

No. 16-2470

**In the United States Court of Appeals
for the Federal Circuit**

PGS GEOPHYSICAL AS,
APPELLANT

v.

ANDREI IANCU,
INTERVENOR

*APPEAL FROM THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT TRIAL AND APPEAL BOARD
(NO. IPR2015-00309, IPR2015-00310, IPR2015-00311)*

**JOINT COMMENTS REGARDING THE EFFECT OF
SAS INSTITUTE V. IANCU ON THE DISPOSITION OF THIS APPEAL**

Pursuant to the Court's April 27, 2018 request for a comment on the effect of the Supreme Court's recent decision in *SAS Institute v. Iancu*, 584 U.S. ____ (2018), on the disposition of this appeal, the parties have conferred and hereby inform the Court of their agreement that *SAS Institute* should have no effect on the disposition of this appeal. Neither Patent Owner, PGS Geophysical AS, nor Petitioner, WesternGeco LLC, preserved an objection to the Patent Trial and Appeal Board's ("Board") partial institution in this case. Moreover, as the Court is aware, the Petitioner in this case withdrew from the proceedings and no longer is challenging any claims of the patent at issue. Neither the Patent Owner nor the Patent Office seeks a final written decision regarding the claims as to which the Board declined to institute trial. Accordingly, given that no party seeks further review as to those claims, the Supreme Court's decision in *SAS Institute* has no effect on this appeal.

APRIL 27, 2018

Respectfully submitted,

/s/ David I. Berl

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PROOF OF SERVICE

I, David I. Berl, counsel for appellant and a member of the Bar of this Court, certify that, on April 27, 2018, a copy of the attached Joint Comments Regarding the Effect of *SAS Institute v. Iancu* on the Disposition of this Appeal was filed with the Clerk and served on the parties through the Court's electronic filing system. I further certify that all parties required to be served have been served.

/s/ David I. Berl

DAVID I. BERL