

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 IPR2014-01478

U.S. Patent No. 7,293,520

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**MOTION FOR PRESERVATION IN NON-PUBLIC FORM OF THE  
RECORD PENDING APPEAL**

Patent Owner WesternGeco LLC (“WG”) respectfully requests that Paper Nos. 2, 11, 13, 40, 47, 53, 62, and 66 and Exhibits 1002, 1003, 1019, 1022, 1053, 1077, 1104, 1108, 1111-1116, 1119, 1122, 1124, 1129-1130, 2002-2004, 2006, 2014, 2019-2023, 2027, 2053, 2057, 2059-2061, 2067, 2085, 2092, 2099, 2101-2102, 2108, 2127-2132, 2142, 2149-2152, and 2158-2160 (collectively, the “Confidential Documents”) in IPR2014-01478 be preserved in non-public form pending any appeal.

As a general rule, confidential information referred to in a final written decision becomes public 45 days after final judgment, unless a motion to expunge is filed. 77 Fed. Reg. 48761; 37 C.F.R. § 42.56. As was explained in the parties’ previously filed motions to seal (Paper Nos. 4, 16, 41, 50, 55, 59, and 64), the Confidential Documents contain the parties’ confidential information, much of which is subject to a protective order in co-pending litigations, that ultimately should be expunged rather than being made public. The Board, however, has found it “reasonable to maintain the record undisturbed pending resolution of the Appeal, or any subsequent appeal concerning this proceeding.” *U.S. Bancorp v. Solutran, Inc.*, CBM2014-00076, Paper 47 at 2-3 (PTAB Jan. 4, 2016). And the Federal Circuit’s rules affirm this approach. Specifically, Federal Circuit Rule 17(a) provides that “[t]he agency must retain the record,” and Federal Circuit Rule 17(d) confirms that parties and counsel must have access to the original record.

Accordingly, WG requests that the Confidential Documents be preserved pending a possible appeal but remain in non-public form. The good-cause grounds for sealing the Confidential Documents have been detailed in the parties' motions to seal (Paper Nos. 4, 16, 41, 50, 55, 59, and 64).

For the foregoing reasons, WG moves the Board to maintain the Confidential Documents in their non-public form pending any appeal. If, however, the Board declines to preserve the Confidential Documents in their non-public form pending appeal, WG respectfully requests expungement of those exhibits under 37 C.F.R. § 42.56, for the good cause explained above. And, if no appeal is taken, or after the conclusion of any appeal proceeding, WG also requests that the Confidential Documents be expunged.

Respectfully submitted,  
Oblon, McClelland, Maier &  
Neustadt, LLP

Dated: April 25, 2016

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies service of MOTION FOR PRESERVATION IN NON-PUBLIC FORM OF THE RECORD PENDING APPEAL on the counsel of record for the Petitioner by filing this document through the Patent Review Processing System as well as delivering a copy via electronic mail to the following addresses:

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