

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cyanotech Corporation
Petitioner

v.

The Board of Trustees of the University of Illinois
Patent Owner

Case: IPR2013-00401
Patent No.: 5,527,533

**Declaration of Dr. Rudi Moerck In Support of Patent Owner's Response to
Petitioner's Objections To Evidence Pursuant to 37 C.F.R. § 42.64(b)(2)**

I, Dr. Rudi Moerck, declare as follows:

1. I am the President and Chief Executive Officer of U.S. Nutraceuticals dba Valensa International ("Valensa"). Valensa is an exclusive licensee to U.S. Patent No. 5,527,533 ("the Tso patent"), which is the subject of the above-identified *Inter Partes* Review. I offer this declaration in support of Patent Owner's Response to Petitioner's Objections To Evidence Pursuant to 37 C.F.R. § 42.64. I have personal knowledge of the matters set forth herein, and if called upon would testify as follows.

2. I have been informed that in response to Petitioner's March 28, 2014 Objections to Patent Owner's Evidence Pursuant to 37 C.F.R. § 42.64(b)(2), Patent Owner will be submitting the following documents:

Exhibit No.	Description
UNIVERSITY Exhibit 2033	Product Use and Trademark License between Valensa International and Futurebiotics, LLC, dated July 1, 2009 (VALENSA002415)
UNIVERSITY Exhibit 2034	Product Use and Trademark License between Valensa International and Quality Supplements and Vitamins, Inc. dba Life Extension, dated September 21, 2009 (VALENSA002424).
UNIVERSITY Exhibit 2035	Product Use and Trademark License between Valensa International and NOW Health Group, Inc., dated May 12, 2010 (VALENSA002432).
UNIVERSITY Exhibit 2036	Amendment 1 to Valensa International Product Use and Trademark License between Valensa International and Swanson Health Products, Inc., dated July 30, 2009 (VALENSA002449).

3. Each of the above-mentioned exhibits are true, authentic, and correct copies of licenses into which Valensa has entered related to the Tso patent.

4. The above-mentioned exhibits were executed on the dates specified and written in each license agreement.

5. Valensa keeps the above-mentioned exhibits in the course of its regularly conducted business activities.

6. It is the regular practice of Valensa to enter into contracts such as the above-mentioned exhibits.

7. University Exhibit 2033 (POX 2033) includes a license to the Tso patent, and ensures that Valensa receives financial compensation, in the form of sales of astaxanthin products, from its licensee's use of the licensed patent rights.

8. University Exhibit 2034 (POX 2034) includes a license to the Tso patent, and ensures that Valensa receives financial compensation, in the form of sales of astaxanthin products, from its licensee's use of the licensed patent rights.

9. University Exhibit 2035 (POX 2035) includes a license to the Tso patent, and ensures that Valensa receives financial compensation, in the form of sales of astaxanthin products, from its licensee's use of the licensed patent rights.

10. Attached hereto as University Exhibit 2036 (POX 2036) is a license to the Tso patent, and ensures that Valensa receives financial compensation, in the form of sales of astaxanthin products, from its licensee's use of the licensed patent rights.

11. University Exhibit 2027 (POX 2027) is a true and correct copy of an article by Dr. Mercola titled "Astaxanthin: The Most Powerful Nutrient Ever Discovered for Eye Health" dated Nov. 23, 2010. Today I confirmed that this article, POX 2027, is still made publically available by Dr. Mercola through his company's website at:

<http://articles.mercola.com/sites/articles/archive/2010/11/23/astaxanthin-the-eye-antioxidant-550-times-more-powerful-than-vitamin-e.aspx>.

12. University Exhibit 2025 (POX 2025) is a true and correct copy of an article posted on Dr. Susan Smith Jones' webpage which relates to natural health supplements that is available at <http://susansmithjones.com/book-page/skinny-astaxanthin-%E2%80%94-king-antioxidants>.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Dated: April 10, 2014

A handwritten signature in black ink, appearing to read 'Rudi Moerck', with a stylized, cursive script.

Dr. Rudi Moerck

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on April 11, 2014, a true and correct copy of the foregoing *Declaration of Dr. Rudi Moerck In Support of Patent Owner's Response to Petitioner's Objections To Evidence Pursuant to 37 C.F.R. § 42.64(b)(2)* was served via electronic mail upon the following:

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