

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIMFROST AS

Petitioner

v.

AKER BIOMARINE ANTARCTIC AS

Patent Owner

Case No. IPR2018-01179

U.S. Patent 9,375,453

Issue Date: June 28, 2016

Title: Methods for Producing Bioeffective Krill oil Compositions

**PATENT OWNER'S MANDATORY NOTICES PURSUANT TO
37 C.F.R. § 42.8**

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**PATENT OWNER'S MANDATORY NOTICES UNDER
37 C.F.R. § 42.8**

1. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1).

Aker BioMarine Antarctic AS 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:

Aker has asserted two patents – U.S. Patent Nos. 9,078,905 and 9,028,877 in a pending lawsuit brought by Aker Biomarine Antarctic AS against Olympic Holding AS; Rimfrost AS; Emerald Fisheries AS, Rimfrost USA, LLC; Avoca Inc.; and Bioriginal Food & Science Corp. Case No. 1:16-CV-00035-LPS-CJB (D. Del.). The litigation was stayed pursuant to 28 U.S.C. § 1659 in view of Investigation No. 337-TA-1019 instituted by the United States International Trade Commission on September 16, 2016 as noticed in the Federal Register. The ITC proceeding, entitled *In the Matter of Certain Krill Oil Products and Krill Meal for Production of Krill Oil Products*, related to U.S. Patent Nos. 9,028,877; 9,078,905; 9,072,752; 9,320,765; and 9,375,453. The ITC investigation listed as respondents Olympic Holding AS, Rimfrost AS, Emerald Fisheries AS, Avoca Inc., Rimfrost USA, LLC, Rimfrost New Zealand Limited and Bioriginal Food & Science Corp. On May 23, 2017, pursuant to motions to terminate, ITC Investigation No. 337-TA-1019 was effectively terminated. In addition, a Stipulation of Dismissal as to Avoca Inc. was So Ordered by the Delaware District Court on May 30, 2017. On January 27, 2017, Petitioner filed IPR2017-0745 and IPR2017-0747 seeking *inter partes* review of Claims 1-20 of U.S. Patent No. 9,078,905. On February 3, 2017, Petitioner filed IPR2017-046 and IPR-2017-0748 seeking *inter partes* review of Claims 1-19 of U.S. Patent No. 9,028,877. All of the IPRs were instituted on August 16, 2017. The Delaware District Court action was stayed by the Court on September 6, 2017 pending resolution of the instated IPRs.

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.

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4. **Service Information under 37 C.F.R. § 42.8(b)(4).**

Please address all correspondence to the lead and back-up counsel at the address as shown above. Patent Owner also consents to electronic service by e-mail at:

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The Office is authorized to charge fee deficiencies to Deposit Account 50-4302.

Date: July 16, 2018

Respectfully submitted,
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