

Subject: In re Aflibercept Patent Litigation - Case No. 24-md-3101 / 23-cv-89, 24-cv-53, 23-cv-89, 23-cv-97, 23-cv-106
Sent: 8/9/2024, 2:23:08 PM
From: Louis Fogel<fogel@fr.com>
To: Shannon Gibson
Cc: Eylea@wc.com; Eylea.Biosimilars@weil.com; dberl@wc.com; REGENERONPATENT@lists.kelloggghansen.com; sruby@cdkrlaw.com; drpogue@cdkrlaw.com; wrakoczy@rmmslegal.com; M710 Team; Gordon Copland; Jamie O'Brien; Jake R. Ritthamel; Neil B. McLaughlin; sruby@cdkrlaw.com; drpogue@cdkrlaw.com; Ray Nimrod; Laura Fairneny; QE - Samsung Bioepis; Louis Fogel; SERVICE - Formycon Team; Robert Cerwinski; mgottlieb@hfdrlaw.com; Mike Cottler; hsealey@hfdrlaw.com; mhissam@hfdrlaw.com; arobey@hfdrlaw.com; dschwaber@hfdrlaw.com; WFG-aflibercept@willkie.com; Aviv Zalcenstein; MGB-Amgen-ABP938; ABP938; Kaitlyn McKitrick; Mary Anne Sturba; Heather R Malkowski; John R. Labbe
Attachments: [2024-08-09 Celltrion Formycon Samsung Bioepis Updated Proposed Case Management Order.pdf](#)

[EXTERNAL EMAIL from fogel@fr.com]



Dear Ms. Gibson,

I write as Liaison Counsel for Formycon on behalf of Formycon, Celltrion, and Samsung Bioepis (“the FCS Defendants”) in the above-captioned *In re Aflibercept* litigation.

On May 10, pursuant to the Court’s first pretrial order, the FCS Defendants, as well as Mylan, Amgen, and Regeneron, submitted their respective proposed schedules. Since then, the earliest dates for deadlines proposed in the FCS Defendants’ proposed schedule have already passed. Therefore, to aid the Court as it considers an appropriate schedule for these matters, the FCS Defendants have updated the proposed dates in their earlier proposed schedule with the revised deadlines set to begin on August 20, 2024, after the preliminary injunction hearing concerning Amgen. That updated schedule is attached here.

Defendants appreciate the Court’s consideration of the parties’ proposed schedules and stand ready to do what is necessary to help move this matter forward without delay. Given that the Court has cleared the preliminary injunction matters pertaining to the FCS Defendants and is poised to do the same for Amgen, the proceedings are ripe for their next stages. Counsel on behalf of the FCS Defendants plan to be present at the hearing on August 13 and will be happy to discuss any issues the Court might find helpful in entering a scheduling order for these matters.

I have copied counsel for Regeneron, Amgen, Samsung Bioepis, Formycon, Celltrion, Mylan, and Biocon on this email.

Sincerely,

Louis Fogel

Louis E Fogel :: Principal :: Fish & Richardson P.C.

847 772 7652 mobile :: fogel@fr.com

[fr.com](#) :: [Bio](#) :: [LinkedIn](#)

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ATTACHMENT

Event	FCS Defendants' Proposed Deadline
Regeneron to reduce number of patents asserted against each defendant (excluding Mylan) to no more than eight, at least six of which must be common to all non-Mylan defendants, and reduce total number of claims asserted against each non-Mylan defendant to no more than 40	August 20, 2024
Exchange of proposed claim terms for construction	September 26, 2024
Exchange of proposed constructions and intrinsic support	October 10, 2024
Submission of joint claim construction chart	October 24, 2024
Opening <i>Markman</i> briefs	November 14, 2024
Responsive <i>Markman</i> briefs	December 12, 2024
<i>Markman</i> hearing	Week of January 20, 2025, subject to the Court's availability
Substantial completion of document production	January 9, 2025
Deadline to amend pleadings	January 16, 2025
Close of fact discovery	February 13, 2025
Regeneron to narrow total number of claims asserted against each non-Mylan defendant to no more than 20 claims from no more than four patents, at least three patents and 15 claims must be common to all non-Mylan defendants	February 18, 2025
Opening expert reports on issues for which the party bears the burden	March 13, 2025
Responsive expert reports	April 10, 2025
Reply expert reports	May 1, 2025
Close of expert discovery	May 23, 2025
Regeneron to narrow total number of claims asserted against each non-Mylan defendant to no more than 10 from no more than three patents, at least two patents and six claims must be common to all non-Mylan defendants	May 29, 2025
Motions for summary judgment (if any)	June 12, 2025
Motions <i>in limine</i> and <i>Daubert</i> motions	June 12, 2025
Proposed Joint Pretrial Order	June 26, 2025