

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

WESTERNGECO L.L.C.,

Plaintiff,

v.

ION GEOPHYSICAL CORPORATION,
et al.,

Defendants.

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CASE NO. 4:09-CV-1827

MEMORANDUM AND ORDER

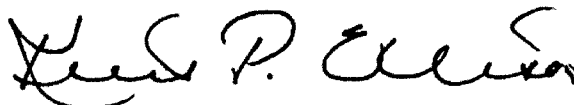
Now pending before the Court is Fugro’s Motion for Clarification (Doc. No. 404), in which Fugro asks the Court to clarify whether Raymond Sims, WesternGeco’s damages expert, will be precluded from offering opinion testimony at trial regarding reasonable royalty as to Fugro.

The Court has considered the parties’ briefing, their oral arguments, and the applicable law. The Court acknowledges that, while many of the challenges to Mr. Sims’s reasonable royalty analysis raised by Fugro and ION overlap with one another, the issues presented by the two Defendants are not identical. After considering Fugro’s arguments, the Court is convinced that Mr. Sims’s methodology in determining Fugro’s reasonable royalty is highly flawed and would not be helpful to a jury. Of particular concern is the fact that Mr. Sims offers no opinion at all on the allocation of values between patented and unpatented features of the surveys. Moreover, the Court is not persuaded that the 10% royalty rate applied by Mr. Sims is based on an appropriate projected-profit figure

for Fugro. For these reasons, and others raised by Fugro in its briefing and oral argument, the Court will exclude Mr. Sims's testimony regarding reasonable royalty as to Fugro.

IT IS SO ORDERED.

Signed this the 19th day of July, 2012.

A handwritten signature in black ink, appearing to read "Keith P. Ellison". The signature is written in a cursive style with some capital letters.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE