

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Before the Honorable David P. Shaw
Administrative Law Judge

In the Matter of

**CERTAIN OMEGA-3 EXTRACTS FROM
MARINE OR AQUATIC BIOMASS AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-877

EXPERT WITNESS REPORT OF THEODORE F. WELCH, PH.D
REGARDING PUBLIC ACCESSIBILITY OF CERTAIN REFERENCES

September 16, 2013

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1. INTRODUCTION

1. My name is Dr. Theodore F. Welch. I have been retained by counsel for Respondents Aker BioMarine AS, Aker BioMarine Antarctic USA, Inc., Aker BioMarine Antarctic AS, Olympic Seafood AS, Olympic Biotec Ltd., Avoca, Inc., Rimfrost USA, LLC, Bioriginal Food & Science Corp., Enzymotec Ltd., and Enzymotec USA, Inc. (collectively “Respondents”) to testify as an expert in this action.

2. I understand that Complainants Neptune Technologies & Bioressources, Inc. and Acasti Pharma Inc.’s (collectively, “Complainants”) are asserting certain claims of U.S. Patent No. 8,278,351 (“the ‘351 Patent”) and U.S. Patent No. 8,383,675 (“the ‘675 Patent”) against Respondents in this action. As part of my engagement by the Respondents, I have been asked to provide analysis and expert opinions regarding the authenticity, date of publication, and public accessibility of certain prior art references.

3. If asked to do so, I anticipate testifying at trial based on the opinions expressed in this report. I understand that I may be asked to further elaborate on these positions and provide opinions on other issues. I reserve the right to form and report on such additional opinions.

2. QUALIFICATIONS

4. I obtained a Master of Science in Library Science from the University of California, Berkeley in 1965 and a Doctorate of Philosophy in Library and Information Science from the University of Tokyo in 1976.

5. I have over 24 years of experience working directly in the library science field, including serving as Director of Libraries for Northern Illinois University for 6 years, Assistant University Librarian for Development at Northwestern University

Library for 8 years, Assistant University Librarian for Public Services at Northwestern University for 4 years, Regional Librarian for the U.S. Information Service in Tokyo, Japan for 2 years, and Cataloger, Far Eastern Languages Section of the Library of Congress for 2 years. Since 2012, I have also served as Director of Development for the Aloha Community Library in Aloha, Oregon and was on the library's board of directors before transitioning to an advisory role in the Spring of 2013.

6. I have worked as a consultant throughout my career, including on library-related issues. For example, I was hired by the State University of New York (SUNY) Binghamton to advise the university regarding its Japanese library collections from 1989-1999.

7. I am fluent in spoken and written Japanese and have lived in Japan for approximately 14 years. During that time, I have held positions such as Visiting Research Professor at Keio University in Tokyo and Chief, Information Systems for the United Nations Centre for Regional Development in Nagoya.

8. I am a life member of the American Library Association (ALA) and served as Chair of the ALA Advisory Committee on Liaison with Japanese Libraries from 1984-1994 and as a member of that committee from 1970-1976. I have also served as a member of several ALA committees such as the ALA Subcommittee on East Asia and Pacific Libraries from 1994-1997 and the ALA Reference Services Division Standards Committee from 1971-1973.

9. I have served as Chair of the *American Libraries* Advisory Board and as Chairman of the Midwest Academic Librarians Conference Steering Committee. I have

also served as a member of many other industry associations and boards such as the Council of Directors of State University Libraries of Illinois.

10. I have authored, co-authored, edited, or co-edited numerous books, articles, and encyclopedia entries on library-related subjects. For example, I authored *Libraries and Librarianship in Japan*. New York: Greenwood Press, 1997. 215 pp., which is a survey of Japanese librarianship. I have also authored the “Japan” and “National Diet Library” entries in *Encyclopedia of Library History*, ed. by Wayne A. Wiegand and Donald G. Davis. New York, London; Garland, 1994 pp. 319-322; 451-452 as well as the “Japanese Libraries in the Nineties” article in *The Bowker Annual; Library and Book Trade Almanac*. 38th Edition. 1993, New Providence, N.J.: R.R. Bowker, 1993, pp. 94-102.

11. In 2004, I received the Imperial Order of the Rising Sun, Gold Rays with Rosette from Emperor Akihito of Japan for outstanding contributions to U.S.-Japan relations.

12. A more detailed account of my work experience, publications, and other qualifications is listed in my Curriculum Vitae included as Attachment A to this Report.

13. In the last four years I have not signed a Protective Order, testified as an expert either at a trial, hearing, or deposition, or submitted statements/opinions in any litigation other than this Investigation.

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