

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GENZYME CORPORATION	)	
	)	
Plaintiff,	)	C.A. No. 24-0882 (RGA)
	)	
v.	)	JURY TRIAL DEMANDED
	)	
SAREPTA THERAPEUTICS, INC. and	)	
SAREPTA THERAPEUTICS THREE,	)	
LLC,	)	
	)	
Defendants.	)	
	)	
	)	

**PLAINTIFF’S INITIAL CLAIM CHARTS ON INFRINGEMENT PURSUANT TO
PARAGRAPH 4(C) OF THE DEFAULT STANDARD FOR DISCOVERY**

Pursuant to Paragraph 4(c) of the Default Standard for Discovery, Including Discovery of Electronically Stored Information, Plaintiff Genzyme Corporation (collectively, “Genzyme” or “Plaintiff”) provide this Initial Claim Chart on Infringement by Defendants Sarepta Therapeutics, Inc. and Sarepta Therapeutics Three, LLC (collectively, “Sarepta” or “Defendants”) of U.S. Patent Nos. 7,704,721 (the “’721 patent”) and 9,051,542 (the “’542 patent”) by Sarepta’s Elevidys® (delandistrogene moxeparvovec-rokl) gene therapy product.

Disclosures Under Paragraph 4(c) of the Default Standard for Discovery

Sarepta’s Elevidys® product (BLA No. 125781) (delandistrogene moxeparvovec-rokl) is a onetime recombinant adeno-associated virus (“rAAV”) gene therapy intended to treat individuals at least four years of age with Duchenne Muscular Dystrophy (“DMD”). Elevidys® is an adeno-associated virus-based gene therapy product that delivers a copy of a human micro-dystrophin transgene into target muscle tissues, resulting in the expression micro-dystrophin protein, thus

treating DMD.

Sarepta's commercial manufacture, importation, use, offer to sell, or sale of Elevidys[®] infringes, either literally or under the doctrine of equivalents, at least claims 1, 6, and 7 of the '721 patent, and claims 3, 5, and 6 of the '542 patent ("Asserted Claims") under 35 U.S.C. § 271(a). To the extent that Sarepta outsources or contracts with any other third-parties for the manufacturing, development, and/or quality control of Elevidys[®], Sarepta will infringe, literally or under the doctrine of equivalents, the Asserted Claims of the '721 patent under 35 U.S.C. § 271(b). Sarepta also had knowledge of the '542 patent at least as early as August 22, 2023, and the '721 patent at least as early as July 26, 2024, and is willfully infringing the Asserted Claims.

Further details on how Sarepta's manufacturing of Elevidys[®] infringes or will infringe each of the Asserted Claims of the '721 patent and '542 patent are provided in the Initial Claim Charts attached as Exhibit A and Exhibit B. Because additional discovery is ongoing at this time, and the Court has not yet made any claim construction determination, Plaintiff makes this Initial Claim Chart based on information presently known to Plaintiff.

Accordingly, Plaintiff reserve the right to supplement and/or amend, the Asserted Claims and this Initial Claim Chart based on additional information discovered during this litigation, including documents produced by Sarepta during this litigation. In particular, Plaintiff reserves the right to rely on fact deposition testimony and exhibits entered in such depositions, in support of their contentions that Sarepta's Elevidys[®] (delandistrogene moxeparvovec-rokl) gene therapy product and methods related thereto infringe or will infringe each of the Asserted Claims of the '721 patent and '542 patent, and to supplement and/or amend these disclosures in view of such discovery. Plaintiff further reserves the right to supplement and/or amend these disclosures based on expert discovery in this case. Plaintiff will submit expert reports in accordance with the

scheduling order regarding Sarepta's infringement of the '721 patent and '542 patent. Such expert disclosures may include further evidence of Sarepta's infringement. Plaintiff incorporates its forthcoming expert reports as if fully set forth herein. In addition, the Court has not yet entered a claim construction order in this case. Plaintiff further reserves the right to supplement and/or amend these disclosures based on a claim construction order entered by the Court, if necessary. Plaintiff further reserves the right to supplement and/or amend these disclosures based on any testing that may be performed.

Dated: April 16, 2025

WILKS LAW, LLC

/s/ David E. Wilks

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