

FORM 26. Docketing Statement

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

No. 2013-1527

WesternGeco L.L.C.

v.

ION Geophysical Corporation

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent ION Geophysical Corporation

Party is (select one) Appellant/Petitioner Cross-Appellant
 Appellee/Respondent Intervenor

Tribunal appealed from and Case No. U.S.D.C., S.D.Tex., Case No. 09-CV-1827

Date of Judgment/Order June 19, 2013 Type of Case Patent Infringement

Relief sought on appeal _____

Relief awarded below (if damages, specify) _____
\$93.4 million (lost profits); reasonable royalty of \$12.5 million; prejudgment interest; supplemental damages (to be determined); injunction

Briefly describe the judgment/order appealed from _____
The lower court's June 19, 2013 order (Doc. No. 634) ruling on 14 post-trial motions filed by the parties. The court granted Plaintiff's motion for permanent injunction and other relief, and denied Defendants' motions.

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FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- Final Judgment, 28 USC 1295
- Rule 54(b)
- Interlocutory Order (specify type) Grant of Plaintiff's Motion for Permanent Injunction
- Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____
None.

Brief statement of the issues to be raised on appeal _____
Whether the district court erred in: granting Plaintiff's motion for permanent injunction; denying Defendant's post-trial motions on anticipation, obviousness, and non-infringement of the patents-in-suit; denying Defendant's motion for post-trial discovery; its summary judgment order; its claim construction order; or its remaining holdings in the June 19, 2013 order and throughout the case.

Have there been discussions with other parties relating to settlement of this case?

- Yes No

If "yes," when were the last such discussions?

- Before the case was filed below?
- During the pendency of the case below?
- Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? Yes No

If they were mediated, by whom? _____

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? Yes No

If you answered no, explain why not _____
The parties attempted mediation in August, 2012. Plaintiff refused Defendant's offer of post-trial settlement discussions in March 2013, so Defendant understands that Plaintiff currently has no further interest in mediation.

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 6th day of August, 2013

by: ECF and E-mail _____
(manner of service)

David J. Healey _____ /s/ David J. Healey _____
Name of Counsel Signature of Counsel

Law Firm Fish & Richardson P.C. _____

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CERTIFICATE OF SERVICE

Pursuant to Federal Circuit Rule 25, I hereby certify that on August 6, 2013, the foregoing document was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record listed below. Copies were also served via e-mail.

/s/ David J. Healey

David J. Healey

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