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BY E-MAIL

June 11, 2021

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Re: ***Regeneron Pharmaceuticals, Inc. v. Novartis Pharma AG, et al.***, No. 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 Novartis Pharma AG’s (“Novartis”) June 9, 2021 letter (the “June 9 Letter”).

I. Cross-Use Agreements

In the June 9 Letter, Novartis requested that Regeneron confirm that Regeneron agrees “to make available in the NDNY Action all document and custodial discovery conducted in this action to avoid duplication of the parties’ efforts”¹ as the third condition of Novartis’s additional custodian proposal. Regeneron now confirms agreement to this condition.

Regeneron requests that Vetter promptly consent to the Proposed ITC Cross-Use Agreement for the SDNY action and Proposed Joint Stipulation for filing with the Court.

II. Second Amended Case Schedule

In the June 9 Letter, Novartis characterizes Regeneron’s added privilege log deadlines to the Second Amended Case Schedule and proposed Stipulation and Proposed Order Modifying Case Schedule

¹ June 9 McIntyre Letter at 2.

as an attempt to “inject a new issue into the discussion.”² While Regeneron does not agree with this characterization, Regeneron confirms that Novartis may submit these documents for the Court’s approval. Regeneron requests, however, that Novartis and Vetter promptly engage and start by responding to Regeneron’s May 25, 2021 privilege log proposal,³ as it affects the case schedule and the scheduling of depositions in this case.

III. RFPs to Present

Novartis agreed in the June 9 Letter to “conduct a reasonable search for and produce responsive and non-privileged documents through present” falling into the two categories described in Regeneron’s April 27, 2021 Letter.⁴ Regeneron confirms that Regeneron and Novartis have reached agreement regarding the documents and information to be provided through the present.

IV. Regeneron’s Deposition Proposal

Regeneron is in receipt of Novartis’s position on Regeneron’s deposition proposal.⁵ Regeneron will address this issue in subsequent correspondence.

* * *

Regeneron reserves all rights, including the right to seek relief from the court, regarding all of these matters.

Sincerely,

/s/ Jessica Falk
Jessica L. Falk

² *Id.* at 3.

³ May 25, 2021 Falk Letter at 1-2.

⁴ Apr. 27, 2021 Falk Letter at 2.

⁵ *See* June 9 Letter at 3-4.