

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 Nos. IPR2014-00003 and IPR2014-00556
Patent 8,278,351 B2

PETITIONERS ENZYMOTEC LTD'S AND ENZYMOTEC USA INC.'S
NOTICE OF APPEAL TO THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Notice is hereby given, pursuant to 35 U.S.C. §§ 141(c), 142, and 319, and 37 C.F.R. §§ 90.2(a) and 90.3(a), that Petitioners Enzymotec Ltd. and Enzymotec USA, Inc. (collectively, “Petitioners”) appeal from the Patent Trial and Appeal Board’s Final Written Decision entered on March 23, 2015 (Paper 104) and all underlying rulings decided adversely to Petitioners in the above-captioned *inter partes* review of U.S. Patent No. 8,278,351 to the United States Court of Appeals for the Federal Circuit. This notice is timely filed within 63 days of the Board’s July 9, 2015, Decision on Petitioners’ Request for Rehearing. (Paper 106). 37 C.F.R. § 90.3(b)(1).

For the limited purpose of 37 C.F.R. § 90.2(a)(3)(ii) (“sufficient information to allow the Director to determine whether to exercise the right to intervene in the appeal”), Petitioners indicate that the issues on appeal include the following: (1) the Board’s determination that claims 5 and 28 were not shown to be unpatentable; (2) the Board’s claim construction of the term “about”; (3) the change in the Board’s claim construction between institution and final decision; (4) the Board’s refusal to revisit its “redundancy” ruling after changing its claim construction; and (5) all other issues decided adversely to Petitioners, including any orders, decisions, rulings and/or opinions.

Petitioners are filing a true and correct copy of this Notice of Appeal with the Director of the U.S. Patent and Trademark Office and serving three copies of

this Notice of Appeal, along with the required docketing fees, on the Clerk of the U.S. Court of Appeals for the Federal Circuit as set forth in the accompanying Certificate of Service.

Dated: September 8, 2015

/s/ Elizabeth J. Holland
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CERTIFICATE OF SERVICE

Per 37 C.F.R. § 42.6(e), and the parties' agreement to accept electronic service, the foregoing notice of appeal was served via e-mail on the following attorneys for the Patent Owner on September 8, 2015:

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Per 37 C.F.R. § 90.2(a)(1), the foregoing notice of appeal was filed electronically with the Board in accordance with 37 C.F.R. § 42.6(b), and was mailed to the Director in accordance with 37 C.F.R. § 104.2(a) at the following address, on September 8, 2015:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
P.O. box 1450
Alexandria VA 22314-1450

Per 37 C.F.R. § 90.2(a)(1), Fed. R. App. P. 15, and Fed. Cir. Rules 15 and 52, three copies of this notice of appeal are being sent via Federal Express to the Clerk's Office of the United States Court of Appeals for the Federal Circuit on September 8, 2015, with the appropriate fees paid through pay.gov.

/s/ Sarah Fink

Sarah Fink