

Exhibit K

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GENZYME CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 24-882 (RGA)
	)	
SAREPTA THERAPEUTICS, INC. and	)	
SAREPTA THERAPEUTICS THREE, LLC,	)	
	)	
Defendants.	)	

**SAREPTA THERAPEUTICS, INC. AND SAREPTA THERAPEUTICS
THREE, LLC’S OBJECTIONS AND RESPONSES TO PLAINTIFF
GENZYME CORPORATION’S FIRST SET OF INTERROGATORIES (NOS. 1-10)**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the District of Delaware, Defendants Sarepta Therapeutics, Inc. and Sarepta Therapeutics Three, LLC (collectively, “Defendants” or “Sarepta”) hereby respond and object to the First Set of Interrogatories to Defendants by Plaintiff Genzyme Corporation (“Plaintiff” or “Genzyme”) as set forth below.

GENERAL OBJECTIONS

Sarepta’s responses to Plaintiff’s First Set of Interrogatories are made subject to and without waiver of any applicable objections. Sarepta incorporates each of the following General Objections into its responses to each of Plaintiff’s interrogatories, whether or not expressly referred to in each response.

1. Sarepta objects to these interrogatories to the extent they seek to impose a duty upon Sarepta beyond those set forth in the Federal Rules of Civil Procedure or the Local Rules of the United States District Court for the District of Delaware.

2. Sarepta objects to these interrogatories to the extent they seek documents or information protected by the attorney-client privilege, attorney work product doctrine, or another privilege, immunity, or protection afforded by law.

3. Sarepta objects to these interrogatories to the extent that they are overly broad, unduly burdensome, oppressive, seek the production of information that is not relevant to any claim or defense, and are not proportional to the needs of the case.

4. Sarepta objects to these interrogatories to the extent they are vague or ambiguous.

5. Sarepta objects to these interrogatories to the extent they purport to assign meaning to words or terms different from their plain and ordinary meaning without expressly defining such words or terms.

6. Sarepta objects to these interrogatories to the extent they seek information already in Plaintiff's possession or to which Plaintiff has equal or greater access, information that is publicly available, and/or information that can be obtained through other means of discovery that are more convenient, less burdensome, or less expensive.

7. Sarepta objects to these interrogatories to the extent they are duplicative.

8. Sarepta objects to these interrogatories to the extent they seek information that is not in Sarepta's possession, custody, or control.

9. Sarepta objects to these interrogatories to the extent they seek information subject to confidentiality agreements, protective orders, or any other legal obligation pursuant to which Sarepta is required to protect or maintain the confidentiality of any third-party's documents or information. Inadvertent disclosure of any confidential information shall not operate as a waiver of any applicable confidentiality protections or obligations.

10. Sarepta objects to these interrogatories to the extent they seek patient-specific information that is subject to privacy laws and/or confidentiality agreements, including but not limited to, health information protected under state or federal privacy laws that Sarepta is required to maintain in confidence under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”).

11. Sarepta objects to these interrogatories to the extent they could be construed to seek information protected by any foreign, federal, state, or local privacy laws, including, but not limited, to the extent they could be construed to seek employment records.

12. Sarepta objects to these interrogatories to the extent they seek information created after the date of filing the Complaint, purport to cover an unlimited time period, and/or are unbounded in time.

13. Sarepta objects to these interrogatories to they extent they seek to impose a duty beyond those set forth in the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the District of Delaware, the Default Standard for Discovery, Including Discovery of Electronically Stored Information, and 35 U.S.C. § 286.

14. Sarepta objects to these interrogatories to the extent they prematurely purport to limit Sarepta’s contentions of law or fact before the deadlines set by the Scheduling Order (D.I. 31), the Local Rules, or any other rules or orders governing discovery in this litigation. Sarepta will comply with the Scheduling Order, the Local Rules, and any other rules, orders, or agreements of the parties with respect to discovery deadlines.

15. Sarepta reserves the right to supplement its responses, objections, or production if Sarepta identifies additional documents or information called for by these interrogatories.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Sarepta objects to the definition of “Sarepta Therapeutics, Inc.” to the extent it purports to include any entity other than Sarepta Therapeutics, Inc. Plaintiff’s definition of “Sarepta Therapeutics, Inc.” is overly broad, unduly burdensome, seeks the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, and seeks information that is not within Sarepta’s possession, custody, or control, including to the extent it purports to include “affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any of other legal entities, whether foreign or domestic, that are owned or controlled by Sarepta Therapeutics, Inc. or that own or control Sarepta Therapeutics, Inc., as well as all predecessors and successors in interest to such entities, and includes all officers, directors, current and former employees, counsel, agents, consultants, representatives, or any other persons acting on behalf of any of the foregoing.”

2. Sarepta objects to the definition of “Sarepta Therapeutics Three, LLC” to the extent it purports to include any entity other than Sarepta Therapeutics Three, LLC. Plaintiff’s definition of “Sarepta Therapeutics Three, LLC” is overly broad, unduly burdensome, seeks the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, and seeks information that is not within Sarepta’s possession, custody, or control, including to the extent it purports to include “affiliates, parents, divisions, joint ventures, licensees, franchisees, assigns, predecessors and successors in interest, and any of other legal entities, whether foreign or domestic, that are owned or controlled by Sarepta Therapeutics Three, LLC or that own or control Sarepta Therapeutics Three, LLC, as well as all predecessors and successors in interest to such entities, and includes all officers, directors, current and former employees, counsel, agents, consultants, representatives, or any other persons acting on behalf of any of the foregoing.”

3. Sarepta objects to the definitions of “Your,” “Your,” “Defendants,” “Defendants’,” “Sarepta,” or “Sarepta’s” as overly broad, unduly burdensome, and seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, including to the extent they purport to include any entities other than Sarepta Therapeutics, Inc. and Sarepta Therapeutics Three, LLC.

4. Sarepta objects to the definition of “Asserted Patent(s)” as vague and ambiguous to the extent it is not limited to the ’542 and ’721 patents and purports to include “any other patent Plaintiff asserts in this Litigation.” To the extent Plaintiff’s interrogatories are directed to any particular patent or application, Plaintiff should name that patent or application specifically in the interrogatory. To the extent that Plaintiff purports to include unspecified, additional patents within the scope of any interrogatory, Sarepta reserves all objections including, but not limited to, with respect to improper sub-parts.

5. Sarepta objects to the definition of “Asserted Claims(s)” as vague and ambiguous to the extent it is not limited to claims of the ’542 and ’721 patents and purports to include claims that “may be amended and supplemented from time to time as set forth in” Genzyme’s Default Standard ¶ 4.c. disclosures that are due on April 16, 2025 per D.I. 31. To the extent that Plaintiff purports to include unspecified, additional claims within the scope of any interrogatory, Sarepta reserves all objections including, but not limited to, with respect to improper sub-parts.

6. Sarepta objects to the definitions of “Related Entity” or “Related Entities” as overly broad, unduly burdensome, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, and seeking information that is not within Sarepta’s possession, custody, or control, including to the extent they purport to include “any parents, predecessors, subsidiaries, joint ventures, and other affiliated entities of

Sarepta Therapeutics, Inc. and/or Sarepta Therapeutics Three, LLC.” Sarepta further objects to the definitions of “Related Entity” or “Related Entities” as vague and ambiguous with respect to “joint ventures, and other affiliated entities.”

7. Sarepta objects to the definition of “Elevidys®” as overly broad, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, vague, and ambiguous with respect to “all related and supplemental BLAs.” Sarepta will interpret “Elevidys®” to mean the product that is the subject of BLA No. 125781.

8. Sarepta objects to the definition of “Elevidys® BLA” as overly broad, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, vague, and ambiguous with respect to “all related and supplemental BLAs.” Sarepta will interpret “Elevidys® BLA” to mean BLA No. 125781.

9. Sarepta objects to the definitions of “produce,” “produced,” “production,” “manufacture,” “manufactured,” “manufacturing,” “manufacturing process,” and “manufacturing processes” overly broad, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, vague, and ambiguous with respect to “the process of making” an Elevidys® product.

10. Sarepta objects to the definition of “identify” and “describe” with respect to a person to the extent that it seeks information protected by any foreign, federal, state, or local privacy laws. Sarepta further objects to the definitions of “identify” and “describe” as overly broad, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case to the extent it seeks information concerning dates and places of employment and general duties. Sarepta further objects to the definitions of “identify”

and “describe” “as used in connection with a person” as vague, ambiguous, and inconsistent with Plaintiff’s definition of “Person.”

11. Sarepta objects to the definitions of “identify” and “describe” with respect to a “company, corporation, association, partnership, joint venture, or other business or legal entity other than a natural person,” as overly broad, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case to the extent it includes the “address of the principal place of business, state of incorporation, the location of any divisions, branches, or offices that are connected with or handled the matters referred to in the request or interrogatory, and the identity of the person acting or purporting to act on behalf of the business entity in connection with the matters referred to in the request or interrogatory.”

12. Sarepta objects to the definitions of “identify” and “describe” as used in connection with an oral statement as overly broad, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case to the extent it seeks the “date and present location of said writing or mechanical or other recording” if the statement was memorialized.

13. Sarepta objects to the definitions of “identify” and “describe” as used in connection with “an act, event, or course of conduct” as overly broad, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, vague, and ambiguous with respect to “complete description.”

14. Sarepta objects to the definitions of “communication” as overly broad, unduly burdensome, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, vague, and ambiguous, including to the extent it includes “every manner and means” of “statement, utterance, notation, disclaimer, transfer or

exchange of information of any nature whatsoever,” “whether oral or written or whether face-to-face, by telephone, mail, personal delivery or otherwise, including, but not limited to, letters, correspondence, conversations, memoranda, dialogue, discussions, meetings, interviews, consultations, agreements and other understandings.”

15. Sarepta objects to the definition of “concerning” and/or “relating to” as overly broad, unduly burdensome, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, vague, and ambiguous. Sarepta will interpret “concerning” as “referring to, describing, evidencing, or constituting.”

16. Sarepta objects to the definition of “considered” as overly broad, unduly burdensome, seeking the production of information that is not relevant to any claim or defense and not proportional to the needs of the case, vague, and ambiguous, including to the extent it includes “viewed, consulted, checked, referenced, confirmed, referred to.”

17. Sarepta objects to Instruction No. 2 on the grounds that it seeks to impose a duty upon Sarepta beyond those set forth in the Federal Rules of Civil Procedure or the Local Rules of the United States District Court for the District of Delaware.

18. Sarepta objects to Instruction No. 3 to the extent it seeks to impose a duty upon Sarepta beyond those set forth in the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the District of Delaware, or the Default Standard for Discovery, Including Discovery of Electronically Stored Information.

19. Sarepta objects to Instruction No. 4 to the extent it seek to impose a duty upon Sarepta beyond those set forth in the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the District of Delaware, or the Default Standard for Discovery, Including Discovery of Electronically Stored Information. Documents withheld from production

on the basis of privilege will be logged in accordance with the Court's Scheduling Order and/or any subsequent order or agreement of the parties.

20. Sarepta objects to Instruction No. 5 to the extent it seeks to impose a duty upon Sarepta beyond those set forth in the Federal Rules of Civil Procedure, the Local Rules of the United States District Court for the District of Delaware, or the Default Standard for Discovery, Including Discovery of Electronically Stored Information.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Describe in detail the complete legal and factual basis for any contention by You that Elevidys® and Your commercial manufacture and sale of Elevidys® has not infringed, is not infringing, and/or will not infringe any Asserted Claim of the Asserted Patents.

The detailed description should include, on a claim-by-claim basis, the identity of each claim limitation You contend is not met, either literally or under the doctrine of equivalents; the identity of all facts on which You base each such contention; the identity of each Person with knowledge of those facts and the knowledge You believe each such Person has; and the identity of each Document on which You base each such contention.

RESPONSE TO INTERROGATORY NO. 1:

Sarepta objects to this Interrogatory to the extent that it seeks information that is protected from discovery by the attorney client privilege, the work product doctrine and/or any other privilege or protection. Sarepta further objects to this Interrogatory as overly broad and unduly burdensome. Sarepta further objects to this Interrogatory as vague and ambiguous with respect to "complete legal and factual basis." Sarepta further objects to this Interrogatory as premature on the grounds that Plaintiff has not yet provided its Infringement Contentions, which are due on April 16, 2025 pursuant to the Scheduling Order (D.I. 31), and to the extent that it is dependent upon claim construction, the schedule for which is also set forth in the Scheduling Order. Sarepta further objects to this Interrogatory as premature to the extent that it seeks information that is properly the subject of expert discovery. Sarepta further objects to this

Interrogatory as containing multiple discrete sub-parts. Sarepta further objects to this Interrogatory to the extent that it calls for legal conclusions. Sarepta further objects to this Interrogatory to the extent that it seeks to impose burdens on Sarepta beyond those required by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Delaware. Sarepta further states that discovery recently commenced and is ongoing, and Sarepta will provide its non-infringement contentions according to the deadlines set under the Scheduling Order, and pursuant to the requirements under the Local Rules, and the Federal Rules of Civil Procedure. Sarepta reserves the right to supplement and/or amend this response, including, but not limited to, after Plaintiff discloses its Infringement Contentions, and/or after claim construction.

INTERROGATORY NO. 2:

Describe in detail the complete basis for Your contention that the Asserted Patents are invalid. The detailed description should include the identity of each statutory provision on which You rely and all facts on which You base the contention that the Asserted Patents are invalid under that provision; the identity of each person with knowledge of those facts and the knowledge You believe each such person has; and the identity of each Document on which You base each such contention.

For any contention that the Asserted Patents are anticipated or obvious over the Prior Art, the detailed description should also include the identity of each piece of Prior Art on which You rely; a claim-by-claim description of the basis for Your contention that the claim is anticipated or obvious in light of that Prior Art; and the identity of all facts on which You base the contention that each item of Prior Art on which You rely qualifies as Prior Art under 35 U.S.C. §§ 102 or 103.

The detailed description should also identify the level of education, training, specialty, and experience of the person having ordinary skill in the art for the subject matter described and claimed in the Asserted Patents.

RESPONSE TO INTERROGATORY NO. 2:

Sarepta objects to this Interrogatory to the extent that it seeks information that is protected from discovery by the attorney client privilege, the work product doctrine and/or any other privilege or protection. Sarepta further objects to this Interrogatory as overly broad and unduly burdensome. Sarepta further objects to this Interrogatory as vague and ambiguous with

respect to “the complete basis.” Sarepta further objects to this Interrogatory as premature on the grounds that Sarepta’s Initial Invalidity Contentions are not due until May 16, 2025 pursuant to the Scheduling Order (D.I. 31), and to the extent that it is dependent upon claim construction, the schedule for which is also set forth in the Scheduling Order. Sarepta further objects to this Interrogatory as premature to the extent that it seeks information that is properly the subject of expert discovery. Sarepta further objects to this Interrogatory as containing multiple discrete sub-parts. Sarepta further objects to this Interrogatory to the extent that it calls for legal conclusions. Sarepta further objects to this Interrogatory to the extent that it seeks to impose burdens on Sarepta beyond those required by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Delaware. Sarepta further states that discovery recently commenced and is ongoing, and Sarepta will provide its Initial Invalidity Contentions according to the deadlines set under the Scheduling Order, and pursuant to the requirements under the Local Rules, and the Federal Rules of Civil Procedure. Sarepta reserves the right to supplement and/or amend this response, including, but not limited to, after the due date for the Initial Invalidity Contentions and/or after claim construction.

Further answering, Sarepta states that it will comply with the Scheduling Order, which sets a May 16, 2025 due date for Sarepta’s Initial Invalidity Contentions under Default Standard

¶ 4.d.

INTERROGATORY NO. 3:

For each month since the commercial launch of Elevidys® in the United States, identify Defendants’ actual and forecasted sales through the life of each Asserted Patent by stating the number of prescriptions written for Elevidys® in the United States, the number of patients treated with Elevidys® in the United States, the number of units of Elevidys® sold (on a state-by-state basis), the number of patients treated with Elevidys® in the United States, the amount (in dollars) of sales of Elevidys® in the United States, and the amount of Sarepta’s profits from sales of Elevidys® in the United States, and identify the amount of sales and profits attributable to sales after June 22, 2023.

RESPONSE TO INTERROGATORY NO. 3:

Sarepta objects to this Interrogatory as overly broad and unduly burdensome, and seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case with respect to "the number of prescriptions written for Elevidys® in the United States," "the number of patients treated with Elevidys® in the United States," "the number of units of Elevidys® sold (on a state-by-state basis)," and "the number of patients treated with Elevidys® in the United States." Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, and seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case, and vague and ambiguous with respect to "commercial launch," "actual and forecasted sales," "life," "profits," and "profits attributable to sales." Sarepta further objects to this Interrogatory as seeking information that is not in Sarepta's possession, custody, or control. Sarepta further objects to this Interrogatory as seeking information subject to confidentiality agreements pursuant to which Sarepta is required to protect or maintain the confidentiality of a third-party's documents or information. Sarepta further objects to this Request to the extent that it seeks documents or information that is publicly available, and/or information that can be obtained through other means of discovery that are more convenient, less burdensome, or less expensive. Sarepta further objects to this Interrogatory as containing multiple discrete sub-parts. Sarepta further objects to this Interrogatory to the extent that it seeks to impose burdens on Sarepta beyond those required by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Delaware.

Subject to and without waiver of the foregoing general and specific objections, Sarepta states, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, that information

concerning Sarepta's revenue attributable to sales of Elevidys® made in the U.S. can be derived from documents that have been or will be produced in discovery, and the burden of deriving the answer will be substantially the same on Plaintiff as on Sarepta.

INTERROGATORY NO. 4:

Describe in detail all agreements entered into between and among any of the Defendants, any Related Entity, or any third party related to the manufacturing, sales, distribution, importation, or exportation of Elevidys®.

RESPONSE TO INTERROGATORY NO. 4:

Sarepta objects to this Interrogatory as overly broad and unduly burdensome, and seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case to the extent it seeks information concerning agreements "related to the sales, distribution, importation, or exportation of Elevidys®." Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, and seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case, and vague and ambiguous with respect to agreements "related to" the manufacturing, sales, distribution, importation, or exportation of Elevidys®. Sarepta further objects to this Interrogatory as seeking information subject to confidentiality agreements pursuant to which Sarepta is required to protect or maintain the confidentiality of a third-party's documents or information. Sarepta further objects to this Interrogatory to the extent that it seeks to impose burdens on Sarepta beyond those required by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Delaware.

Subject to and without waiver of the foregoing general and specific objections, Sarepta states, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, that information concerning agreements about the manufacture of Elevidys® can be derived from documents that

have been or will be produced in discovery, and the burden of deriving the answer will be substantially the same on Plaintiff as on Sarepta.

INTERROGATORY NO. 5:

Identify the Persons most knowledgeable about any Communication with Federal Food and Drug Administration (“FDA”) or any other regulatory agency related to Elevidys®, including but not limited to the preparation, filing, and prosecution of the Elevidys® BLA.

Describe in detail the involvement, role, or contribution of each such Person, and Identify all Documents, Things, and Communications related to each such Person’s involvement, role, or contribution.

RESPONSE TO INTERROGATORY NO. 5:

Sarepta objects to this Interrogatory to the extent that it seeks information that is protected from discovery by the attorney client privilege, the work product doctrine and/or any other privilege or protection. Sarepta further objects to this Interrogatory as vague and ambiguous with respect to “most knowledgeable,” and “related to.” Sarepta also objects to this Interrogatory as vague and ambiguous with respect to “Federal” Food and Drug Administration. Sarepta further objects to this Interrogatory as seeking information that is not relevant to any parties’ claims or defenses and not proportional to the needs of the case to the extent that it seeks information unrelated to the formulation of Sarepta’s Elevidys® product. Sarepta further objects to this Interrogatory as seeking information that is not relevant to any parties’ claims or defenses, not proportional to the needs of the case, vague and ambiguous to the extent that it seeks a detailed description of the “involvement, role, or contribution” of each person and the identification of “all” Documents, Things, and Communications “related to” each such Person’s “involvement, role, or contribution.” Sarepta further objects to this Interrogatory as containing multiple discrete sub-parts. Sarepta further objects to this Interrogatory to the extent that it seeks to impose burdens on Sarepta beyond those required by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Delaware.

Subject to and without waiver of the foregoing general and specific objections, Sarepta states that Meghan Brown, Vice President of Global Regulatory Strategy at Sarepta Therapeutics, is a person with knowledge of Sarepta's communications with FDA concerning the Chemistry, Manufacturing, and Controls (CMC) section of BLA No. 125781. Further answering, Sarepta states, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, that information responsive to this Interrogatory can be derived from documents that have been or will be produced in discovery, and the burden of deriving the answer will be substantially the same on Plaintiff as on Sarepta.

INTERROGATORY NO. 6:

Separately for each of the Asserted Patents, describe in detail the circumstances in which each Defendant first became aware of each of the Asserted Patents (or any patent application that later issued as one of the Asserted Patents), including, at minimum: how and when each Defendant first became aware of each of the Asserted Patents; the Person(s) so aware; any actions You took as a result of that awareness, including any freedom to operate analysis conducted; and any Documents or facts showing or reflecting each Defendant's belief of infringement or validity of each of the Asserted Patents from the time each Defendant first became aware of each of the Asserted Patents through trial in this action, including any opinions of counsel You obtained and/or the conclusions of any freedom to operate analysis conducted.

Your answer should identify by production number any Documents that concern, support, or refute Your answer.

RESPONSE TO INTERROGATORY NO. 6:

Sarepta objects to this Interrogatory to the extent that it seeks information that is protected from discovery by the attorney client privilege, the work product doctrine and/or any other privilege or protection. Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, and seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case to the extent that it seeks information concerning any "patent application that later issued as one of the Asserted Patents." Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case

to the extent that it asks Sarepta to describe “in detail” “the circumstances.” Sarepta also objects to this Interrogatory as overly broad, unduly burdensome, not proportional to the needs of the case, and seeking to impose duties on Sarepta beyond those set forth in the Federal Rules of Civil Procedure or the Local Rules of the United States District Court for the District of Delaware, and the orders of this Court to the extent it seeks identification of “any” Documents or facts “showing or reflecting each Defendant’s belief of infringement or validity of each of the Asserted Patents” “from the time each Defendant first became aware of each of the Asserted Patents through trial in this action.” Sarepta also objects to this Interrogatory as overly broad, unduly burdensome, not proportional to the needs of the case, vague, ambiguous, and seeking to impose duties on Sarepta beyond those set forth in the Federal Rules of Civil Procedure or the Local Rules of the United States District Court for the District of Delaware, and the orders of this Court to the extent it seeks identification of “any” Documents that “concern, support, or refute” Sarepta’s answer. Sarepta further objects to this Interrogatory as vague and ambiguous with respect to “circumstances,” “first became aware,” “showing or reflecting,” “freedom to operate analysis,” and “belief of infringement or validity.” Sarepta further objects to this Interrogatory as containing multiple discrete sub-parts. Sarepta further objects to this Interrogatory to the extent that it calls for legal conclusions. Sarepta further objects to this Interrogatory to the extent that it seeks to impose burdens on Sarepta beyond those required by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Delaware.

Subject to and without waiver of the foregoing general and specific objections, Sarepta states, based on Sarepta’s investigation to-date and facts currently known to it, that on or around August 22, 2023 Sarepta became aware of an August 18, 2023 Memorandum Opinion in District

of Delaware Civil Action No. 21-1736-RGA (D.I. 263) concerning the construction of certain claims terms in six patents, including U.S. Patent No. 9,051,542.

Sarepta further states, based on Sarepta's investigation to-date and facts currently known to it, that Sarepta became aware of U.S. Patent No. 7,704,721 on July 26, 2024, the filing date of the initial complaint in this case.

INTERROGATORY NO. 7:

Identify, including by Bates number, all patent license agreements that You contend provide terms comparable to those upon which You would have licensed the Asserted Patents.

RESPONSE TO INTERROGATORY NO. 7:

Sarepta objects to this Interrogatory to the extent that it seeks information that is protected from discovery by the attorney client privilege, the work product doctrine and/or any other privilege or protection. Sarepta further objects to this Interrogatory as vague and ambiguous with respect to "terms comparable." Sarepta further objects to this Interrogatory as seeking information subject to confidentiality agreements pursuant to which Sarepta is required to protect or maintain the confidentiality of a third-party's documents or information. Sarepta further objects to this Interrogatory as premature to the extent that it seeks information that is properly the subject of expert discovery. Sarepta further objects to this Interrogatory to the extent that it calls for legal conclusions. Sarepta further objects to this Interrogatory to the extent that it seeks to impose burdens on Sarepta beyond those required by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Delaware.

INTERROGATORY NO. 8:

Identify the Persons most knowledgeable about any manufacture, research, development, testing, and analysis of Elevidys® and/or any other delandistrogene moxeparvovec-rokl formulation considered, evaluated, or tested by Defendants during the course of the development of Elevidys®, including a detailed description of the involvement, duration of involvement, role, or contribution of each such Person, and an identification of all Documents, Things, and Communications related thereto.

RESPONSE TO INTERROGATORY NO. 8:

Sarepta objects to this Interrogatory to the extent that it seeks information that is protected from discovery by the attorney client privilege, the work product doctrine and/or any other privilege or protection. Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, and seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case to the extent that it seeks information unrelated to the formulation of Sarepta's Elevidys® product. Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, and seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case to the extent that it seeks information concerning "any" "manufacture, research, development, testing, and analysis" of Elevidys® and/or "any other delandistrogene moxeparvovec-rokl formulation." Sarepta further objects to this Request as vague and ambiguous with respect to "most knowledgeable," "testing, and analysis," and "considered, evaluated, or tested." Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case, vague, and ambiguous with respect to "detailed" description of "involvement," "role," and "contribution." Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case, vague, and ambiguous to the extent it seeks identification of "all" Documents, Things, and Communications "related" thereto. Sarepta further objects to this Interrogatory as seeking information subject to confidentiality agreements pursuant to which Sarepta is required to protect or maintain the confidentiality of a third-party's documents or information. Sarepta further objects to this Interrogatory as containing multiple discrete sub-

parts. Sarepta further objects to this Interrogatory to the extent that it seeks to impose burdens on Sarepta beyond those required by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Delaware.

Subject to and without waiver of the foregoing general and specific objections, Sarepta states, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, that information concerning manufacture, research, development, testing, and analysis of the formulation of Sarepta's Elevidys® product can be derived from documents that have been or will be produced in discovery, and the burden of deriving the answer will be substantially the same on Plaintiff as on Sarepta.

INTERROGATORY NO. 9:

Describe in detail the bases for Your contentions regarding the amount of damages owed to Genzyme, including (a) the damages amount for past infringement and future infringement; (b) the methodology of calculating damages (e.g., reasonably royalty or some other measure); (c) the nature and amount of the royalty base (including all products and acts that comprise the royalty base); (d) the date(s) of the hypothetical negotiation that should be used for evaluating a reasonable royalty; (e) the nature of and basis for any alleged apportionment methodology for calculating damages; (f) the royalty rate for calculating damages in the form of a reasonable royalty, including Your position on each of the factors set forth in *Georgia-Pacific Corp. v. U.S. Plywood Corp.*, 318 F. Supp 1116, 1120 (S.D.N.Y. 1970); (g) any license agreements, cross-licenses, settlement agreements, covenants-not-to-sue, other agreements, license proposals, offers to license, or negotiations that You contend may be relevant to the calculation of damages; and identify the Persons most knowledgeable about the facts supporting Your contentions.

RESPONSE TO INTERROGATORY NO. 9:

Sarepta objects to this Interrogatory to the extent that it seeks information that is protected from discovery by the attorney client privilege, the work product doctrine and/or any other privilege or protection. Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, and seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case, case, including to the extent that it identification of "all products and acts." Sarepta further objects to this Interrogatory as vague

and ambiguous with respect to “bases,” “nature,” “products and acts,” “most knowledgeable,” and “facts supporting.” Sarepta further objects to this Interrogatory as seeking information that is not in Sarepta’s possession, custody, or control. Sarepta further objects to this Interrogatory as seeking information subject to confidentiality agreements pursuant to which Sarepta is required to protect or maintain the confidentiality of a third-party’s documents or information. Sarepta further objects to this Interrogatory as premature to the extent that it seeks information that is properly the subject of expert discovery. Sarepta further objects to this Interrogatory as containing multiple discrete sub-parts. Sarepta further objects to this Interrogatory to the extent that it calls for legal conclusions. Sarepta further objects to this Interrogatory to the extent that it seeks to impose burdens on Sarepta beyond those required by the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Delaware.

Subject to and without waiver of the foregoing general and specific objections, Sarepta states that no damages are owed to Genzyme. Further responding, if the Asserted Patents are found to be valid and infringed, any damages should be no more than necessary to compensate Genzyme for any infringement. As an initial matter, Plaintiff bears the burden of proving damages. *See Lucent Techs., Inc. v. Gateway, Inc.*, 580 F.3d 1301, 1324 (Fed. Cir. 2009). Any award of damages for patent infringement is compensatory: “[u]pon finding for the claimant the court shall award the claimant damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer, together with interest and costs as fixed by the court.” 35 U.S.C. § 284. “[T]he purpose of compensatory damages is not to punish the infringer, but to make the patentee whole.” *See Pall Corp. v. Micron Separations, Inc.*, 66 F.3d 1211, 1223 (Fed. Cir. 1995). Further, it is improper to base damages on the entire value of a product if the patented feature is merely one of many elements

of the product. *See, e.g., LaserDynamics, Inc. v. Quanta Computer, Inc.*, 694 F.3d 51, 68 (Fed. Cir. 2012); *Lucent Techs.*, 580 F.3d at 1332. It is also improper for a patentee to charge royalties for use of the patented invention after the patent term has expired. *See Brulotte v. Thys Co.*, 379 U.S. 29 (1964); *see also Kimble v. Marvel Entertainment, LLC.*, 576 U.S. 446 (2016).

Sarepta reserves the right to supplement and/or amend this response, including, but not limited to, after such time as Plaintiff discloses its damages contentions.

INTERROGATORY NO. 10:

Identify and describe in detail how and to whom You advertise, promote, or market Elevidys®, or functions or features thereof, including the identity and role of the Persons most knowledgeable about Your advertising, promotion, and marketing of Elevidys®.

RESPONSE TO INTERROGATORY NO. 10:

Sarepta objects to this Interrogatory as seeking information that is not relevant to any claim or defense and not proportional to the needs of the case. Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, and seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case to the extent that it seeks description "in detail" of "how" and "to whom" Sarepta advertises, promotes, or markets Elevidys®. Sarepta further objects to this Interrogatory as overly broad and unduly burdensome, and seeking information that is not relevant to any parties' claims or defenses and not proportional to the needs of the case to the extent that it seeks information unrelated to the formulation of Sarepta's Elevidys® product. Sarepta further objects to this Interrogatory as vague and ambiguous with respect to describe "in detail," "advertise, promote, or market," "functions or features," "role," and "most knowledgeable." Sarepta further objects to this Interrogatory as containing multiple discrete sub-parts. Sarepta further objects to this Interrogatory to the extent that it seeks to impose burdens on Sarepta beyond those required by

the Federal Rules of Civil Procedure and/or the Local Rules of the United States District Court for the District of Delaware.

Subject to and without waiver of the foregoing general and specific objections, Sarepta states that Kerry Siracusa, Senior Director of Marketing at Sarepta Therapeutics, Inc. is a person with knowledge of ELEVIDYS® marketing. Further answering, Sarepta states, pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, that information concerning ELEVIDYS® marketing can be derived from documents that have been or will be produced in discovery, and the burden of deriving the answer will be substantially the same on Plaintiff as on Sarepta.

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April 4, 2025

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2025, copies of the foregoing were caused to be served upon the following in the manner indicated:

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