFAULT PROTECTIVE ORDER
AND TO SEAL UNDER
37 C.F.R. §§ 42.14 AND 42.54**

Joint Motion for Entry of Default Protective Order and to Seal
Case IPR2014-01478
U.S. PATENT 7,293,520

Pursuant to 37 C.F.R. §§ 42.14 and 42.54, and further to Petitioner's Motion to Seal filed September 11, 2014, Patent Owner, WesternGeco L.L.C ("WesternGeco" or "Patent Owner") and Petitioner, Petroleum Geo-Services, Inc. ("PGS" or "Petitioner") jointly submit this Motion for Entry of the Default Protective Order and to Seal certain exhibits submitted with the Petition for *Inter Partes* Review ("Petition") filed by Petitioner on September 11, 2014, and certain exhibits submitted with the Patent Owner Preliminary Response ("Preliminary Response") filed by Patent Owner on December 18, 2014.

The Petition and certain accompanying exhibits were filed under seal because they contained information that Patent Owner had designated as confidential. Similarly, sealed and public versions of Patent Owner's Preliminary Response, and corresponding sealed and public versions of all accompanying exhibits, were filed with the Board on December 18, 2014. The following tables list those documents that the parties believe should remain under seal.

The parties have conferred and have agreed to the terms of the Default Protective Order, submitted herewith as Exhibit 2038. The Default Protective Order is jointly executed on page 7 of Exhibit 2038.

I. Reasons for Sealing Certain Confidential Information

A. Petition Exhibits

Exhibits 1019, 1022, 1053, and 1077 were filed under seal. In accordance with the Board's Order in related proceeding IPR2014-00689 (Paper 31 at 2), Exhibit 1053, which is identical between proceedings, will no longer be maintained under seal as third party Ion Geophysical Corporation indicated that it did not intend to defend the confidentiality of the exhibit. Additionally, in accordance with the Board's Order in related proceeding IPR2014-00688 (Paper 32 at 2), Exhibit 1019, which is identical between proceedings, will no longer be maintained under seal as third party Ion Geophysical Corporation indicated that it did not intend to defend the confidentiality of the exhibit. As set forth in the Table 1, below, good cause exists for maintaining Exhibits 1022 and 1077 under seal. It is noted that Exhibit 1022 is identical to Exhibit 1022 in related proceeding IPR2014-00689, and that the Board was persuaded in that proceeding that Exhibit 1022 should be sealed. (*See* IPR2014-00689 (Paper 31, Order Granting In Part Motion).)

Table 1. Exhibits to the Petition that Should Remain Under Seal

Exhibit	Description	Good Cause
1022	WesternGeco's Motion for Summary Judgment of Willful	Patent Owner states that this exhibit includes WesternGeco confidential

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	<p>Infringement of Valid Claims of the '520 Patent in <i>WesternGeco L.L.C. v. ION Geophysical Corporation</i> Civil Action No. 4:09-CV-01827, DE 276, dated March 30, 2012.</p>	<p>materials that are subject to a protective order in <i>WesternGeco L.L.C. v. Ion Geophysical Corp.</i>, Civil Action No. 4:09-CV-01827. In particular, this document, the entirety of WesternGeco's opening brief in support of its motion for summary judgment of willful infringement, contains discussions of confidential business information and technical development documents that are not public, that are maintained in confidence, and that are unnecessary for the public to understand the patentability dispute at issue.</p>
1077	<p>Mark Scott Zajac Deposition Transcript in re: <i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i>, Civil Action No. 4:09-CV-01827, dated January 29, 2010.</p>	<p>Patent Owner states that this exhibit includes WesternGeco confidential materials that are subject to a protective order in <i>WesternGeco L.L.C. v. Ion Geophysical Corp.</i>, Civil Action No. 4:09-CV-01827. In particular, this document references deposition testimony by a WesternGeco witness discussing confidential business information that is not public, that is maintained in confidence, and that is unnecessary for the public to understand the patentability dispute at issue.</p>

B. Preliminary Response

As set forth in the Table 2, below, good cause exists for maintaining Exhibits 2002, 2003, 2004, 2006, 2014, 2019, 2020, 2021, 2022, 2023, and 2027 under seal. It is noted that each of these exhibits are identical to exhibits with the

same number in related proceeding IPR2014-00689, and that the Board was persuaded in that proceeding that each of these exhibits should be sealed. (See IPR2014-00689 (Paper 31, Order Granting In Part Motion).)

Table 2. Exhibits to the Preliminary Response that Should Remain Under Seal

Exhibit	Description	Good Cause
2002	“Proposal For Next Generation Streamer Positioning System,” <i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827, ION10473-505.	Patent Owner states that this exhibit includes third party (Ion Geophysical Corporation) confidential materials that are subject to a protective order in <i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827.
2003	<i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827, ION17940-74.	Patent Owner states that this exhibit includes third party (Ion Geophysical Corporation) confidential materials that are subject to a protective order in <i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-01827.
2004	<i>WesternGeco LLC v. Petroleum Geo-Services Inc., et al.</i> , No. 4-13-cv-02725, PGSUS 10.	Petitioner states that this exhibit includes confidential business information of the Petitioner concerning the negotiation of a commercial agreement. This business information is not public, is maintained in confidence, and is unnecessary for the public to understand the patentability dispute at issue.
2006	<i>WesternGeco L.L.C. v. Ion Geophysical Corporation</i> , Civil Action No. 4:09-CV-	Petitioner states that this exhibit includes confidential business information of the Petitioner

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