



RIMFROST

PRESSE RELEASE

Rimfrost successfully petitions the U.S. Patent Office to Reconsider the Validity of Aker Krill Oil Patents.

Rimfrost AS, a Norwegian biotechnology company which supplies its RIMFROST Sublime krill oil to the world's food supplement markets, announced today that the U.S. Patent & Trademark Office issued four (4) decisions finding that a reasonable likelihood exists that every claim of two (2) patents owned to Aker Biomarine Antarctic AS are unpatentable.

"We are gratified that the U.S. Patent Office has instituted Inter Partes Review proceedings of the Aker patents," says Rimfrost owner Stig Remøy. "It confirms Rimfrost's longstanding belief that the Aker patents are not valid and should have never been issued in the first place.

The two (2) patents were asserted against Rimfrost by Aker in a lawsuit brought in the District Court of Delaware and in an action before the U.S. International Trade Commission (ITC). Aker withdrew its complaint in the ITC and that proceeding was dismissed in May 2017.

In both proceedings, Aker maintained that Rimfrost's process for extracting oil from krill and the resulting RIMFROST krill oil infringed various Aker patents. In response to Aker's allegations, Rimfrost asserted that the Aker patents are not valid, and also filed four (4) petitions with the U.S. Patent & Trademark Office's Patent Trial and Appeal Board asking the Patent Office to initiate proceedings to invalidate the two (2) Aker patents.

On August 16th, the Patent Trial and Appeal Board agreed with Rimfrost, and issued four (4) separate decisions ruling that Rimfrost had established a "reasonable likelihood" that each of the thirty-nine (39) claims recited in both challenged Aker patents "are unpatentable."

Remøy emphasizes that "the arguments presented by Rimfrost, and agreed with by the Patent Trial and Appeal Board, are not the only reasons the Aker patents are invalid and unenforceable. Rimfrost intends to vigorously pursue other challenges to the validity and enforceability of the Aker patents in the appropriate U.S. Courts and the U.S. Patent Office."

Counsel for Rimfrost also points out that as a result of the U.S. Patent Office instituting the Inter Partes Review proceedings in the Patent Office, Aker must now establish patentability before the Patent Trial and Appeal Board without the statutory presumption of validity provided by the U.S. Patent Statute. Moreover, the Federal District Court can be made aware that the Patent Trial and Appeal Board initially believes a reasonable likelihood exists that every claim of the challenged Aker patents is not patentable.

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For more information, contact:

Stig Remøy, Owner

RIMFROST

+47 916 19 124