

# Weil, Gotshal & Manges LLP

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May 14, 2021

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400 South Hope Street  
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Re: *Regeneron Pharmaceuticals, Inc. v. Novartis Pharma AG et al.*, 1:20-cv-05502-AJN

Dear Counsel,

I write on behalf of Plaintiff Regeneron Pharmaceuticals, Inc. ("Regeneron") in the above-captioned matter in response to your May 10, 2021 letter (the "May 10 letter").

## **I. Additional Custodian Proposal**

As an initial matter, Novartis's attempts to compare its custodial request for [REDACTED] to Regeneron's request for [REDACTED] is unavailing. [REDACTED]

With that being said, in the spirit of compromise, Regeneron agrees to the proposal provided by Novartis in its May 10 letter with a few questions and conditions. Regeneron is willing to [REDACTED] [REDACTED]. Please advise as to whether [REDACTED],

[REDACTED]

As for Novartis’s other proposed conditions, Regeneron is willing to sign onto a joint stipulation to the Court seeking a one-month extension to the deadline for substantial completion of document productions provided that all parties—including Vetter—also consent to the following:

1. All other remaining deadlines in the case schedule are accordingly extended by one month per the below; and

<b>EVENT</b>	<b>CURRENT DATE</b>	<b>AMENDED DATE</b>
Deadline to Serve Interrogatories	July 1, 2021	August 2, 2021
Deadline for Substantial Completion of Document Productions	July 1, 2021	August 2, 2021
Deadline to Serve Requests for Admission	October 1, 2021	November 1, 2021
Close of Fact Discovery	November 1, 2021	December 2, 2021
Opening Expert Reports Due	December 13, 2021	January 13, 2021
Production of Documents and Data Considered in Experts’ Reports	December 20, 2021	January 20, 2021
Rebuttal Expert reports due	February 7, 2022	March 10, 2022
Production of Documents and Data Considered in Experts’ Reports	February 14, 2022	March 17, 2022
Reply Expert reports due	March 14, 2022	April 14, 2022
Production of Documents and Data Considered in Experts’ Reports	March 21, 2022	April 21, 2022
Close of Expert Discovery	April 14, 2022	May 16, 2022
Summary Judgment/ <i>Daubert</i> Motions Due	May 26, 2022	June 27, 2022
Summary Judgment/ <i>Daubert</i> Oppositions Due	July 7, 2022	August 8, 2022
Summary Judgment/ <i>Daubert</i> Replies Due	August 8, 2022	September 8, 2022

2. All parties confirm that they will not make a “document dump” of productions at or near the substantial completion deadline, and will instead make timely rolling productions.

Regeneron also agrees to an ITC cross-use agreement for both the SDNY and NDNY actions.<sup>1</sup> Regeneron has prepared a proposed ITC cross-use agreement for the SDNY action and will provide it to Defendants under separate cover.

## **II. RFPs Relating to “Related Patents”**

Our understanding is that Novartis has agreed to [REDACTED]

## **III. RFPs to the Present**

Finally, with respect to the RFPs through the present, Novartis [REDACTED]

[REDACTED]  
<sup>3</sup> Accordingly, Regeneron seeks confirmation that Novartis will [REDACTED].

First, Regeneron asked Novartis to confirm that Novartis will [REDACTED]

[REDACTED]  
<sup>5</sup> Similarly, Regeneron asked Novartis to confirm that it will [REDACTED]  
<sup>6</sup> As noted in Regeneron’s April 27, 2021 letter,<sup>7</sup> this is the

<sup>1</sup> Regeneron reiterates, however, that the ITC Protective Order bars Regeneron and Novartis from use of the confidential third-party information produced in the ITC action. Any use of third-party confidential information in the SDNY or NDNY actions will require the consent and/or subpoena of each third party.

<sup>2</sup> McIntyre Letter to Falk (May 10, 2021), at 3.

<sup>3</sup> March 19, 2021 Meet and Confer.

<sup>4</sup> Falk Letter to McIntyre (Apr. 27, 2021), at 2.

<sup>5</sup> See Plaintiff’s First Set of RFPs to the Novartis Defendants (Oct. 8, 2020).

<sup>6</sup> Falk Letter to McIntyre (Apr. 27, 2021), at 2.

<sup>7</sup> See *id.* n.3.

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[REDACTED]

Accordingly, Regeneron’s clarifying requests do not constitute “a brand-new demand,” nor would it add any extra burden on Novartis to collect and produce this information. Further, Novartis’s production of this information would promote parity as Novartis has asked Regeneron to produce the same. As previously stated, provided that Novartis confirm these two points, Regeneron and Novartis have reached agreement regarding the documents and information to be provided through the present.

\* \* \*

We look forward to your response. Regeneron reserves all rights, including to seek relief from the Court.

Sincerely,

/s/ Jessica Falk

Jessica L. Falk

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<sup>8</sup> Regeneron RFP No. 31 requests [REDACTED]