

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

-----x

AKER BIOMARINE AS, :
Petitioner, : IPR Case
vs. : No. 2014-00003
Patent of NEPTUNE TECHNOLOGIES : Patent 8,278,351
AND BIORESSOURCES, INC., :
Patent Owner. :

-----x

Videotaped Deposition of DR. JAMES THOMAS BRENNA

Chicago, Illinois

Wednesday, June 4, 2014

9:04 a.m.

Job No.: 59581

Pages: 1 - 294

Reported by: Melanie L. Humphrey-Sonntag,

CSR, RDR, CRR, FAPR

VIDEOTAPED DEPOSITION OF DR. JAMES THOMAS BRENN
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

2

1 Videotaped Deposition of DR. JAMES THOMAS BRENN, held at
2 the location of:

3

4

5

KIRKLAND & ELLIS LLP

6

300 North LaSalle Street

7

Chicago, Illinois 60654

8

312.862.2000

9

10

11

12

13

Pursuant to agreement, before Melanie L. Humphrey-Sonntag,

14

a Certified Shorthand Reporter, Registered Diplomat

15

Reporter, Certified Realtime Reporter, and a Notary Public in

16

and for the State of Illinois.

17

18

19

20

21

22

DI ANET DEPOS

VIDEOTAPED DEPOSITION OF DR. JAMES THOMAS BRENN
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

A P P E A R A N C E S

ON BEHALF OF THE PETITIONER:

AMANDA HOLLIS, ESQUIRE
KIRKLAND & ELLIS, LLP
300 North LaSalle Street
Chicago, Illinois 60654
312.862.2000

ON BEHALF OF THE PATENT OWNER:

LAURA CUNNINGHAM, ESQUIRE
JON GRAVES, ESQUIRE
COOLEY, LLP
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, Virginia 20190
703.456.8000

DI ANET DEPOS

VIDEOTAPED DEPOSITION OF DR. JAMES THOMAS BRENN
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

DANIEL P. MARGOLIS, PhD, ESQUIRE

KENYON & KENYON, LLP

One Broadway

New York, New York 10004

212.425.7200

PETER PREZZANO, Videographer

DI ANET DEPOS

VIDEOTAPED DEPOSITION OF DR. JAMES THOMAS BRENN
CONDUCTED ON WEDNESDAY, JUNE 4, 2014

5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

C O N T E N T S

EXAMINATION OF DR. JAMES THOMAS BRENN	PAGE
By Ms. Cunningham	7
By Ms. Hollis	259
By Ms. Cunningham	270

E X H I B I T S

(Attached to transcript)

BRENN DEPOSITION EXHIBIT	PAGE
Exhibit 1 Brenna Declaration	19
Exhibit 2 Beaudoin I Patent	20
Exhibit 3 Beaudoin II Patent	20
Exhibit 4 US Patent No. 8,278,351 B1	22
Exhibit 5 Fricke Reference	155
Exhibit 6 Le Grandois Article	159
Exhibit 7 Itano Bio & High Technology Announcement Paper	227
Exhibit 8 WHO Bulletin	236

Marked question appears on page 286, line 3

DI ANET DEPOS

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.