

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AKER BIOMARINE AS
Petitioner

v.

NEPTUNE TECHNOLOGIES AND BIORESSOURCES INC.
Patent Owner

CASE NO. IPR2014-00003
U.S. Patent No. 8,278,351

PATENT OWNER'S UPDATED MANDATORY NOTICES
PURSUANT TO 37 C.F.R. § 42.8(a)(3)

**PATENT OWNER'S MANDATORY NOTICES
UNDER 37 C.F.R. § 42.8(a)(3)**

Pursuant to 37 C.F.R. § 42.8(a)(3), the patent owner, NEPTUNE TECHNOLOGIES AND BIORESSOURCES INC., 545 Promenade du Centropolis, Laval, Québec, Canada H7T 0A3 ("Patent Owner" or "Neptune"), hereby submits the following updated mandatory notices:

1. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1).

Neptune is the Patent Owner and the real party-in-interest in this proceeding.

2. Related Matters under 37 C.F.R. § 42.8(b)(2).

The following judicial or administrative matters may affect or be affected by a decision in this proceeding:

U.S. Patent No. 8,278,351 ("the '351 Patent") is being asserted in two patent litigations in the U.S. District Court for the District of Delaware: *Neptune Technologies and Bioressources Inc., v. Aker Biomarine ASA, et al.*, case 12-cv-1252 (filed October 2, 2012)¹ and *Neptune Technologies and Bioressources Inc., v. Enzymotec Limited, et al.*, case No. 12-cv-1253 (filed October 2, 2012). These litigations are stayed, pending reexamination and/or the International Trade Commission investigation (*see infra*).

The '351 Patent was also asserted in the International Trade Commission. The Investigation, which was requested by the Patent Owner on January 29, 2013, is entitled

¹ This case has settled.

Certain Omega-3 Extracts from Marine or Aquatic Biomass and Products Containing the Same, Investigation No. 337-TA-877. This investigation is active.²

Three additional *Inter Partes* Reviews of the '351 Patent have been requested. *Inter Partes* Review IPR2014-00556 was filed on April 4, 2014 and is pending. *Inter Partes* Review IPR2014-00586 was filed on April 11, 2014 and is pending. *Inter Partes* Review IPR2014-00636 was filed on April 23, 2014 and is pending.

The '351 Patent is also subject to *Ex Parte* Reexamination Control No. 90/012,698 (filed October 2, 2012). This reexamination has been stayed pending the outcome of *Inter Partes* Review IPR2014-00003 (see Paper 25 of IPR2014-00003).

The '351 patent claims priority from U.S. Patent No. 8,030,348 ("the '348 Patent," filed July 29, 2002; issued October 4, 2011). The '348 Patent is the subject of the following litigations, filed by the Patent Owner, in the U.S. District Court for the District of Delaware: *Neptune Technologies and Bioresources Inc. v. Aker Biomarine ASA, et al.*, Case 11-cv-00894 (filed October 4, 2011)³ and *Neptune Technologies and Bioresources Inc. v. Enzymotec Limited, et al.*, Case 11-cv-00895 (filed October 4, 2011). These litigations are stayed, pending reexamination (*see infra*).

The '348 Patent is also subject to *Inter Partes* Reexamination Control No. 95/001,774 (filed October 19, 2011). This reexamination is in progress.

² This matter is terminated as to some Respondents.

³ This case has settled.

U.S. Patent No. 8,383,675 ("the '675 Patent," filed July 10, 2012; issued February 26, 2013) claims priority from the '351 patent. The '675 Patent is the subject of the following litigations, filed by the Patent Owner, in the U.S. District Court for the District of Delaware: *Neptune Technologies and Bioresources Inc., v. Aker Biomarine ASA, et al.*, Case 13-cv-340 (filed February 28, 2013)⁴ and *Neptune Technologies and Bioresources Inc., v. Enzymotec Limited, et al.*, 13-cv-341 (filed February 28, 2013). These litigations are stayed, pending the outcome of an International Trade Commission investigation (*see infra*).

The '675 Patent was asserted in the International Trade Commission. The Investigation, which was requested by the Patent Owner on January 29, 2013, is entitled *Certain Omega-3 Extracts from Marine or Aquatic Biomass and Products Containing the Same*, Investigation No. 337-TA-877. This investigation is active.⁵

Two *Inter Partes* Reviews of the '675 Patent have been requested. *Inter Partes* Review IPR2014-00126 was filed on November 7, 2013 and is terminated (*see* Paper 15 of IPR2014-00126). *Inter Partes* Review IPR2014-00466 was filed on February 27, 2014 and is pending.

The following currently pending U.S. patents or patent applications claim priority to the '351 or related Patents: U.S. Patent Application No. 13/280,182, filed October 24, 2011,

⁴ This case has settled.

⁵ This matter is terminated as to some Respondents.

and issued as U.S. Patent No. 8,680,080 on March 25, 2014, and U.S. Patent Application No.13/750,663, filed January 25, 2013.

3. Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3).

The Patent Owner designates the following lead and back-up counsel. Please note the updated email addresses.

LEAD COUNSEL	BACK-UP COUNSEL
Stephen L. Altieri, Ph.D. (Reg. No. 63,133) IPR2014-00003@cooley.com Cooley LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004 Tel: (617) 937-2371 Fax: (202) 842-7899	J. Dean Farmer, Ph.D. (Reg. No. 57,917) IPR2014-00003@cooley.com Cooley LLP ATTN: Patent Group 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20004 Tel: (617) 937-2370 Fax: (202) 842-7899

4. Service Information under 37 C.F.R. § 42.8(b)(4).

Please address all correspondence to the lead counsel and the back-up counsel as shown above. The Patent Owner consents to electronic service by e-mail at the e-mail addresses provided above. Please note the updated email addresses.

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