

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

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|--------------------------------------|---|-------------------------------------|
| WESTERNGECO L.L.C., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 14-cv-03118 |
| |) | |
| MULTI KLIENT INVEST AS, |) | JURY TRIAL DEMANDED |
| PETROLEUM GEO-SERVICES, INC., |) | |
| and PGS GEOPHYSICAL AS |) | |
| |) | |
| Defendants. |) | |

FIRST AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff WesternGeco L.L.C., for its Complaint against Defendants Multi Klient Invest AS, Petroleum Geo-Services, Inc., and PGS Geophysical AS (collectively, “PGS”) hereby alleges as follows and demands a jury trial on all issues so triable.

THE PARTIES

1. Plaintiff WesternGeco L.L.C. (“WesternGeco”) is a Delaware corporation having a principal place of business at 10001 Richmond Avenue, Houston, Texas 77042-4299.
2. Upon information and belief, Defendant Multi Klient Invest AS (“Multi Klient”) is a Norwegian corporation having a principal place of business at Lillearerveien 4C, P.O. Box 251, Lillearer, Oslo, Norway 0216 and an office in Houston, Texas.
3. Upon information and belief, Defendant Petroleum Geo-Services, Inc. (“PGS Inc.”) is a Delaware corporation having a principal place of business at 15150 Memorial Drive, Houston, Texas 77079, having an agent for service of process registered with the Texas Secretary of State’s office.

4. Upon information and belief, Defendant PGS Geophysical AS (“PGS AS”) is a Norwegian corporation having a principal place of business at Strandveien 4, P.O. Box 290, N-1326, Lysaker, Norway, and an office in Houston, Texas.

5. Upon information and belief, Multi Klient, PGS Inc., and PGS AS are wholly owned subsidiaries of Petroleum Geo-Services ASA and coordinate their business activities and cooperate regarding the subject matter of this Complaint, as set forth below.

NATURE OF THE ACTION

6. This is a civil action for the willful infringement of United States Patent Nos. 5,924,049 (the ’049 patent), 6,545,944 (the ’944 patent), 6,671,223 (the ’223 patent), 7,822,552 (the ’552 patent), 7,293,520 (the ’520 patent), 7,080,607 (the ’607 patent), and 7,162,967 (the ’967 patent) (collectively, “the Patents-in-Suit”). This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.*

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over the infringement action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. Multi Klient, PGS Inc., and PGS AS are subject to personal jurisdiction in this Court as evidenced by, *inter alia*, their presence in Texas and their systematic and continuous contacts with the State of Texas. Upon information and belief, Multi Klient, PGS Inc., and PGS AS have an active business presence in this district.

9. Upon information and belief, PGS uses and/or maintains a website: <http://www.pgs.com>. Upon information and belief, this website is accessible nationally and internationally, and is active in interstate commerce. This website touts and advertises the products, components and services accused of infringement in this Complaint. Upon information

and belief, Multi Klient, PGS Inc., and PGS AS intend for customers and potential customers within this judicial district to access this website and purchase PGS products and services. This website additionally lists major U.S. offices and career opportunities in Houston and Austin.

10. Upon information and belief, Multi Klient, PGS Inc., and PGS AS are additionally subject to personal jurisdiction in this Court due to their specific activities in the State of Texas relating to the supply, marketing, selling, and performance of products and services, and components thereof, that infringe the Patents-in-Suit as alleged and stated within this section and throughout this Complaint.

11. Upon information and belief, Multi Klient, PGS Inc., and PGS AS regularly market and advertise products and services that infringe the Patents-in-Suit to customers within this District. Upon information and belief, Multi Klient, PGS Inc., and PGS AS employ, and/or rely on marketing and sales personnel within this judicial district in connection with promoting their commercial interests, including but not limited to the sales of products and services that infringe the Patents-in-Suit.

12. Upon information and belief, Multi Klient, PGS Inc., and PGS AS have attended and plan to attend conferences and trade shows within this judicial district to promote their commercial interests, including but not limited to the sales of products and services that infringe the Patents-in-Suit. Upon information and belief, PGS exhibited at the 2013 Society of Exploration Geophysicists International Exposition and Annual Meeting (“SEG annual meeting”), that took place in Houston, Texas in September 2013, in order to promote, *inter alia*, products and services incorporating eBird, GeoSource and/or Simultaneous Long Offset (“SLO”) acquisition and/or other simultaneous source acquisitions which infringe WesternGeco’s Patents-in-Suit. Upon information and belief, Multi Klient, PGS Inc., and PGS AS have attended and

exhibited at prior SEG annual meetings, including those within this judicial district, in order to promote, *inter alia*, products and services incorporating eBird, GeoSource and/or SLO acquisition and/or other simultaneous source acquisitions which infringe WesternGeco's Patents-in-Suit.

13. Upon information and belief, PGS has performed marine seismic surveys using products and methods that infringe WesternGeco's Patents-in-Suit within the United States Exclusive Economic Zone ("EEZ") relying on ports, offices, and business operations within this judicial district and using components supplied from this judicial district.

14. For example, on June 20, 2014 Multi Klient applied for a permit from the United States Bureau of Energy Management ("BOEM") to perform an infringing marine seismic survey offshore Texas. That application discloses a Houston-area telephone number and Houston-based employee for Multi Klient, that PGS will conduct the survey from 15150 Memorial Drive, Houston, Texas, and that the vessel(s) will operate from Freeport, Texas. The expected commencement date was listed as August 1, 2014 and the expected completion date as July 30, 2015.

15. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b).

THE PATENTS

16. On July 13, 1999, the '049 patent, titled "Methods for Acquiring and Processing Seismic Data," was duly and legally issued to Western Atlas International, Inc. ("Western Atlas") as assignee. Western Atlas duly and legally assigned the '049 patent to WesternGeco on September 14, 2001. The '049 patent teaches and claims, *e.g.*, methods for acquiring seismic data from seismic sources activated simultaneously or near simultaneously as well as processing

that data. This patented “simultaneous shooting” approach provides significant benefits, including allowing surveying companies to produce better seismic data in a shorter amount of time. WesternGeco is the current assignee of the '049 patent, and is the owner of the right to sue and to recover for any current or past infringement of that patent. A copy of the '049 patent is attached hereto as Exhibit A.

17. On April 8, 2003, the '944 patent, titled “Method for Acquiring and Processing of Data from Two or More Simultaneously Fired Sources,” was duly and legally issued to WesternGeco as assignee. The '944 patent teaches and claims, *e.g.*, methods for conducting seismic surveys by simultaneously shooting impulsive sources and processing the data to create source recordings with data responsive to each individual seismic source. This patented technology enables significant benefits and, *e.g.*, allows for more efficient and cost-effective seismic data acquisition at a denser grid of surface locations. WesternGeco is the current assignee of the '944 patent, and is the owner of the right to sue and recover for any current or past infringement of that patent. A copy of the '944 patent is attached hereto as Exhibit B.

18. On December 30, 2003, the '223 patent, titled “Control Devices for Controlling the Position of a Marine Seismic Streamer,” was duly and legally issued to WesternGeco as assignee. A reexamination certificate for the '223 patent issued on May 12, 2009. The '223 patent teaches and claims, *e.g.*, devices for controlling the position of a marine seismic streamer using independent “wings” that project outwardly from the body of the device. The devices help prevent streamer tangling and mitigate the adverse effects of currents on survey efficiency. WesternGeco is the current assignee of the '223 patent, and is the owner of the right to sue and to recover for any current or past infringement of that patent. A copy of the '223 patent is attached

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