

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

**AKER BIOMARINE AS**

**Petitioner**

**v.**

**NEPTUNE TECHNOLOGIES AND BIORESOURCES INC.**

**Patent Owner**

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**CASE IPR: Unassigned**

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**Declaration of Mr. Bjørn Ole Haugsgjerd, MSc in Support of  
Inter Partes Review of U.S. Pat. No. 8,278,351**

I, Bjørn Ole Haugsgjerd, MSc, hereby declare and say:

1. I have been retained by counsel for Petitioner Aker BioMarine AS to provide an expert declaration in this action.

2. Attached hereto are copies (Ex. 1047 and 1048) of the declarations I submitted in the Inter Partes Reexamination of U.S. Patent 8,030,348. I submitted a similar declaration in the Ex Parte Reexamination of U.S. Pat. No. 8,278,351. The attached exhibits (Ex. 1047 and 1048) provide the details on my repeats of krill oil extractions according to Beaudoin I (Ex. 1002), Beaudoin II (Ex. 1003) and Maruyama (Ex. 1004). The resulting samples were sent to Dr. Richard van Breemen and Dr. Thomas Gundersen for further analysis.

3. I further declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: September 30, 2013

Bjørn Ole Haugsgjerd

Bjørn Ole Haugsgjerd, MSc

**Declaration by Bjørn Ole Haugsgjerd, MSc, in Support of Request  
for Inter Partes Reexamination of  
U.S. Patent NO. 8,030,348**

**EFS WEB Filed**

Mail Stop Inter Partes Reexam  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Bjørn Ole Haugsgjerd, MSc, state as follows:

1. My present position is Deputy manager at Nofima BioLab, Norway
2. At the request of Aker Biomarine ASA, I have extracted lipid fractions from *Euphausia superba* and *Euphausia pacifica* by the methods described in Beaudoin I (WO 00/23546), Beaudoin II (Canadian Application 2,251,265) and Maruyama (Japanese Laid Open Application 2909508). Following the extraction, I shipped the samples to Vitas AS, Oslo, Norway, for analytical analysis. Frozen *Euphausia superba* was provided by Aker Biomarine ASA. Frozen *Euphausia pacifica* was purchased from Fish and Fins Limited, East Sussex, UK.

- Extract with acetone at 4C at a sample:acetone ratio of 1:6 (w/v) for 2 hours with 20 minutes of swirling.
- Filter on organic solvent resistant filter paper under reduced pressure at 4C.
- Wash solid material on filter with a sample:acetone ratio of 1:2 (w/v) with pure and cold acetone.
- Combine filtrates, mark with Fraction I - Acetone extract *E. pacifica* (or *superba*) and store at -20C.
- Divide solid material on filter into two aliquots, aliquot 1 and aliquot 2.
- Extract aliquot 1 with pure ethanol at sample:ethanol ratio of 1:2 (w/v) for 30 minutes at 4C.
- Filter on organic solvent resistant filter paper under reduced pressure at 4C.
- Evaporate solvent under reduced pressure to provide Fraction IIa.
- Extract aliquot 2 with pure ethyl acetate at sample:ethyl acetate ratio of 1:2 (w/v) for 30 minutes at 4C.
- Filter on organic solvent resistant filter paper under reduced pressure at 4C.
- Evaporate solvent under reduced pressure to provide Fraction IIb.

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