

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AKER BIOMARINE AS
Petitioner

v.

NEPTUNE TECHNOLOGIES AND BIORESSOURCES INC.
Patent Owner

Patent No. 8,278,351
Filing Date: July 25, 2011
Issue Date: October 2, 2012

Title: NATURAL MARINE SOURCE PHOSPHOLIPIDS COMPRISING
POLYUNSATURATED FATTY ACIDS AND THEIR APPLICATIONS

Inter Partes Patent Review No.: IPR2014-00003
Petition Filed: October 1, 2013

**PATENT OWNER'S MANDATORY NOTICES
UNDER 37 C.F.R. § 42.8**

Pursuant to 37 C.F.R. § 42.8, the patent owner, NEPTUNE TECHNOLOGIES AND BIORESSOURCES INC., 545 Promenade du Centropolis, Laval, Québec, Canada H7T 0A3 ("Patent Owner" or "Neptune"), hereby submits the following mandatory notices in response to the Petition for *Inter Partes* Patent Review of United States Patent No. 8,278,351 filed on October 1, 2013:

1. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1).

Neptune is the patent owner and the real party-in-interest in this proceeding.

2. Related Matters under 37 C.F.R. § 42.8(b)(2).

The following judicial or administrative matters may affect or be affected by a decision in this proceeding:

U.S. Patent No. 8,278,351 ("the '351 Patent") is being asserted in two patent litigations in the U.S. District Court for the District of Delaware: *Neptune Technologies and Bioresources Inc., v. Aker Biomarine ASA, et al.*, case 12-cv-1252 (filed October 2, 2012) and *Neptune Technologies and Bioresources Inc., v. Enzymotec Limited, et al.*, case No. 12-cv-1253 (filed October 2, 2012). These litigations are stayed, pending reexamination (*see infra*).

The '351 Patent was also asserted in the International Trade Commission. The Investigation, which was requested by the Patent Owner on January 29, 2013, is entitled

Certain Omega-3 Extracts from Marine or Aquatic Biomass and Products Containing the Same, Investigation No. 337-TA-877. This investigation is active.

The '351 Patent is also subject to *Ex Parte* Reexamination Control No. 90/012,698 (filed October 2, 2012). This reexamination is in progress.

The '351 patent claims priority from U.S. Patent No. 8,030,348 ("the '348 Patent," filed July 29, 2002; issued October 4, 2011). The '348 Patent is the subject of the following litigations, filed by the Patent Owner, in the U.S. District Court for the District of Delaware: *Neptune Technologies and Bioresources Inc. v. Aker Biomarine ASA, et al.*, Case 11-cv-00894 (filed October 4, 2011) and *Neptune Technologies and Bioresources Inc. v. Enzymotec Limited, et al.*, Case 11-cv-00895 (filed October 4, 2011). These litigations are stayed, pending reexamination (*see infra*).

The '348 Patent is also subject to *Inter Partes* Reexamination Control No. 95/001,774 (filed October 19, 2011). This reexamination is in progress.

U.S. Patent No. 8,383,675 ("the '675 Patent," filed July 10, 2012; issued February 26, 2013) claims priority from the '351 patent. The '675 Patent is the subject of the following litigations, filed by the Patent Owner, in the U.S. District Court for the District of Delaware: *Neptune Technologies and Bioresources Inc., v. Aker Biomarine ASA, et al.*, Case 13-cv-340 (filed February 28, 2013) and *Neptune Technologies and Bioresources Inc., v. Enzymotec Limited, et al.*, 13-cv-341 (filed February 28, 2013). These litigations are stayed, pending reexamination (*see supra*).

The '675 Patent was asserted in the International Trade Commission. The Investigation, which was requested by the Patent Owner on January 29, 2013, is entitled *Certain Omega-3 Extracts from Marine or Aquatic Biomass and Products Containing the Same*, Investigation No. 337-TA-877. This investigation is active.

The following currently pending U.S. patent applications claim priority to the '351 Patent: U.S. Patent Application No. 13/280,182, filed October 24, 2011 and U.S. Patent Application No.13/750,663, filed January 25, 2013.

3. Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3).

The Patent Owner designates the following lead and back-up counsel.

LEAD COUNSEL	BACK-UP COUNSEL
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4. Service Information under 37 C.F.R. § 42.8(b)(4).

Please address all correspondence to the lead counsel and the back-up counsel as shown above. The Patent Owner consents to electronic service by e-mail at the e-mail addresses provided above, which include both individual e-mail addresses and a general docketing e-mail address.

The Office is authorized to charge fee deficiencies to Deposit Account 50-1283.

DATE: OCTOBER 22, 2013

Respectfully submitted,
COOLEY LLP

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