COMPILATION OF DEPOSITION TESTIMONY CITED IN PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

AKBM 1093

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DEPOSITION TRANSCRIPT OF JACEK JACZYNSKI

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 1   claimed phospholipid needs to have an EPA or a DHA

 2   attached at both the sn-1 and sn-2 positions in order

 3   for it to be a claimed phospholipid?

 4        A    I think I already provided my answer to it.

 5        Q    Is my understanding correct, then?

 6        A    Based on what you described?

 7        Q    Yes.

 8        A    I would say correct.

 9        Q    Do the claimed phospholipids exist in

10   krill?

11             MR. GRAVES:  Object to form.

12        A    In krill as -- as in nature, as it -- as

13   it's swimming, yes, as in live krill, not after

14   capture, correct?

15        Q    I asked about krill.

16        A    In general?

17        Q    Yes.

18        A    I would ask you to -- to -- to verify for

19   me whether it is krill still alive or after it has

20   been captured and stored on board for awhile.

21        Q    Okay, krill in nature.

22        A    Yes, it is.

23        Q    Are -- the claimed phospholipids exist in

24   krill in nature; correct?

25        A    Correct.
```

1   23, perhaps, and ethanol is a little bit bigger

2   molecule compared to methanol, so its dielectric

3   constant is going to be probably around 27, 28, so

4   both are polared. So in this regard you will extract

5   -- you will -- you will have a good affinity for

6   lipids present in krill.

7   Q   What is the minimum dielectric constant you

8   think is necessary for a solvent and -- and sufficient

9   for a solvent to extract claimed phospholipids from

10   krill?

11   MR. GRAVES: Objection, vague and

12   ambiguous, compound.

13   A   Minimal?

14   Q   Yeah.

15   A   To extract specific claimed phospholipids?

16   Q   Yes.

17   A   I don't know, really, what's -- what would

18   be dielectric constant. I can tell you it's probably

19   polared, so it's going to be over 15, but I don't know

20   specific value for it, and again, you have to

21   recognize that there's a variety of factors that may

22   influence properties.

23   Q   Do you know of any polar solvents that

24   would not extract the claimed phospholipids from

25   krill?

1   A   Polar -- could you repeat?

2   Q   Do you know of any polar solvents that

3 would not extract the claimed phospholipids from

4 krill?

5   A   No.

6   Q   Do you know if ethanol was, in fact, used

7 to extract the samples that were analyzed in

8 connection with the `351 patent?

9   MR. GRAVES: Objection, vague and

10 ambiguous, lacks foundation.

11   A   When the patent was, I -- I believe filed,

12 I was not really with the case. So I can't really

13 tell you whether or not whoever did it was actually

14 using ethanol. So you asking me, again, to assume,

15 and I would refrain from assuming.

16   Q   Well, did you look at the data underlying

17 the patent in forming any of your opinions in this

18 case?

19   A   Well, I was looking here at the patent,

20 itself, so that's -- data meaning which data?

21   Q   The data underlying the patent?

22   MR. GRAVES: Objection, vague and

23 ambiguous.

24   A   What do you refer to as -- when you say

25 data underlying the patent, like, specific da- -- data

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