

From: [Megan Chacon](#)
To: [Trask, Andrew](#); [PGR46514-0017PS1](#); [Martina Hufnal](#)
Cc: [Berl, David](#); [Eylea](#)
Subject: RE: Alvotech v. Regeneron, PGR2025-00085 – Discovery
Date: Tuesday, June 9, 2026 3:14:41 PM

Counsel,

We do not agree that Patent Owner's requests for routine discovery, a privilege log, or *in camera* are warranted.

Communications between an expert and counsel in preparing a report are protected by attorney work product privileged under FRCP 26(b)(3)(A) and (B). All of the facts and opinions relied on by Petitioner's experts are set out in their respective expert declarations. Both experts testified that they spoke to each other to understand the other's opinions and those opinions are set out in their expert declarations. Dr. D'Amico also testified, consistent with his declaration materials considered, that he reviewed Dr. Falconer's declaration in full in advance of signing his declaration. (*See, e.g.*, Depo. Page 54).

There is no requirement, and we are aware of no authority, suggesting that communications attorneys and experts in preparation of expert declarations in post-grant proceedings before the Board must be logged, and we note that the Board has generally limited the submission of privilege logs to non-routine matters, such as sanction issues, potential disqualification issues, and disqualifying real-party-in-interest issues. Patent Owner's request for *in camera* production is not appropriate absent a Board order; it does not fall under either rule for supplemental evidence or supplemental information (which requires Board authorization in any event).

Regarding the timing of the conversation between Drs. Falconer and D'Amico, Petitioner confirms that Drs. Falconer and D'Amico spoke via video conference on September 16, 2025 at 8:30 AM Eastern Time. There is a typographical error in Dr. D'Amico's declaration referencing the date of that conversation, which Petitioner will correct in the record at its next opportunity. Dr. Falconer's declaration correctly states the date of that conversation.

Regarding the signing of the declarations, both Drs. Falconer and D'Amico signed their respective declarations on September 17, 2025, as reflected on the signature pages.

We trust this resolves Patent Owner's concerns. If Patent Owner disagrees, the parties can present their respective positions to the Board.

Best regards,
Megan

Megan A. Chacon

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From: Trask, Andrew

Sent: Monday, June 08, 2026 7:37 PM

To: PGR46514-0017PS1 ; Martina Hufnal ; Megan Chacon

Cc: dberl@wc.com; Eylea@wc.com

Subject: Alvotech v. Regeneron, PGR2025-00085 – Discovery

[This email originated outside of F&R.]

Counsel for Petitioner:

Patent Owner is now in receipt of the final deposition transcripts of Petitioner's declarants, Dr. D'Amico and Dr. Falconer, which confirm the need for routine and/or additional discovery. Please confirm by 4:00 p.m. Eastern Time tomorrow (June 9, 2026) whether Petitioner will produce the following by 4:00 p.m. Eastern Time on Friday (June 12, 2026):

- Documents, including emails, calendar invitations, and attachments thereto, reflecting the date, time, and/or substance of any communication between Dr. D'Amico and Dr. Falconer;
- Documents, including emails, calendar invitations, and attachments thereto, reflecting the communication of the substance of Dr. D'Amico's opinions to Dr. Falconer or the substance of Dr. Falconer's opinions to Dr. D'Amico; and
- Documents, including emails, calendar invitations, and attachments thereto, reflecting the date, time, and location of the signing of Dr. Falconer's declaration and the signing of Dr. D'Amico's declaration.

To the extent Petitioner claims a document in an above category is protected from disclosure by any privilege, Patent Owner requests that each such document be entered in a privilege log provided to Patent Owner and that the underlying documents be produced in-camera to the Board.

If Petitioner does not agree to production and/or logging of the materials identified above, please provide Petitioner's position in a format that may be inserted into an email to the Board no later than 4:00 p.m. Eastern tomorrow.

Best,

Andrew

Andrew Trask | Williams & Connolly LLP | 202-434-5023 | atrask@wc.com

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