

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

IN RE: AFLIBERCEPT PATENT LITIGATION

MDL No.: 1:24-md-3103-TSK

**THIS DOCUMENT RELATES TO
ALL CASES**

**RESPONSE OF PLAINTIFF REGENERON PHARMACEUTICALS, INC. TO
DEFENDANTS' MOTION FOR STATUS CONFERENCE**

Regeneron Pharmaceuticals, Inc. hereby responds to the motion for a status conference filed by Defendants Celltrion, Inc., Samsung Bioepis Co., Ltd., Formycon AG, and Amgen, Inc. ECF No. 334. Defendants Biocon Biologics Inc. and Mylan Pharmaceuticals Inc. joined in the motion. ECF No. 337.

Defendants request a status conference for the purpose of discussing scheduling concerns. Regeneron stands ready to discuss the appropriate scheduling of this litigation at the Court's convenience, and does not oppose a status conference should the Court convene one. Although Defendants did not include a proposed schedule with their motion, Regeneron will seek to meet and confer with Defendants to crystallize scheduling disputes ahead of any conference date.

Regeneron also wishes to advise the Court of a few issues that will affect the schedule. First, the Patent Office has granted Regeneron additional patents since Regeneron served its list of patents pursuant to the BPCIA, 42 U.S.C. § 262(l)(3)(A), on each of Mylan/Biocon, Celltrion, Samsung, Formycon, and Amgen during their respective Patent Dances over the past two years. Regeneron duly notified each Defendant of these newly-issued and infringed patents under 42 U.S.C. § 262(l)(7) and will soon file amended complaints to include these later-granted patents. Accordingly, Regeneron respectfully submits that an appropriate schedule should account for these

new claims and associated discovery. Second, Regeneron sued Sandoz in connection with its proposed Eylea biosimilar in the District of New Jersey. The Judicial Panel on Multidistrict Litigation transferred the case to this Court, and it is now part of this MDL. ECF No. 331. Sandoz did not join the other Defendants' request for a status conference. Regeneron respectfully submits that, for the sake of efficiency, any status conference should include Sandoz, the sixth Defendant in this MDL.

DATE: September 27, 2024

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that on September 27, 2024, a true and correct copy of the foregoing was served on all counsel of record via the Court's CM/ECF system.

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