

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG BIOEPIS CO., LTD. and BIOCON BIOLOGICS INC.,
Petitioner,

v.

REGENERON PHARMACEUTICALS, INC.,
Patent Owner.

Patent No. 10,888,601

Inter Partes Review No. IPR2023-00739¹

**MOTION TO FILE CONFIDENTIAL DOCUMENTS UNDER
SEAL PURSUANT TO 37 C.F.R. §§ 42.14 AND 42.54**

¹ IPR2024-00201 has been joined with IPR2023-00739.

Pursuant to 35 U.S.C. § 316(a)(1) and 37 C.F.R. §§ 42.14 and 42.54, Patent Owner Regeneron Pharmaceuticals, Inc. moves to seal the following exhibits and references to confidential information within these exhibits in the Patent Owner Response:

Exhibit	Description
2043	Portions of the Expert Declaration of Richard Manning, PhD and Attachments C-1 through Y-4
2071	Vestrum, Anti-VEGF Category Sales Shares, c. 2/2022
2072	Regeneron, Eylea Gross & Net Sales P&L YTD, c.2021
2073	Regeneron, Eylea Sales Summary, c.2020
2078	Regeneron, “Q4 2020 Performance Update Wet AMD, DME, MEfRVO & DR w/out DME,” 1/29/2021
2082	American Society of Retina Specialists, “2009 Preferences and Trends Membership Survey,” c. 2009
2083	Regeneron, “DME Market Assessment,” 8/2014
2084	American Society of Retina Specialists, “2015 Preferences and Trends (PAT) Survey,” c. 2015
2085	American Society of Retina Specialists, “2016 Preferences and Trends (PAT) Survey,” c. 2016
2120	Regeneron, “US Eylea P&L LTD,” 12/2021
2124	Regeneron, “Wave 1 2021 Performance Update Wet AMD, DME, MEfRVO, and DR w/out DME,” 9/2021
2143	Regeneron, “DME Market Assessment, Benchmark Wave,” 11/8/2013
2144	Regeneron, “DME Market Assessment Q1 2017,” 5/2017
2145	Regeneron, “DME Market Assessment Wave 3, Q3 2014
2146	Regeneron, “DME Market Assessment Q4 2014,” 1/2015
2147	Regeneron, “DME Market Assessment Q1 2015,” 4/2015

Exhibit	Description
2148	Regeneron, "DME Market Assessment Q2 2015," 8/2015
2149	Regeneron, "DME Market Assessment Q3 2015," 11/2015
2150	Regeneron, "DME Market Assessment Q4 2015," 2/2016
2151	Regeneron, "DME Market Assessment Q1 2016," 4/2016
2152	Regeneron, "DME Market Assessment Q2 2016," 8/2016
2153	Regeneron, "DME Market Assessment Q3 2016," 10/2016
2154	Regeneron, "DME Market Assessment Q4 2016," 1/2017
2155	Regeneron, "DME Market Assessment Q2 2017," 7/2017
2156	Regeneron, "DME Market Assessment Q3 2017," 10/2017
2157	Regeneron, "DME Market Assessment Q4 2017," 2/2018
2158	Regeneron, "DME Market Assessment Q1 2018," 5/2018
2159	Regeneron, "DME Market Assessment Q2 2018," 7/2018
2160	Regeneron, "Q3 2018 Performance Update Wet AMD, DME, & MEfRVO," 11/2018
2162	Regeneron, "Q1 2019 Performance Update Wet AMD, DME, & MEfRVO," 5/2019
2163	Regeneron, "Q2 2019 Performance Update Wet AMD, DME, MEfRVO & DR w/out DME," 8/2019
2164	Regeneron, "Q3 2019 Performance Update Wet AMD, DME, MEfRVO & DR w/out DME," 11/2019
2165	Regeneron, "Q4 2019 Performance Update Wet AMD, DME, & MEfRVO," 1/2020
2166	Regeneron, "Q1 2020 Performance Update Wet AMD, DME, MEfRVO & DR w/out DME," 4/2020
2167	Regeneron, "Q2 2020 Performance Update Wet AMD, DME, MEfRVO & DR w/out DME," 7/2020

Exhibit	Description
2168	Regeneron, “Q3 2020 Performance Update Wet AMD, DME, MEfRVO & DR w/out DME,” 11/2020

I. DOCUMENTS TO BE SEALED AND REASONS FOR SEALING

The standard governing the Board’s determination of whether to grant a motion to seal is “good cause.” *Arctic Cat, Inc. v. Polaris Indus. Inc.*, No. IPR2017-00433, 2018 WL 1145910, at *1 (P.T.A.B. Feb. 27, 2018) (quoting 37 C.F.R. § 42.54). “The moving party bears the burden of showing that the relief requested should be granted, and establishing that information sought to be sealed is confidential information.” *Askeladden LLC v. Verify Smart Corp.*, No. IPR2017-00726, 2017 WL 4763581, at *1 (P.T.A.B. Oct. 18, 2017).

The documents, exhibits, and portions of exhibits that Patent Owner seeks to file under seal meet the “good cause” standard. In each instance, the material is either the confidential information of a third party, or else contains confidential business information or confidential analyses that could cause competitive harm to Patent Owner were it to be disclosed publicly. Pursuant to Paragraph 5(A)(ii) of the Board’s default protective order, redacted copies of the Patent Owner Response, Manning Declaration, and certain exhibits are being filed publicly.

A. Briefing and Expert Declaration Including or Describing Confidential Information

The Patent Owner Response relies on Exhibit 2043, which is the Expert Declaration of Richard Manning, PhD (“Manning Declaration”). Dr. Manning is

an expert economist retained by Patent Owner who opines on commercial success. Dr. Manning relies on Patent Owner's confidential information in his declaration, and the confidential exhibits described below. Attachments C-1 through Y-4 contain either confidential information from the exhibits below or confidential non-public analyses. Patent Owner moves to seal the specific portions of the Patent Owner Response and Manning Declaration that reveal this confidential information.

B. Confidential Commercial and Financial Documents of Patent Owner

Exhibits 2072, 2073, 2078, 2083, 2120, 2124, 2143-2160, 2162-2168 contain confidential financial and sales information or confidential analyses. The information contained in these exhibits is not publicly available and would cause competitive harm to Patent Owner if disclosed on the public docket. Public release of these documents could benefit Patent Owner's competitors and would therefore cause competitive harm to Patent Owner.

C. Other Confidential Commercial and Financial Documents

Exhibit 2071 contains confidential financial information that is compiled and provided by third party data provider, Vestrum Health ("Vestrum"). These documents include data analysis related to Patent Owner's activities in connection with Eylea®. The information contained in these exhibits is not publicly available and would cause competitive harm to Patent Owner and Vestrum if disclosed on

the public docket.

Exhibits 2082, 2084 and 2085 contain confidential information obtained from the American Society of Retina Specialists (ASRS). These documents include compiled survey information from ASRS member retina specialists. Only members of ASRS have access to this information and the documents themselves include restrictions on their publication. The information contained in these exhibits is not publicly available and may cause competitive harm if disclosed on the public docket.

II. PROTECTIVE ORDER

Regeneron filed an unopposed Motion for Protective Order requesting entry of the Board's default protective order, Ex.2026, on January 17, 2024. *See* Paper 26. The Protective Order was entered on January 24, 2024. *See* Paper 29.

III. CERTIFICATION

Pursuant to 37 CFR § 42.54, Patent Owner certifies that it has conferred with Petitioner regarding this motion to seal. Petitioner does not object to the motion.

Dated: January 26, 2024

Respectfully submitted,

By /Adam R. Brausa/
Adam R. Brausa, Reg. No. 60,287
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105
Tel: (415) 268-6053
ABrausa@mofo.com

Counsel for Patent Owner

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached MOTION TO FILE CONFIDENTIAL DOCUMENTS UNDER SEAL PURSUANT TO 37 C.F.R. §§ 42.14 AND 42.54 was served as of the below date on the Petitioners via e-mail (by agreement) to the following counsel of record:

Raymond N. Nimrod (Reg. No. 31,987)
Matthew A. Traupman (Reg. No. 50,832)
Elliot Choi (*pro hac vice* to be applied for)
Zachariah Summers (*pro hac vice* to be applied for)
Sarah Cork (*pro hac vice* to be applied for)
Landon Andrew Smith (Reg. No. 79,248)
QUINN EMANUEL URQUHART
& SULLIVAN, LLP
51 Madison Ave., 22nd Floor
New York, NY 10010
General Tel: (212) 849-7000
Direct Tel: (212) 849-7322
Fax: (212) 849-7100
raynimrod@quinnemanuel.com
matthewtraupman@quinnemanuel.com
elliotchoi@quinnemanuel.com
zachsommers@quinnemanuel.com
landonsmith@quinnemanuel.com
qe-samsungbioepis@quinnemanuel.com

Paul J. Molino (Reg. No. 45,350)
William A. Rakoczy (*pro hac vice* to be filed)
Deanne M. Mazzochi (Reg. No. 50,158)
Heinz J. Salmen (*pro hac vice* to be filed)
Jeff A. Marx (Reg. No. 56,977)
Eric R. Hunt (*pro hac vice* to be filed)
Neil B. McLaughlin (Reg. No. 70,810)
Lauren M. Lesko (*pro hac vice* to be filed)

L. Scott Beall (Reg. No. 52,601)
Thomas H. Ehrich (Reg. No. 67,122)
Steven J. Birkos (Reg. No. 65,300)
Jake R. Ritthamel (*pro hac vice* to be filed)
Rakoczy Molino Mazzochi Siwik LLP
6 West Hubbard Street
Chicago, IL 60654
[MYL REG IPR@rmmslegal.com](mailto:MYL_REG_IPR@rmmslegal.com)

Dated: January 26, 2024

/Adam R. Brausa/
Adam R. Brausa, Reg. No. 60,287