

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: SAMPALIS, Fotini Confirmation No.: 1767
Serial No.: 13/189,714 Group Art Unit: 1629
Filed: July 25, 2011 Examiner: POLANSKY, Gregg
FOR: **NATURAL MARINE SOURCE PHOSPHOLIPIDS COMPRISING
POLYUNSATURATED FATTY ACIDS AND THEIR APPLICATIONS**

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT/RESPONSE TO OFFICE ACTION

In response to the Non-Final Official Action dated January 5, 2012, please amend the above-identified patent application in the following manner:

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 27 of this paper.

Petition for Inter Partes Review
Of U.S. Patent 8,278,351
Exhibit

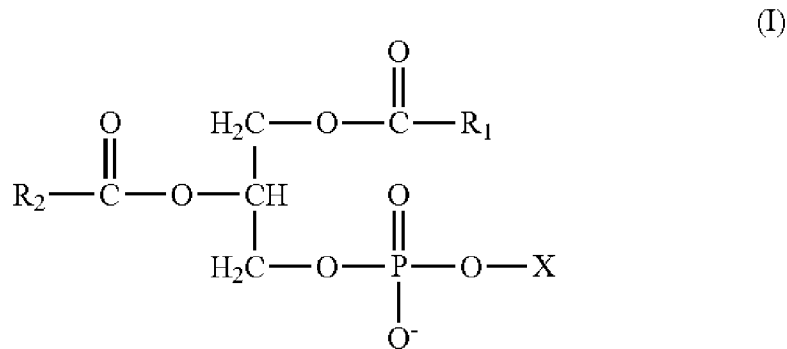
ENZYMOTEC - 1061

IN THE CLAIMS:

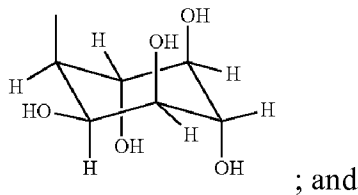
Set forth below in ascending order, with status identifiers, is a complete listing of all claims currently under examination. Changes to any amended claims are indicated by strikethrough and underlining. This listing also reflects any cancellation and/or addition of claims.

1. - 120. (Cancelled)

121. (New) A phospholipid extract derived from marine or aquatic biomass, the extract comprising: a phospholipid of the formula (I),



wherein R1 and R2, each together with the respective carboxyl groups to which each is attached, each independently represents a docosahexaenoic acid (DHA) or an eicosapentaenoic acid (EPA) residue, and X is $-\text{CH}_2\text{CH}_2\text{NH}_3$, $-\text{CH}_2\text{CH}_2\text{N}(\text{CH}_3)_3$, or



wherein the extract is suitable for human consumption.

122. (New) The extract according to claim 121, wherein the extract has a total phospholipid concentration in an amount of about 40% w/w, wherein about represents $\pm 10\%$.

123. (New) The extract according to claim 121, wherein the extract has a total phospholipid concentration in an amount of about 45% w/w, wherein about represents $\pm 20\%$.

124. (New) The extract according to claim 121, further comprising an additional lipid, wherein the additional lipid is selected from the group consisting of monoglycerides, triglycerides, cholesterol, mixtures thereof, and free fatty acids.

125. (New) The extract according to claim 121, wherein the extract has a concentration of free fatty acids of about 5% w/w of the lipids in the extract.

126. (New) The extract according to claim 121, wherein the extract further comprises polyunsaturated fatty acids which comprise at least 15% w/w of the lipids in the extract.

127. (New) The extract according to claim 121, wherein the extract further comprises polyunsaturated fatty acids which comprise at least 40% w/w of the lipids in the extract.

128. (New) The extract according to claim 121, wherein the extract further comprises polyunsaturated fatty acids which comprise at least 45% w/w of the lipids in the extract.

129. (New) The extract according to claims 126, 127, or 128, wherein the polyunsaturated fatty acids are omega-3 fatty acids.

130. (New) The extract according to claim 121, wherein DHA and EPA comprise at least 32% w/w of the lipids in the extract.

131. (New) The extract according to claim 121, wherein DHA and EPA comprise at least 35% w/w of the lipids in the extract.

132. (New) The extract according to claim 121, further comprising a metal.

133. (New) The extract according to claim 132, wherein the metal is zinc, selenium or a mixture thereof.

134. (New) The extract according to claim 133, wherein the zinc comprises at least 0.005 mg/100g of the extract and the selenium comprises less than 3 mg/100g of the extract.

135. (New) The extract according to claim 124, wherein the fatty acid composition of the lipids in the extract is about:

Fatty Acids	Total Phospholipid Fatty Acid %	Phosphatidyl-choline Fatty Acid %	Phosphatidyl-ethanolamine Fatty Acid %
C14:0 MYRISTIC	2	2	0.7
C14:1 MYRISTOLEIC	1		
C15:0 PENTADECANOIC	0.2	0.3	0.3
C16:0 PALMITIC	24	27	24
C16:1 PALMITOLEIC	2	2	0.7
C18:0 STEARIC	1	1	3
C18:1 OLEIC	9	12	24
C18:2n6 LINOLEIC	2	2	0.8
C18:3n6 GLA	1	0.3	
C18:3n3 ALA	1	1	
C18:4n3 OTA	2	2	0.3
C20:0 ARACHIDIC			
C20:1 cis-11-EICOSENOIC	0.5	0.6	0.7
C20:2n6 EICOSADIENOIC			
C20:3n6 METHYL ETA		0.2	
C20:4n6 ARACHIDONIC	0.6	0.7	0.6

C20:3n3 Homo- γ - LINOLENIC			
C20:4n3			
C20:5n3 EPA	27	32	13
C22:0 BEHENIC			
C22:1 ERUCIC	1	1.5	
C22:2n6			
C22:4n6			
C22:5n6 METHYL DPA			
C22:5n3 DPA		1.00	
C22:6n3 DHA	25	14	32
C24:0 LIGNOCERIC			
C24:1 NERVONIC			
Total	100.0	100	100;

wherein about represents $\pm 10\%$.

136. (New) The extract according to claim 135, wherein the total fatty acid composition of all the lipids in the extract is:

Sample	%
Fatty Acid Composition	
C14 : 0	≥ 3.00
C14 : 1	≥ 0.01
C15 : 0	≥ 0.3

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