

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ENZYMOTEC, LTD.  
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

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*Inter Partes* Patent Review No.: IPR2014-00636  
Petition Filed: April 23, 2014

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**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 April 23, 2014:

**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") was 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 have settled.

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 has settled.

Three additional *Inter Partes* Reviews of the '351 Patent have been requested. *Inter Partes* Review IPR2014-00003 was filed on October 1, 2013 and is pending. *Inter Partes* Review IPR2014-00556 was filed on April 4, 2014 and is pending. *Inter Partes* Review IPR2014-00586 was filed on April 11, 2014 and is pending.

The '351 Patent is also subject to *Ex Parte* Reexamination Control No. 90/012,698 (filed October 2, 2012). This reexamination has been stayed pending the outcome of *Inter Partes* Review IPR2014-00003 (see Paper 25 of IPR2014-00003).

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 have settled.

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 have settled.

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 has settled.

Two *Inter Partes* Reviews of the '651 Patent have been requested. *Inter Partes* Review IPR2014-00126 was filed on November 7, 2013 and is terminated (see Paper 15 of IPR2014-00126). *Inter Partes* Review IPR2014-00466 was filed on February 27, 2014 and is pending.

The following currently pending U.S. patents or patent applications claim priority to the '351 or related Patents: U.S. Patent Application No. 13/280,182, filed October 24, 2011, and issued as U.S. Patent No. 8,680,080 on March 25, 2014, 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.

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

DATE: APRIL 29, 2014

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