

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AKER BIOMARINE AS and
ENZYMOTEC LTD. and ENZYMOTEC USA, INC.

Petitioners

v.

NEPTUNE TECHNOLOGIES AND BIORESSOURCES, INC.
Patent Owner

Case IPR2014-00003¹
Patent 8,278,351

PETITIONERS' REQUEST FOR ORAL ARGUMENT

**Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450**

¹ Case IPR2014-00556 has been joined with this proceeding.

Petitioners Aker BioMarine AS (“AKBM”), Enzymotec Ltd. and Enzymotec USA, Inc. (collectively, “Petitioners”) hereby request oral argument pursuant to 37 C.F.R. § 42.70. Oral argument is currently scheduled for October 31, 2014. *See* Decision on Enzymotec’s Motion for Joinder (Paper 72) at 9. Petitioners request oral argument on at least the following issues:

1. The proper constructions of the claim terms “suitable for human consumption,” “a concentration of free fatty acids of about 5% w/w,” “about 40% w/w, wherein about represents $\pm 10\%$,” “about 45% w/w, wherein about represents $\pm 20\%$,” and “solution”/“capsule, tablet, solution, syrup, or suspension;”²

2. Anticipation of claims 1–6, 9, 12, 13, 19–29, 32, 35, 36 and 42–46 of the ’351 patent under 35 U.S.C. § 102 based on prior art reference Beaudoin I³;

2. Obviousness of Claims 1–6, 9, 12, 13, 19–29, 32, 35, 36 and 42–46 of the ’351 patent under 35 U.S.C. § 103 based on the combination of prior art references Fricke, Bergelson, Yasawa, Itano, and the WHO Bulletin;

² AKBM identified in its Petition certain additional claim terms it believed were relevant to the invalidity issues presented therein. *See* Petition (Paper 6) at 8–9. PO has not disputed the meanings of these terms as advanced by AKBM. *See* PO Resp. (Paper 66) at 9–14.

³ Trial was instituted regarding anticipation of claims 2, 3, 25 and 26 by Beaudoin when the Board granted Enzymotec’s motion for joinder. *See* Paper 72.

3. Any motions filed by the parties that have not been resolved as of the time for oral argument, including

(a) the reasons the Board should grant AKBM's Motion for Additional Discovery (Paper 82);

(b) the reasons the Board should deny Patent Owner Neptune Technologies & Bioresources, Inc.'s ("PO") motion to exclude Exhibit 1107, which PO indicated it may file on September 25, 2014;

4. Any issues which PO or any other party raises or proposes to raise at or before the oral argument; and

5. Any additional issues on which the Board seeks information or clarification.

Petitioners request the Board permit them to argue first. 77 Fed. Reg. 45756, 48768. Petitioners request the ability to use audio/visual equipment, including a PC-connectable projector and a screen.

September 25, 2014

Respectfully submitted,

By: /s/ Amanda J. Hollis

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CERTIFICATE OF SERVICE

I hereby certify pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b) that a complete copy of this REQUEST FOR ORAL ARGUMENT is being served electronically via e-mail (as consented to by the Patent Owner), on September 25, 2014, the same day as the filing of the above-identified document in the United States Patent and Trademark Office (USPTO), upon:

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