

**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**

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**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

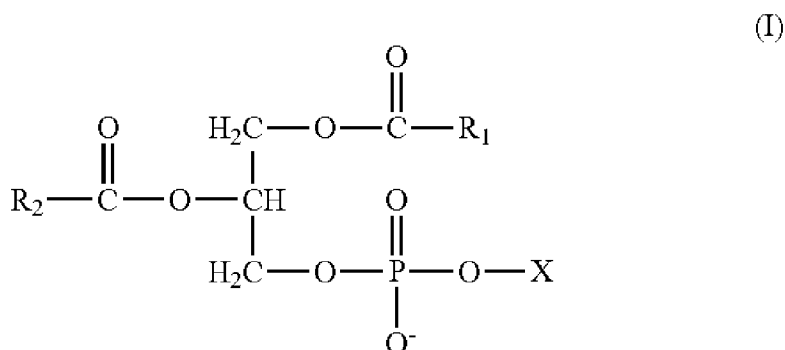
**ENZYMOTEC - 1061**

**IN THE CLAIMS:**

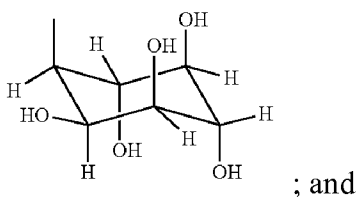
Set forth below in ascending order, with status identifiers, is a complete listing of all claims currently under examination. Changes to any amended claims are indicated by strikethrough and underlining. This listing also reflects any cancellation and/or addition of claims.

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- $\gamma$ -<br>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                | $\geq 3.00$ |
| C14 : 1                | $\geq 0.01$ |
| C15 : 0                | $\geq 0.3$  |

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