

ION Exhibit 1019
WesternGeco's Opposition to Defendant's Motion
for Summary Judgment

5 pages

Pages numbered 1-5

Ex. PGS 1019

(EXCERPTED)

Protective Order Material – Subject to Protective Order

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

WESTERNGECO L.L.C.,

Plaintiff,

v.

ION GEOPHYSICAL CORPORATION,
FUGRO-GEOTEAM, INC., FUGRO-GEOTEAM AS,
FUGRO NORWAY MARINE SERVICES AS,
FUGRO, INC., FUGRO (USA), INC.
and FUGRO GEOSERVICES, INC.,

Defendants.

Civil Action No. 4:09-CV-01827

Judge Keith P. Ellison

Jury Trial Demanded

CONFIDENTIAL INFORMATION
FILED UNDER SEAL

**WESTERNGECO'S OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OF INVALIDITY OF THE BITTLESTON PATENTS**

Of Counsel:

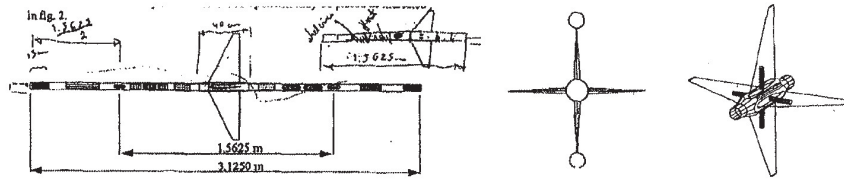
Gregg F. LoCascio, P.C.
gregg.locascio@kirkland.com
KIRKLAND & ELLIS LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005-5793
Tel.: (202) 879-5000
Fax: (202) 879-5200

Timothy K. Gilman
timothy.gilman@kirkland.com
Ryan Kane
ryan.kane@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Tel.: (212) 446-4800
Fax: (212) 446-4900

Lee L. Kaplan
lkaplan@skv.com
SMYSER KAPLAN
& VESELKA, L.L.P.
Bank of America Center
700 Louisiana, Suite 2300
Houston, TX 77002
Tel: (713) 221-2323
Fax: (713) 221-2320

*Attorneys for Plaintiff/Counterclaim Defendant
WesternGeco L.L.C.*

Dated: April 20, 2012

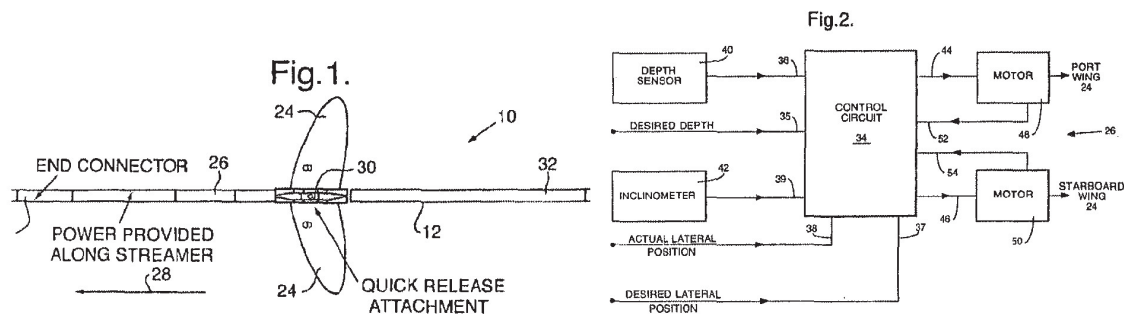


The 'differentiated bird' can be applied both as 'non-rotating' or 'rotating' relative to the streamer. In the following, the 'non-rotating alternative' will be discussed.

(Ex. 8 at WG23898, WG23899, WG23911, WG23922)

Other varieties of birds, including one, two, three, and four-wing birds as well as "freely rotating birds" and "non rotating birds" are discussed throughout Dr. Bittleston's 1995 "Nessie-4 Birds Feasibility Study." (Ex. 9 at WG1347-1349) Dr. Bittleston had built and tested such birds by February 1995. (Ex. 53 at WG1168)

Much of Dr. Bittleston's work on these lateral control devices can be seen in his PCT Patent Application WO 98/28636 ("the '636 Application") which claims priority to a British patent application filed in 1996. (Ex. 10, '636 Application) This Bittleston application teaches lateral control devices as well as exemplary control system for those birds:



(Ex. 10, '636 Application at Figs. 1, 2)

In addition to designing these streamer positioning devices, Dr. Bittleston also worked with Oyvind Hillesund, another Geco engineer, on designing control systems for lateral steering. (Ex. 6, Bittleston 2010 Dep. Tr. at 150:7-13, 158:7-12) These inventions are reflected, for example, in Dr. Bittleston's 1993 paper, which discloses the combination of local controllers on

The specification also teaches additional aspects of streamer positioning devices that might be useful with specific types of streamer positioning devices, such as an inline two-winged bird. For example, streamer twisting—and ways to avoid twisting—are discussed in the '017 Patent's specification.³ (*See, e.g.*, Ex. 15, '017 Patent at 7:5–8:55) The specification also explains that the wings can change orientation using electric motors, hydraulic actuators, or a local control system. (*Id.* at 5:28–37) The specification also notes that motor drivers can be connected to and can actuate the wing and provides a diagram of a local control system that includes such a motor driver. (*Id.* at 7:41–53, Fig. 4)

2. The Bittleston Patents Teach Control Systems

The specification of the Bittleston Patents-in-suit also teaches control systems for using streamer positioning devices to steer streamers laterally. For example, the specification describes how to divide the control system into local and global control systems, with various apportionments based on the needs of the system. (Ex. 15, '017 Patent at 3:36–5:3, 5:54–7:5, 7:28–35, 8:39–10:23, Fig. 4) The specification includes references to WesternGeco U.S. Patent 4,992,990 and PCT International Publication No. WO 96/21163.⁴ (*Id.* at 3:65–4:2) The '990 is a patent titled “Method for Determining the Position of Seismic Streamers in a Reflection Seismic Measuring System” that teaches the implementation of a global controller for determining the position of seismic streamers. (Ex. 19, '990 Patent at Abstract) Such a system was given as an example of position prediction software by Dr. Bittleston in his deposition. (Ex. 6, Bittleston 2010 Dep. Tr. at 155:3–156:2)

³ Dr. Bittleston has a separate patent for this anti-twisting function, which also claims priority to the '895 Application, that is not asserted in this matter. (Ex. 20, U.S. Pat. No. 7,222,579)

⁴ The patent lists this application as WO 98/21163. This is a typographical error.

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.