

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

WesternGeco L.L.C.)
Plaintiff)
v.) Civil Action No. 4:09-cv-01827
ION Geophysical Corporation)
(If the action is pending in another district, state where:
Defendant))

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Petroleum Geo-Services, Inc.
15150 Memorial Dr., Houston, TX 77079

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: See Schedule A.

Place: Smyser Kaplan & Veselka, L.L.P. 700 Louisiana, Suite 2300 Houston, TX 77002	Date and Time: 02/08/2010 9:00 am
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Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
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The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 01/22/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) WesternGeco L.L.C., who issues or requests this subpoena, are:

Ameet A. Modi, KIRKLAND & ELLIS LLP, 601 Lexington Avenue, New York, NY 10022
(212) 446-4800
amodi@kirkland.com

Civil Action No. 4:09-cv-01827

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* Petroleum Geo-Services, Inc.
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: Petroleum Geo-Services, Inc.
15150 Memorial Dr., Houston, TX 77079
_____ on *(date)* _____; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)**(c) Protecting a Person Subject to a Subpoena.**

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney’s fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or

(iii) a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.**(1) Producing Documents or Electronically Stored Information.**

These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

SCHEDULE A

DEFINITIONS AND INSTRUCTIONS

1. As used herein, "PGS" means Petroleum Geo-Services, Inc. and all its predecessors (merged, acquired, or otherwise), successors, subsidiaries, parents, sisters, partnerships and affiliates thereof (including, but not limited to, Petroleum Geo-Services ASA, Petroleum Geo-Services (U.S.), Inc., PGS Onshore do Brasil, PGS Onshore Inc., PGS Mexicana, PGS Onshore Peru, PGS de Venezuela, PGS Geophysical AS, PGS Technology (Sweden) AB, PGS Reservoir Ltd., PGS - Kazakhstan LLP, PGS CIS LLP, PGS Data Processing Middle East, PGS Angola Ltd., PGS Exploration (UK) Ltd., PGS Exploration (Nigeria) Ltd., Petroleum Geo-Services Asia Pacific Pte. Ltd., PGS Australia Pty. Ltd., PGS Japan K.K., Petroleum Geo-Services Exploration, PGS Data Processing & Technology Sdn. Bhd., and PT. Petroprima Geo Servis Nusantara), and all directors, officers, agents, employees, attorneys and other persons acting on their behalf.
2. As used herein, "ION" means ION Geophysical Corporation and all its predecessors (merged, acquired, or otherwise), successors, subsidiaries, parents, sisters, partnerships and affiliates thereof, and all directors, officers, agents, employees, attorneys and other persons acting on their behalf.
3. As used herein, "Bird" means any device with one or more control surfaces, used for positioning of seismic streamers, e.g., for depth and/or lateral positioning, including but not limited to DigiFIN and DigiBIRD.
4. As used herein, "Streamer Control Device(s)" means any technology, apparatus, system, component, software, or method that is capable of taking any part in vertical and/or horizontal control, steering, positioning and/or monitoring of any towed seismic streamer and/or Bird.
5. As used herein, "Asserted WesternGeco Claims" means all patent claims asserted at any time by WesternGeco against ION in Civil Action No. 4:09-CV-01827, including without limitation:
 - A. United States Patent No. 6,691,038 claims 1-7, 10-11, 13-17, 20-32, 35-36, 38-42, and 45-50;
 - B. United States Patent No. 6,932,017 claims 1-9, and 16;
 - C. United States Patent No. 7,080,607 claims 1-9, and 15;
 - D. United States Patent No. 7,162,967 claims 1, 4-10 and 15; and
 - E. United States Patent No. 7,293,520 claims 1-3, 6-20, and 23-34.
6. As used herein, "ION Accused Product" means any product or method made, used, offered for sale, imported, licensed, distributed, or otherwise disposed of by or for ION, that WesternGeco accuses at any time during the course of Civil Action No. 4:09-CV-01827 of infringing any of the Asserted WesternGeco Claims directly (either literally or under the doctrine of equivalents) or indirectly (either by inducement or contributory infringement) including

without limitation: products and services including, in-whole or in part, ORCA, the lateral controller, DigiFIN and/or DigiBIRD.

7. As used herein, "communication" means any transmission of information by one or more persons and/or between two or more persons by any means including telephone conversations, letters, telegrams, teletypes, telexes, telecopies, electronic mail, other computer linkups, written memoranda, and face-to-face conversations.

8. As used herein, "and" and "or" shall be construed conjunctively and disjunctively so as to acquire the broadest meaning possible.

9. As used herein, "any" and "all" shall each be construed to mean "each and every," so as to acquire the broadest possible meaning.

10. As used herein, "include" and "including" shall be construed to mean "without limitation," so as to acquire the broadest meaning possible.

11. The singular and masculine form of a noun or pronoun shall embrace, and shall be read and applied as, the plural or the feminine or neuter, as the particular context makes appropriate and to give the noun or pronoun the broadest meaning possible.

12. As used herein, "document" has the same broad meaning as in Rule 34 of the Federal Rules of Civil Procedure. The term "document" also encompasses tangible things.

13. As used herein, "person" means any natural person or any business, legal or governmental entity or association.

14. As used herein, "relating to" means, without limitation, identifying, describing, discussing, concerning, assessing, stating, reflecting, constituting, containing, embodying, tending to support or refute, or referring directly or indirectly to, in any way, the particular subject matter identified.

15. As used herein, the terms "Complaint," "Answer," "Affirmative Defense," "Counterclaim," and "Reply" shall mean the pleadings as originally filed or as amended or supplemented throughout the progression of the case.

16. The document requests herein shall be deemed to include any and all relevant documents within the possession, custody or control of PGS, including documents located in the personal files of any and all past and present directors, officers, agents, representatives, employees, attorneys and accountants of PGS.

17. Documents from any single file should be produced in the same order as they were found in such file, including any labels, files, folders and/or containers in which such documents are located in or associated with. If copies of documents are produced in lieu of the originals, such copies should be legible and bound or stapled, or with similar breaks and groupings if produced electronically, in the same manner as the originals.

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