

**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

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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