

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIMFROST AS.,
Petitioner.

v.

AKER BIOMARINE ANTARCTIC AS.,
Patent Owner

Case IPR2018-01730
Patent 9,072,752 B2

Record of Oral Hearing
Held: December 9, 2019

Before ERICA A. FRANKLIN, TINA E. HULSE, and
JOHN E. SCHNEIDER, *Administrative Patent Judges*.

Case IPR2018-01730
Patent 9,072,752 B2

A P P E A R A N C E S

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The above-entitled matter came on for hearing on Monday, December 9, 2019, commencing at 12:55 p.m., at the U.S. Patent and Trademark Office, Texas Regional Office, 207 S Houston Street, Suite 159, Dallas, Texas 75202.

1 (Proceedings begin at 12:55 p.m.)

2 JUDGE SCHNEIDER: All right. Today, we're here to
3 hear IPR2018-01730, and it's Rimfrost versus Aker BioMarine
4 Antarctic. I think I got that right.

5 Who do we have representing Petitioner today?

6 MR. HARRINGTON: James Harrington.

7 JUDGE SCHNEIDER: Okay.

8 MR. HARRINGTON: Here for --

9 JUDGE SCHNEIDER: Sorry, go ahead.

10 MR. HARRINGTON: Harrington.

11 JUDGE SCHNEIDER: And for Patent Owner?

12 MR. JONES: Mitchell Jones.

13 JUDGE SCHNEIDER: All right.

14 I need -- both have asked for 60 minutes for
15 presentation.

16 Petitioner, do you intend to reserve time for
17 rebuttal?

18 MR. HARRINGTON: Yes, I'd like to reserve 25
19 minutes, if I could.

20 JUDGE SCHNEIDER: I'm sorry, how much? 25?

21 MR. HARRINGTON: 25, yeah.

22 JUDGE SCHNEIDER: Yeah. You'd have to speak loud.
23 I'm hard of hearing.

24 MR. HARRINGTON: Okay.

1 JUDGE SCHNEIDER: I got them to a depth.

2 And Patent Owner?

3 MR. JONES: 20 minutes for rebuttal.

4 JUDGE SCHNEIDER: 20 minutes, okay.

5 Before we begin, are there any questions from either
6 side?

7 In that case, Petitioner, it's your burden. You can
8 go ahead and proceed with your argument.

9 MR. HARRINGTON: Okay, thank you.

10 JUDGE SCHNEIDER: One thing I'd like to point out,
11 because we have two judges appearing remotely, Judge Hulse and
12 Judge Franklin. When you go through your slides, if you could
13 tell them what slide you're working on, so they could follow
14 through in the PDF that you provided us because they really
15 won't be able to see what's on the screen.

16 MR. HARRINGTON: Yes. Yeah. We'll identify that.
17 That was the case in the other hearing as well.

18 JUDGE SCHNEIDER: That's right. I just want to
19 remind everyone.

20 MR. HARRINGTON: Okay, will do.

21 Okay. Good afternoon. My name is James Harrington.
22 I'm lead counsel on behalf of Petitioner, Rimfrost AS. I'm
23 here with first backup counsel, Michael Chakansky, and we're
24 here again for another, one of what we call the Krill IPRs.
25 This one deals with U.S. Patent 9072752, which, again, deals
26 with the same specification that we have been discussing, very

1 similar claim elements, and, therefore, a lot of the same art
2 that we've relied on in the previous IPRs, so a lot of these
3 will be familiar.

4 And I've utilized this slide in the other three IPRs
5 that we discussed, but I wanted to go through it again because
6 I do think it is --

7 JUDGE HULSE: Counsel, I'm sorry. Is your mic on,
8 on the podium? Because I -- Judge Franklin and I are having a
9 hard time hearing you.

10 MR. HARRINGTON: Oh, I'm sorry. Is that better?

11 JUDGE HULSE: Okay, thank you.

12 MR. HARRINGTON: Okay. Okay.

13 JUDGE HULSE: Thank you.

14 MR. HARRINGTON: Okay. So this is Slide 2, and this
15 is a slide that we've referred to previously, but I think it's
16 instructive. It's a slide from a PowerPoint presentation
17 given by the Patent Owner's expert witness and chief
18 scientific officer, Dr. Hoem, and it just confirms that a lot
19 of the elements that we're talking about here are -- all of
20 the elements are natural components that are found in krill.

21 We see, the lipids are divided into two classes:
22 neutral and polar. The neutral is in white and shows
23 triglycerides at 34 percent; the phospholipid portion is 44
24 percent. And then to the right, we see in blue the
25 phospholipids broken down further into certain subcomponents.
26 We see phosphatidylethanolamine at 2.6 percent,

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