

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

WESTERNGECO L.L.C.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
ION GEOPHYSICAL CORPORATION,)	
)	
Defendant.)	

COMPLAINT

DEMAND FOR JURY TRIAL

Plaintiff WesternGeco L.L.C., for its Complaint against Defendant ION Geophysical Corporation, 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 ION Geophysical Corporation (“ION”) is a Delaware corporation having a place of business at 2105 CityWest Boulevard, Suite 400, Houston, Texas 77042-2839.

NATURE OF THE ACTION

3. This is a civil action for the willful infringement of United States Patents No. 6,691,038 (“the ‘038 patent”), 6,932,017 (“the ‘017 patent”), 7,080,607 (“the ‘607 patent”), 7,162,967 (“the ‘967 patent”), and 7,293,520 (“the ‘520 patent”). This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

JURISDICTION AND VENUE

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

5. ION is subject to personal jurisdiction in this Court as evidenced by, *inter alia*, its presence in Texas and its systematic and continuous contacts with the State of Texas.

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

THE PATENTS

7. On February 10, 2004, the '038 patent, titled "Active Separation Tracking And Positioning System For Towed Seismic Arrays," was duly and legally issued to WesternGeco as assignee. WesternGeco is the current assignee of the '038 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 '038 patent is attached hereto as Exhibit A.

8. On August 23, 2005, the '017 patent, titled "Control System For Positioning Of Marine Seismic Streamers," was duly and legally issued to WesternGeco as assignee. WesternGeco is the current assignee of the '017 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 '017 patent is attached hereto as Exhibit B.

9. On July 25, 2006, the '607 patent, titled "Seismic Data Acquisition Equipment Control System," was duly and legally issued to WesternGeco as assignee. WesternGeco is the current assignee of the '607 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 '607 patent is attached hereto as Exhibit C.

10. On January 16, 2007, the '967 patent, titled "Control System For Positioning Of Marine Seismic Streamers," was duly and legally issued to WesternGeco as assignee. WesternGeco is the current assignee of the '967 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 '967 patent is attached hereto as Exhibit D.

11. On November 13, 2007, the '520 patent, titled "Control System For Positioning Of A Marine Seismic Streamers," was duly and legally issued to WesternGeco as assignee. WesternGeco is the current assignee of the '520 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 '520 patent is attached hereto as Exhibit E.

COUNT I – INFRINGEMENT OF THE '038 PATENT

12. WesternGeco repeats and incorporates by reference the allegations set forth in paragraphs 1-11 above.

13. ION has infringed the '038 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or supplying in or from the United States products and services relating to steerable streamers (including but not limited to DigiFIN and ORCA products and services) and/or inducing and/or contributing to such conduct by ION's customers or other persons or entities, without authority and in violation of 35 U.S.C. § 271(a), (b), (c) and/or (f).

14. ION does not have any license or other authority from WesternGeco or any other person or entity to practice the subject matter claimed by the '038 patent.

15. WesternGeco has, at all relevant times, complied with the notice provisions of 35 U.S.C. § 287(a) with respect to the '038 patent.

16. Upon information and belief, ION has been aware of the '038 patent at all relevant times.

17. Upon information and belief, ION has willfully infringed the '038 patent. ION's willful infringement of the '038 patent renders this an exceptional case pursuant to 35 U.S.C. § 285.

COUNT II – INFRINGEMENT OF THE '017 PATENT

18. WesternGeco repeats and incorporates by reference the allegations set forth in paragraphs 1-17 above.

19. ION has infringed the '017 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or supplying in or from the United States products and services relating to steerable streamers (including but not limited to DigiFIN and ORCA products and services) and/or inducing and/or contributing to such conduct by ION's customers or other persons or entities, without authority and in violation of 35 U.S.C. § 271(a), (b), (c) and/or (f).

20. ION does not have any license or other authority from WesternGeco or any other person or entity to practice the subject matter claimed by the '017 patent.

21. WesternGeco has, at all relevant times, complied with the notice provisions of 35 U.S.C. § 287(a) with respect to the '017 patent.

22. Upon information and belief, ION has been aware of the '017 patent at all relevant times.

23. Upon information and belief, ION has willfully infringed the '017 patent. ION's willful infringement of the '017 patent renders this an exceptional case pursuant to 35 U.S.C. § 285.

COUNT III – INFRINGEMENT OF THE ‘607 PATENT

24. WesternGeco repeats and incorporates by reference the allegations set forth in paragraphs 1-23 above.

25. ION has infringed the ‘607 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or supplying in or from the United States products and services relating to steerable streamers (including but not limited to DigiFIN and ORCA products and services) and/or inducing and/or contributing to such conduct by ION’s customers or other persons or entities, without authority and in violation of 35 U.S.C. § 271(a), (b), (c) and/or (f).

26. ION does not have any license or other authority from WesternGeco or any other person or entity to practice the subject matter claimed by the ‘607 patent.

27. WesternGeco, has at all relevant times, complied with the notice provisions of 35 U.S.C. § 287(a) with respect to the ‘607 patent.

28. Upon information and belief, ION has been aware of the ‘607 patent at all relevant times.

29. Upon information and belief, ION has willfully infringed the ‘607 patent. ION’s willful infringement of the ‘607 patent renders this an exceptional case pursuant to 35 U.S.C. § 285.

COUNT IV – INFRINGEMENT OF THE ‘967 PATENT

30. WesternGeco repeats and incorporates by reference the allegations set forth in paragraphs 1-29 above.

31. ION has infringed the ‘967 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or supplying in or from the United

States products and services relating to steerable streamers (including but not limited to DigiFIN and ORCA products and services) and/or inducing and/or contributing to such conduct by ION's customers or other persons or entities, without authority and in violation of 35 U.S.C. § 271(a), (b), (c) and/or (f).

32. ION does not have any license or other authority from WesternGeco or any other person or entity to practice the subject matter claimed by the '967 patent.

33. WesternGeco, has at all relevant times, complied with the notice provisions of 35 U.S.C. § 287(a) with respect to the '967 patent.

34. Upon information and belief, ION has been aware of the '967 patent at all relevant times.

35. Upon information and belief, ION has willfully infringed the '967 patent. ION's willful infringement of the '967 patent renders this an exceptional case pursuant to 35 U.S.C. § 285.

COUNT V – INFRINGEMENT OF THE '520 PATENT

36. WesternGeco repeats and incorporates by reference the allegations set forth in paragraphs 1-35 above.

37. ION has infringed the '520 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, selling and/or supplying in or from the United States products and services relating to steerable streamers (including but not limited to DigiFIN and ORCA products and services) and/or inducing and/or contributing to such conduct by ION's customers or other persons or entities, without authority and in violation of 35 U.S.C. § 271(a), (b), (c) and/or (f).

38. ION does not have any license or other authority from WesternGeco or any other person or entity to practice the subject matter claimed by the '520 patent.

39. WesternGeco has, at all relevant times, complied with the notice provisions of 35 U.S.C. § 287(a) with respect to the '520 patent.

40. Upon information and belief, ION has been aware of the '520 patent at all relevant times.

41. Upon information and belief, ION has willfully infringed the '520 patent. ION's willful infringement of the '520 patent renders this an exceptional case pursuant to 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff WesternGeco prays for judgment:

- A. Adjudging that Defendant ION has infringed the '038 patent;
- B. Adjudging that Defendant ION has infringed the '017 patent;
- C. Adjudging that Defendant ION has infringed the '607 patent;
- D. Adjudging that Defendant ION has infringed the '967 patent;
- E. Adjudging that Defendant ION has infringed the '520 patent;
- F. Awarding WesternGeco damages adequate to compensate for ION's infringement of the '038 patent, the '017 patent, the '607 patent, the '967 patent, and the '520 patent, together with interest and costs as fixed by the Court;
- G. Adjudging that ION's infringement of the '038 patent, the '017 patent, the '607 patent, the '967 patent, and the '520 patent has been willful and trebling all damages awarded to WesternGeco for such infringement pursuant to 35 U.S.C. § 284;

- H. Enjoining ION or any of its agents or related entities from making, using, offering to sell, selling and/or supplying in or from the United States products and services that practice the subject matter of the '038 patent, the '017 patent, the '607 patent, the '967 patent, and the '520 patent pursuant to 35 U.S.C. § 283;
- I. Enjoining ION or any of its agents or related entities from making, using, offering to sell, selling and/or supplying in or from the United States components of systems or methods that practice, or otherwise aiding or inducing ION's customers or other persons or entities to practice, the subject matter of the '038 patent, the '017 patent, the '607 patent, the '967 patent, and the '520 patent pursuant to 35 U.S.C. § 283;
- J. Declaring this case to be exceptional within the meaning of 35 U.S.C. § 285 and awarding WesternGeco the attorney fees, costs and expenses it incurs in this action; and
- K. Awarding WesternGeco such other and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff WesternGeco hereby demands a trial by jury for all the issues so triable.

Dated: June 12, 2009

By: 
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