

US009028877B2

## (12) United States Patent

#### Bruheim et al.

(10) Patent No.:

US 9,028,877 B2

(45) **Date of Patent:** 

\*May 12, 2015

#### (54) BIOEFFECTIVE KRILL OIL COMPOSITIONS

(71) Applicant: Aker Biomarine Antarctic AS,

Stamsund (NO)

(72) Inventors: Inge Bruheim, Volda (NO); Snorre

Tilseth, Bergen (NO); Daniele Mancinelli, Orsta (NO)

(73) Assignee: Aker Biomarine Antarctic AS,

Stamsund (NO)

(\*) Notice: Subject to any disclaimer, the term of this

patent is extended or adjusted under 35

U.S.C. 154(b) by 0 days.

This patent is subject to a terminal dis-

claimer.

(21) Appl. No.: 14/490,176

(22) Filed: Sep. 18, 2014

(65) Prior Publication Data

US 2015/0004223 A1 Jan. 1, 2015

#### Related U.S. Application Data

- (63) Continuation of application No. 12/057,775, filed on Mar. 28, 2008.
- (60) Provisional application No. 60/920,483, filed on Mar. 28, 2007, provisional application No. 60/975,058, filed on Sep. 25, 2007, provisional application No. 60/983,446, filed on Oct. 29, 2007, provisional application No. 61/024,072, filed on Jan. 28, 2008.

(51)	Int. Cl.	
	A61K 45/06	(2006.01)
	A61K 31/23	(2006.01)
	A61K 31/122	(2006.01)
	A61K 9/48	(2006.01)
	A61K 31/683	(2006.01)
	A61K 31/685	(2006.01)
	C11B 3/00	(2006.01)
	A61K 31/202	(2006.01)

(52) U.S. Cl.

(58) Field of Classification Search

CPC . A61K 2300/00; A61K 31/122; A61K 31/23; A61K 31/683; A61K 35/612; A61K 41/0028; A61K 31/202; A61K 45/06; A61K 9/4858; A61K 47/48503; A61K 31/685; A61K 2800/70; A61K 35/63; A61K 35/64; A61K 8/553; A61K 8/925; A61K 35/60; A61K

#### (56) References Cited

#### U.S. PATENT DOCUMENTS

2,652,235	$\mathbf{A}$	9/1953	Samuelsen				
4,036,993	A	7/1977	Ikeda				
4,119,619	A	10/1978	Rogozhin et al.				
4,133,077	A	1/1979	Jasniewicz				
4,251,557	A	2/1981	Shimose et al.				
4,505,936	A	3/1985	Meyers et al.				
4,714,571	A	12/1987	Kearns et al.				
4,749,522	A	6/1988	Kamarei				
4,814,111	Α	3/1989	Kearns et al.				
5,006,281	A	4/1991	Rubin et al.				
5,266,564	A	11/1993	Modolell				
5,434,183	Α	7/1995	Larsson-Backstrom				
6,214,396	B1	4/2001	Barrier				
6,346,276	В1	2/2002	Tanouchi et al.				
6,537,787	B1	3/2003	Breton				
6,800,299	B1	10/2004	Beaudoin et al.				
7,488,503	B1	2/2009	Porzio et al.				
7,666,447	B2	2/2010	Rockway				
8,030,348	B2	10/2011	Sampalis				
8,278,351		10/2012	Sampalis				
8,383,675	B2	2/2013					
8,697,138		4/2014	Bruheim et al 424/538				
2002/0076468	A1	6/2002	Saxby				
2003/0044495	A1	3/2003	Kagan et al.				
2003/0113432	A1	6/2003	Yoshitomi				
(C 1)							

(Continued)

#### FOREIGN PATENT DOCUMENTS

AU 2002322233 2/2003 BR 8701265 3/1987

(Continued)

#### OTHER PUBLICATIONS

Valeri, D., et al., "Visocities of Fatty acids, triglycerides and their binary mixtures," JAOCS 74 (1997) pp. 1221-1226.

CRC 2013-2014, 94th ed., pp. 6-231-6-235.

Folch, et al., A Simple Method for the Isolation and Purification of Total Lipids from Animal Tissues. J. Biol. Chem., 226, 497-509 (1957).

Grant of Request for Ex parte Reexamination of the '351 patent. Grit et al., Hydrolysis of phosphatidylcholine in aqueous liposome dispersions, Int. J. Pharmaceutics 50:1-6 (1989).

(Continued)

Primary Examiner — Debbie K Ware

(74) Attorney, Agent, or Firm — Casimir Jones S.C.

#### (57) ABSTRACT

This invention discloses new krill oil compositions characterized by having high amounts of phospholipids, astaxanthin esters and/or omega-3 contents. The krill oils are obtained from krill meal using supercritical fluid extraction in a two stage process. Stage 1 removes the neutral lipid by extracting with neat supercritical  $CO_2$  or  $CO_2$  plus approximately 5% of a co-solvent. Stage 2 extracts the actual krill oils by using supercritical  $CO_2$  in combination with approximately 20% ethanol. The krill oil materials obtained are compared with commercially available krill oil and found to be more bioeffective in a number of areas such as anti-inflammation, anti-oxidant effects, improving insulin resistances and improving blood lipid profile.



(56)	Referen	nces Cited	WO	89/01031	2/1989	
	IIS PATENT	DOCUMENTS	WO WO	89/10960 90/05765	11/1989 5/1990	
	O.S. TAILNI	DOCOMENTS	WO	93/24142	12/1993	
2004/0	241249 A1 12/2004	Sampalis	WO	97/38585	10/1997	
2006/0	0078625 A1 4/2006	Rockway	WO WO	97/39759 98/34498	10/1997 8/1998	
		Kamiya et al 426/615	wo	99/39589	8/1999	
		Sones	WO	00/23546	4/2000	
		Sones	WO	00/25608	5/2000	
		Breivik Catchpole	WO WO	00/38708 01/28526	7/2000 4/2001	
		Breivik	WO	01/82928	11/2001	
			WO	02/083122	10/2002	
	FOREIGN PATE	NT DOCUMENTS	WO WO	02/092540 02/102394	11/2002 12/2002	
			wo	03/011873	2/2003	
CA CA	1098900 2251265	4/1981 4/2000	WO	03/013497	2/2003	
CL	40348	7/1997	WO WO	2004/028529	4/2004	
$\mathbf{EP}$	0609078	8/1994	WO	2004/047554 2004/100943	6/2004 11/2004	
EP	670306	6/1995	wo	2004/112767	12/2004	
EP EP	1127497 1392623	8/2001 3/2004	WO	2005/004393	1/2005	
EP	1406641	4/2004	WO WO	2005/018632 2005/037848	3/2005 4/2005	
EP	1542670	6/2005	wo	2005/037848	4/2005	
EP EP	0973532 1660071	9/2005 5/2006	WO	2005/070411	8/2005	
EP	1689413	8/2006	WO	2006/030552	3/2006	
EP	1743531	1/2007	WO WO	2006/111633 2007/080514	10/2006 7/2007	
EP	1631280	3/2008	WO	2007/080515	7/2007	
EP EP	1123368 1406641	4/2008 1/2009	WO	2007/108702	9/2007	
EP	1419768	1/2009	WO WO	2007/123424 2008/006607	11/2007 1/2008	
EP	1292294	3/2009	wo	2008/072563	6/2008	
EP EP	1706106 1385500	7/2009 7/2010	WO	2008/117062	10/2008	
GB	2097014	10/1982	WO	2009/027692	3/2009	
GB	921537	6/1999		OTHER PU	<b>JBLICATIONS</b>	\$
JP JP	A-S51-125774 A-S52-114046	11/1976 9/1977	TT 4		-141 C41 - Di	1 O f D
JP	60-153779	8/1985		on et al., Lipid Compos it ( <i>Oncorhynchus myk</i>		-
JP	61281159	12/1986	317 (199 <sub>4</sub>		<i>433)</i> , Lipids, voi.	29, 110. 3, pp. 311-
JP JP	02049091	2/1990		and Groves, The Influe	ence of Free Fatty	Acid Formation on
JP	2215351 4012665	8/1990 1/1992	the pH of	Phospholipid-Stabiliz	zed Triglyceride I	
JP	2963152	2/1992		Research 10(5):774-77 efrigerated Food Co		High Tachnalagy
JP	04057853	2/1992		ement and Natural As		
JP JP	3081692 2524217	7/1994 8/1996	(on or be	fore Dec. 28, 1994).		
JР	H08-231391	9/1996		and Lucas, Comparis		Solvents for Oils
JP	3344887	7/1997		n, JAOCS 60(2):229-2 dois et al., Investiga		Phosphatidylholine
JP JP	3611222 2001-158736 A	8/1997 6/2001		Separation and Identi		
JP	2003-003192 A	1/2003		oray Ionization-Tander		
JP	2003-048831 A	2/2003		ular Species, J. Agric.		, ,
JP JP	2003-146883 A 3467794	5/2003 9/2003		al., Effect of Diet		
JP	2003-530448	10/2003		lipidMolecular Specionol Vis Sci. 1994;35:7		tey Ketma, mvest
JP	2003-531857 A	10/2003		et al., C Nuclear Mag		Monitoring of Free
JP JP	3486778 2004-525180 A	10/2003 8/2004		id Release After Fish		
JP	2004-525180 A 2004-534800	11/2004		oc. 71(5):479-82 (1994	*	
JР	2004-536059 A	12/2004		2012 Office Action, '6	-	
JP JP	3678317	5/2005		ction dated Jan. 5, 201 1. No. 60/307,842 (Pri		or the '351 patent)
JP	2005-245379 A 2006-502196 A	9/2005 1/2006		ental Declaration of Bj		
JР	2006-069948 A	3/2006		es reexamination of pa		
JP	2006-083136 A	3/2006		ental Declaration of D		
JP JP	2006-290784 A 2006-316073 A	10/2006 11/2006	-	examination of parent	•	
JP	2006-310073 A 2006-328014 A	12/2006	~ ~	ental Declaration of D f parent patent U.S. 8,		mitted during pros-
JР	2006-528233 A	12/2006		ental Declaration of D		rsen submitted dur-
JP ID	2007-502805 A	2/2007 4/2007	~ ~	partes reexamination of		
JP JP	2007-509131 A 2007-126455 A	4/2007 5/2007		Γ. and Shibata, N., "I		
JP	2007-518764 A	7/2007		ood," Food Rev. Int'l, o		*
JP	2007-246404 A	9/2007	Takahash	i et al., Compositiona	at Changes in M	olecular Species of



#### (56) References Cited

#### OTHER PUBLICATIONS

Takahashi et al., Molecular Species of Fish Muscle Lecithin, Bulletin of the Japanese Society of Scientific Fisheries 48(12), 1803-1814 (1982).

Takahashi et al., Prediction of Relative Retention Value of the Individual Molecular Species of Diacyl Glycerolipid on High Performance Liquid Chromatography, Bull. Fac. Fish. Hokkaido Univ. 38(4), 398-404. 1987.

Tanaka, Biosynthesis of 1,2-dieicosapentaenoyl-sn-glycero-3-phosphocholine in *Caenorhabditis elegans*, Eur. J. Biochem. 263, 189±194 (1999).

Tocher, Chapter 6, Glycerophospholipid metabolism, Biochemistry and molecular biology of fishes, vol. 4, Hochachka and Mommsen (eds.)(1995).

Watanabe et al., Effective Components in Cuttlefish Meal and Raw Krill for Improvement of Quality of Red Seabream *Pagrus major* Eggs, Nippon Suisan Gakkaishi 57(4):681-694 (1991).

WHO News and Activities, Bulletin of the World Health Organization, 73(4), pp. 547-551 (1995).

"Neptune Technologies & Bioressources Soon to Obtain a Major Patent in Over 30 Countries" ("2001 Press Release,").

Action Closing Prosecution, '348 patent.

Apr. 2, 2012 Response to Office Action, '351 patent.

Balassa et al., Microencapsulation in the Food Industry, Critical Reviews in Food Technology, 2:2, 245-265 (1971).

Bell and Dick, Molecular Species Composition of the Major Diacyl Glycerophospholipids from Muscle, Liver, Retina and Brain of Cod (*Gadus morhua*), Lipids, vol. 26, No. 8, pp. 565-573 (1991).

Bell, Molecular Species Analysis of Phosphoglycerides from the Ripe Roes of Cod, Lipids, vol. 24, No. 7 (1989).

Bell, Molecular Species Composition of Phosphatidylcholine from *Crypthecodinium cohnii* in Relation to Growth Temperature Lipids 25, 115-118 (1990).

Bergelson (ed.), Lipid Biochemical Preparations, Chapter 1.1, pp. 1-13 (1980).

Bottino, N.R., "Lipid Composition of Two Species of Antarctic Krill: *Euphausia superba* and *E. crystallorophias*," Comp. Biochem. Physiol., 1975, vol. 50B, pp. 479-484.

Buchi R-220 Rotovapor® Manual.

Buda, Structural order of membranes and composition of phospholipids in fish brain cells during thermal acclimatization, Proc. Natl. Acad. Sci. USA vol. 91, pp. 8234-8238, Aug. 1994.

Certificate of translation of Ex. 1072: Fisheries Agency, General Report on Research and Development of Techniques in Processing and Utilization of Marine Products, Chapter 6, Development of technology for recovery of valuable substances (astaxanthin) from krill, by Takao Fujita, pp. 273-307 (Mar. 1985); Japanese language document.

Certificate of translation of Ex. 1074: Japanese Patent No. 60-153779, entitled "Nutritional Supplement".

Certificate of translation of Ex. 1076: Japanese Patent Publication No. H08-231391, entitled "Medicine for Improvement of Dementia Symptoms".

Certification of translation of Ex. 1070: Japanese Unexamined Patent Application Publication No. 02-215351.

Certified translation of Ex. 1070: Japanese Unexamined Patent Application Publication No. 02-215351, titled Krill Phospholipids Fractioning Method ("Maruyama,"); Certificate of Translation provided as Ex. 1071.

Certified translation of Ex. 1072: Fisheries Agency, General Report on Research and Development of Techniques in Processing and Utilization of Marine Products, Chapter 6, Development of technology for recovery of valuable substances (astaxanthin) from krill, by Takao Fujita, pp. 273-307 (Mar. 1985) ("Fujita"); Certificate of Translation provided as Ex. 1073.

Certified translation of Ex. 1074: Japanese Patent No. 60-153779,

Certified translation of Ex. 1076: Japanese Patent Publication No. H08-231391, entitled "Medicine for Improvement of Dementia Symptoms" ("Yasawa"); Certificate of Translation provided as Ex. 1077.

Declaration of Bjorn Ole Haugsgjerd in support of Inter Partes Review of U.S. Pat. No. 8,278,351.

Declaration of Bjorn Ole Haugsgjerd submitted during inter partes reexamination of parent patent U.S. 8,030,348.

Declaration of Dr. Albert Lee in Support of Inter Partes Review of U.S. Pat. No. 8,278,351.

Declaration of Dr. Albert Lee in Support of Inter Partes Review of U.S. Pat. No. 8,383,675.

 $\label{eq:Declaration} Declaration of Dr. Chong Lee submitted during interpartes reexamination of parent patent U.S.~8,030,348.$ 

Declaration of Dr. Earl White submitted during prosecution of parent patent U.S. 8,030,348.

Declaration of Dr. Ivar Storrø in support of Inter Partes Review of U.S. Pat. No. 8,278,351.

Declaration of Dr. Ivar Storrø in support of Inter Partes Review of U.S. Pat. No. 8,383,675.

Declaration of Dr. Jacek Jaczynski from inter partes reexamination of the parent patent U.S. 8,030,348.

Declaration of Dr. Jaczynski submitted during prosecution of parent patent U.S. 8,278,351.

Declaration of Dr. Jeff Moore in Support of Inter Partes Review of U.S. Pat. No. 8.278.351.

Declaration of Dr. Jeff Moore in Support of Inter Partes Review of U.S. Pat. No. 8,383,675.

Declaration of Dr. Richard van Breemen in Support of Inter Partes Review of U.S. Pat. No. 8,278,351.

Declaration of Dr. Richard van Breemen in Support of Inter Partes Review of U.S. Pat. No. 8,383,675.

Declaration of Dr. Shahidi submitted during inter partes reexamination of parent patent U.S. 8,030,348.

Declaration of Dr. Shahidi submitted during prosecution of parent patent U.S. 8,278,351.

Declaration of Dr. Suzanne Budge in Support of Inter Partes Review of U.S. Pat. No. 8,278,351.

Declaration of Dr. Suzanne Budge in Support of Inter Partes Review of U.S. Pat. No. 8,383,675.

Declaration of Dr. Thomas Brenna in support of Inter Partes Review

of U.S. Pat. No. 8,278,351. Declaration of Dr. Thomas Brenna in support of Inter Partes Review

of U.S. Pat. No. 8,383,675. Declaration of Dr. Thomas Gundersen submitted during inter partes reexamination of parent patent U.S. 8,030,348.

Declaration of Dr. Tina Sampalis submitted during inter partes reexamination of parent patent U.S. 8,030,348.

Declaration of Dr. Van Breemen submitted during Ex parte Reexamination of the '351 patent.

Declaration of Dr. Van Breemen submitted during Inter partes Reexamination of the '348 patent.

Declaration of Dr. Yeboah submitted during inter partes reexamination of parent patent U.S. 8,030,348.

Declaration of Dr. Yeboah submitted during prosecution of parent patent U.S. 8,278,351.

Eichberg, "Lecithin—It Manufacture and Use in the Fat and Oil Industry," Oils and Soap 51-54, 1939.

Expert Witness Report of Dr. Theodore Welch submitted in relation to ITC Investigation No. 337-TA-877.

Farkas, Composition and Physical State of Phospholipids in Calanoid Copepods from India and Norway, LIPIDS, vol. 23, No. 6 (1988). Final Prospectus dated May 11, 2001.

Fisheries Agency, General Report on Research and Development of Techniques in Processing and Utilization of Marine Products, Chapter 6, Development of technology for recovery of valuable substances (astaxanthin) from krill, by Takao Fujita, pp. 273-307 (Mar. 1985); Japanese language document.

European Search Report, EP Patent Application No. EP12187516, mailed Jun. 10, 2013.



#### (56) References Cited

#### OTHER PUBLICATIONS

Fricke, et al., Lipid, Sterol and Fatty Acid Composition of Antarctic Krill (*Euphausia superba* Dana), Lipids (1984) 19(11): 821-827.

Fricke, et al., 1-O-Alkylglycerolipids in Antarctic Krill (*Euphausia superba* Dana), Comp. Biochem. Physiol. (1986) 85B(1): 131-134. Gordeev, K.Y., et al. "Fatty Acid Composition of the Main Phospholipids of the Antarctic Krill, *Euphausia superba*," Chem. Nat. Cmpds. (1990) 26(2), pp. 143-147.

Grantham (1977) Southern Ocean Fisheries Survey Programme, FAO Rome, GLO/SO/77/3: 1-61.

Raventos et al., Application and Posssibilities of Supercritical CO2 Extraction in Food Processing Industry: An Overview, Food Science and Technology International (2002) 8: 269-284.

Tanaka, T., et al., Platelet-activating Factor (PAF)-like Phospholoipds Formed during Peroxidation of Phosphatidylcholines from Different Foodstuffs, Biosci. Biotech. Biochem. (1995) 59 (8), pp. 1389-1393.

Winther, et al., Elucidation of Phosphatidylcholine Composition in Krill Oil Extracted from *Euphausia superba*, Lipids (2011) 46: 25-36

JP Office Action mailed Feb. 23, 2012, JP Patent Application No. 2010-522444 (and English translation).

Dec. 8, 2011 Office Action, KR Patent Application No. 10-2010-7006897 and its English translation.

Sikorski, E., "The Utilization of Krill for Food," Food Process Eng., 1:845-855 (1980).

Budzinskli, E., et al., "Possibilities of processing and marketing of products made from Antarctic Krill", FAO Fish. Tech. Pap. (268) 46 pages (1985).

Bunea R., et al.., "Evaluation of the Effects of Neptune Krill Oil on the Clinical Course of Hyperlipidemia," Alternative Medicine Review, Thorne Research Inc., Sandpoint, US, vol. 9, No. 4, Jan. 1, 2004

Gordeev, K.Y., et al. "Fatty Acid Composition of the Main Phospholipids of the Antarctic Krill, *Euphausia superba*," Khim. Prirod. Soed. 2 (1990), pp. 181-187.

Takaichi et al., 2003, "Fatty Acids of astaxanthin esters in krill determined by mild mass spectrometry", Comparative Biochemistry and Physiology Part B, Biochemistry and Molecular Biology, Elsevier, Oxford, vol. 136, Jan. 1, 2003, p. 317-322.

Tanaka et al., 2004, "Extraction of Phospholipids from Salmon Roe with Supercritical Carbon Dioxide and an Entrainer", J. Oleo Sci, 53(9): 417-424.

Tanaka et al., 2005, "Extraction of Phospholipids from Unused Natrual Resources with Supercritical Carbon Dioxide and an Entrainer", Journal of Oleo Science, vol. 54(11): 569-576.

Todoric et al., 2006, "Adipose tissue inflammation induced by highfat diet in obese diabetic mice is prevented by n-3 polyunsaturated fatty acids", Diabetologia, 49(9): 2109-2119.

Tou et al., 2007, "Krill for human consumption: nutritional value and potential health benefits", Nutrition Rev 65(2):63-77.

Trayhurn et al., 2004, "Adipokines: inflammation and the pleiotropic role of white adipose tissue", Br. J. Nutrition, 92(3): 347-355.

Trebble et al., 2003, "Inhibition of tumour necrosis factor-alpha and interleukin 6 production by mononuclear cells following dietary fish-oil supplementation in healthy men and response to antioxidant co-supplementation", Br. J. Nutrition, 90(2): 405-412.

Ukkola et al., 2002, "Adiponectin: a link between excess adiposity and associated comorbidities?", J. Mol. Med., 80(11): 696-702.

Van Der Veen et al., 1971 "The Lipids of Krill (*Euphausia* Species) and Red Crab (*Pleuroncodes planipes*)", Lipids, 6(7): 481-485.

Virtue, et al. 1996, Reproductive trade-off in male Antarctic krill, Euphausia superba, Marine Biology, vol. 126, No. 3, pp. 521-527. Yamaguchi et al., 1983, "The Composition of Carotenoid Pigments in the Antarctic Krill Euphausia superba", Bulletin of the Japanese Society of Scientific Fisheries, 49(9): 1411-1415.

Yamaguchi et al., 1986, "Supercritical Carbon Dioxide Extraction of

Yanase M; 1974, "Modification of a Russian method for separation of heat-coagulated protein from Antarctic krill", Database FSTA (online); International Food Information Service (IFIS); Frankfurt-Main, DE.

Yen et al., 1994, "Effect of dietary omega-3 and omega-6 fatty acid sources on PUVA-induced cutaneous toxicity and tumorogenesis in the hairless mouse". Arch. Dermatol. Res., 286(6): 331-6.

Database WPI Week 200682, Thomson Scientific, London, GB, 2006

English Abstract; JP 2003-531857; See abstract from corresponding WO 2001/082928 filed herewith.

English Abstract; JP 2004-525180; See abstract from corresponding WO 2002/083122 filed herewith.

English Abstract; JP 2006-528233; See abstract from corresponding WO 2004/100943 filed herewith.

English Abstract; JP 2007-502805; See abstract from corresponding WO 2005/018632 filed herewith.

English Abstract; JP 2007-509131; See abstract from corresponding WO 2005/037848 filed herewith.

English Abstract; JP 2007-518764; See abstract from corresponding WO 2005/070411 filed herewith.

English Abstract; JP 2004-536059; See abstract from corresponding WO 2002/09254 filed herewith.

English Abstract; JP 2006-502196; See abstract from corresponding WO 2004/028529 filed herewith.

Ando and Hatano, 1988, "Isolation of apolipoproteins from carotenoid-carrying lipoprotein in the serum of chum salmon, *Oncorhynchus keta*", J. Lipid Research, 29: 1264-1271.

Aoi et al., 2003, "Astaxanthin limits exercise-induced skeletal and cardiac muscle damage in mice", Antioxidants & Redox Signaling, 5(1): 139-44.

Britton, 1985, "General Carotenoid Methods", Methods in Enzymology, vol. 111, pp. 113-149.

Calder, 2006, "n-3 polyunsaturated fatty acids, inflammation, and inflammatory diseases", Am. J. Clin. Nutr., 83: 1505S.

Charest et al., 2001, "Astaxanthin Extraction from Crawfish Shells by Supercritical CO2 with Ethanol as Cosolvent", J. Aquatic Food Product Technology, 10(3): 79-93.

Chen and Meyers, 1982, "Extraction of Astaxanthin Pigment from Crawfish Waste Using a Soy Oil Process", J. Food Sci., 47: 892-896. Clarke, 1980, "The Biochemical Composition of Krill, *Euphausia superba* dana, from South Georgia", J. Exp. Mar. Biol. Ecol., 43: 221-236.

Czeczuga, 1974, "Comparative Studies of Carotenoids in the Fauna of the Gullmar Fjord (Bohuslan, Sweden). II. Crustacea: *Eupagurus bernhardus*, *Hyas coarctatus* and *Upogebia deltaura*", Marine Biology, 28: 95-98.

De Ritter and Purcell, 1981, "Carotenoid Analytical Methods", Carotenoids as Colorants and Vitamin A Precursors: Technological and Nutritional Applications, pp. 815-882.

Deutch, 1995, "Menstrual pain in Danish women correlated with low n-3 polyunsaturated fatty acid intake", Eur. J. Clin. Nutr., 49(7): 508-16.

Diez et al., 2003, "The role of the novel adipocyte-derived hormone adiponectin in human disease", Eur. J. Endocrinol., 148(3): 293-300. Ellingsen et al., 1987, "Biochemistry of the autolytic processes in Antarctic krill post mortem. Autoproteolysis." Biochem. J. 246, 295-305.

Emodi, 1978, "Carotenoids: Properties and Applications", Food Technology, 32(5): 38.

Felix-Valenzuela et al., 2001, "Supercritical CO2/Ethanol Extraction of Astaxanthin from Blue Crab (*Callinectes sapidus*) Shell Waste", Journal of Food Process Engineering, 24: 101-112.

Fox and Scheer, 1941, "Comparative Studies of the Pigments of Some Pacific Coast Echinoderms", The Biological Bulletin, 441-455.

Fricke, et al., 1984, "Lipid, Sterol and Fatty Acid Composition of Antarctic Krill (*Euphausia superba* Dana)", Lipids, 19(11): 821-827. Geusens et al., 1994, "Long-term effect of omega-3 fatty acid supple-



#### (56) References Cited

#### OTHER PUBLICATIONS

Gilchrist and Green, 1960, "The Pigments of Artemia", Proceedings of the Royal Society, Series B Biological Sciences, vol. 152 No. 946, pp. 118-136.

Goodwin and Srisukh, 1949, "Some Observations on Astaxanthin Distribution in Marine Crustacea", Department of Biochemistry, University of Liverpool, pp. 268-270.

Gulyaev and Bugrova, 1976 "Removing fats from the protein paste Okean". Konservnaya I Ovoshchesushil'naya Promyshlennost, (4), 37-8.

Hardardottir and Kinsella, 1988, "Extraction of Lipid and Cholesterol from Fish Muscle with Supercritical Fluids" Journal of Food Science, 53(6): 1656-1658.

International Aqua Feed, 2006, vol. 9.

International Search Report and Written Opinion for PCT/GB2008/002934, Dated Mar. 11, 2009.

International Search Report and Written Opinion for PCT/IB2010/000512; dated Jun. 24, 2010.

International Search Report for PCT/IB2007/000098, dated: Jun. 26, 2007.

Itoh et al., 2007; "Increased adiponectin secretion by highly purified eicosapentaenoic acid in rodent models of obesity and human obese subjects", Arteriosclerosis, Thrombosis, and Vascular Biology; 27(9): 1918-1925.

Johnson et al., 1978, "Simple Method for the Isolation of Astaxanthin from the Basidiomycetous Yeast *Phaffia rhodozyma*", Applied and Environmental Microbiology, 35(6): 1155-1159.

Kolakowska, 1989, "Krill lipids after frozen storage of about one year in relation to storage time before freezing", Die Nahrung Food, 33(3): 241-244.

Kris-Etherton et al., 2002, "Fish Consumption, Fish Oil, Omega-3 Fatty Acids, and Cardiovascular Disease", Circulation, 106:2747-2757.

Kristensen et al., 1989, "Dietary supplementation with n-3 polyunsaturated fatty acids and human platelet function: a review with particular emphasis on implications for cardiovascular disease", J. Intern. Med. Suppl. 731:141-50.

Kunesova et al., 2006, "The influence of n-3 polyunsaturated fatty acids and very low calorie diet during a short-term weight reducing regimen on weight loss and serum fatty acid composition in severely obese women", Physiol Res.; 55(1):63-72.

Laight et al., 1999, "F2-isoprostane evidence of oxidant stress in the insulin resistant, obese Zucker rat: effects of vitamin E", Eur. J. Pharmacol. 377(1): 89-92.

Lambertson and Braekkan, 1971, "Method of Analysis of Astaxanthin and its Occurrence in some Marine Products," J. Sci. Food. Agr., vol. 22(2): 99-101.

Libby et al., 2006, "Inflammation and Atherothrombosis: From Population Biology and Bench Research to Clinical Practice", J. Amer. Coll. Card., 48 (9, Suppl. A): A33-A46.

Lopez et al., 2004, "Selective extraction of astaxanthin from crustaceans by use of supercritical carbon dioxide", Talanta, 64: 726-731. Mandeville, 1991, "Isolation and Identification of Carotenoid Pigments, Lipids and Flavor Active Components from Raw Commercial Shrimp Waste", Food Biotechnology, 5(2): 185-195.

Meyers and Bligh, 1981, "Characterization of Astaxanthin Pigments from Heat-Processed Crawfish Waste", J. Agric. Food Chem., 29: 505-508.

Meyers, 1977, "Using Crustacean Meals and Carotenoid-Fortified Diets", Feedstuffs, vol. 49(19).

Meyers, 1994, "Developments in world aquaculture, feed formulations, and role of carotenoids", Pure & Appl. Chem, vol. 66(5): 1069-1076.

Mills et al., 1989, "Dietary N-6 and N-3 fatty acids and salt-induced hypertension in the borderline hypertensive rat", Lipids, 24(1): 17-24.

Moates and Van Bentem, 1990, "Separating out the value", Food Science and Technology Today, 4(4): 213-214.

Nikolaeva, 1967 "Amino acid composition of protein-coagulate in krill", VNIRO, 63:161-4.

Phleger, et al. (2002) "Interannual and between species comparison in the lipids, fatty acids, and sterols of Antarctic krill from the US AMLR Elephant Island survey area: 1997 and 1998". Comp Biochem Physiol 131B:733-747.

Popp-Snijders et al., 1987, "Dietary supplementation of omega-3 polyunsaturated fatty acids improves insulin sensitivity in non-insulin-dependent diabetes", Diabetes Res. 4(3): 141-7.

Sachindra, 2006, "Recovery of carotenoids from shrimp waste in organic solvents", Waste Management, 26: 1092-1098.

Saether et al., 1986, "Lipids of North Atlantic krill", J Lipid Res., 27(3):274-85.

Shahidi et al., 1998, "Carotenoid Pigments in Seafoods and Aquaculture" Critical Reviews in Food Science, 38(1): 1-67.

Sidehu et al., 1970, "Biochmical Composition and Nutritive Value of Krill (*Euphausia superb* dana)", J. Sci Food Agr., vol. 21, 293-296. Simopoulos, 1991, "Omega-3 fatty acids in health and disease and in growth and development", Am. Clin. Nutr. 54:438-63.

Somiya, 1982, "'Yellow lens' eyes of a stomiatoid deep-sea fish, *Malacosteus niger*", Proc. R. Soc. Lond., 215: 481-489.

EP Opposition filed Feb. 13, 2014 by Olympic Seafood AS, EP Patent Application No. EP0871891016.

Brzustowicz, Michael R., et al., "Controlling Membrane Cholesterol Content. A Role for Polyunsaturated (Docosahexaenoate) Phospholipids," Biochemistry (2002), 41, pp. 12509-12519.

Jong-Ho Lee, "A Review: Antioxygenic and Peroxide-decomposing Activities of Antarctic Krill Lipids," J. Korean Soc. Food Mutr. 13(3) pp. 326-333 (1984).

Ki Woong Cho, et al., "Lipid and Fatty Acid Composition of the Antarctic Krill *Euphausia superba*," Ocean Research 21(2): 109-116 (1999).

Hvattum, Erlend, et al., "Effect of soybean oil and fish oil on individual molecular species of Atlantic salmon . . . ", Journal of Chromatography B, 748 (2000) 137-149.

Igarashi, Daisuke, et al., "Positional Distribution of DHA and EPA in Phosphatidylcholine and Phosphatidylethanolamine from Different Tissues of Squids," J. Oleo Sci. vol. 50, No. 9 (2001).

Tochizawa, Kaoru, et al., "Effects of Phospholipds Containing Docosahexaenoic Acid on Differentiation and Growth of HL-60 Human Promyelocytic Leukemia Cells," J. Jpn. Oil Chem. Soc. vol. 46, No. 4 (1997).

Zerouga, Mustapha, et al., "Comparison of phosphatidylcholines containing one or two docosahexaenoic acyl chains on properties of phospholipid monolayers and bilayers," Biochimica et Biophysica Acta 1236 (1995) 266-272.

Eung-Ho Lee, et al., "Studies on the Processing of Krill Sauce," J. Korean Soc. Food Nutr. 13(1) 97-106 (1984).

Hyun-Ku Kim, et al., "Effects of Cooking and Drying Methods on the Polar Lipds Composition of Shrimp," Korean J. Food Sci. Technol. vol. 21, No. 1, pp. 25-30 (1989).

Shon, Mi-Yae, et al., "Effects of Krill and Cadmium on Lipid Composition of Plasma in Cholesterol-Fed Rats," J. Korean Soc. Food Nutr. 23(1), 38-43 (1994).

Summons Materials downloaded from ESPACE on Dec. 16, 2014 for EP Patent Application No. 08 718 910.6.

\* cited by examiner



# DOCKET

# Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

# **Real-Time Litigation Alerts**



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

### **Advanced Docket Research**



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## **Analytics At Your Fingertips**



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

#### API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

#### **LAW FIRMS**

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

#### **FINANCIAL INSTITUTIONS**

Litigation and bankruptcy checks for companies and debtors.

### **E-DISCOVERY AND LEGAL VENDORS**

Sync your system to PACER to automate legal marketing.

