

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF WEST VIRGINIA

Regeneron Pharmaceuticals, Inc.

Plaintiff,

VS.

CIVIL ACTION NO.

1:22-cv-61

Mylan Pharmaceuticals, Inc., and
Biocon Biologics,
Defendants.

- - -

Proceedings had in the bench trial of the above-styled
action on June 12, 2023, before Honorable Thomas S. Kleeh
District Judge, at Clarksburg, West Virginia.

- - -

APPEARANCES:

On behalf of the Plaintiff:

David I. Berl
Ellen E. Oberwetter
Kathryn S. Kayali
Williams & Connolly, LLP
680 Maine Avenue, SW
Washington, D.C. 20024
202.434.5000

APPEARANCES CONTINUED ON NEXT PAGE

1 On behalf of the Plaintiff, continued:

2 Steven Robert Ruby
3 Carey, Douglas, Kessler & Ruby, PLLC
4 797 Virginia Street, East, Suite 901
Charleston, WV 25301
304.345.1234

5 Petra Scamborova
6 Regeneron Pharmaceuticals, Inc.
7 777 Old Saw Mill River Road
Tarrytown, NY 10591-6717
914.847.7611

8
9 On behalf of the Defendant:

10 Deanne M. Mazzochi
11 William A. Rakoczy
12 Neil B. McLaughlin
13 Rakoczy, Molino, Mazzochi & Siwik, LLP
6 W. Hubbard Street, Suite 500
Chicago, IL 60654
312.527.2157

14
15 Gordon H. Copland
16 William J. O'Brien
17 Steptoe & Johnson
400 White Oaks Blvd.
Bridgeport, WV 26330
304.933.8162

18
19 Proceedings recorded utilizing realtime translation.
20 Transcript produced by computer-aided transcription.

21
22
23
24
25

1 Monday Morning Session,
2 June 12, 2023, 9:30 a.m.

3 - - -

4 THE COURT: Thank you. Please be seated.

5 Madam Clerk, would you be kind enough to call our
6 next case, please.

7 THE CLERK: Regeneron Pharmaceuticals, Inc., v. Mylan
8 Pharmaceuticals, Inc., Civil Action Number 1:22-cv-161.

9 Will counsel please note your appearance for the
10 record.

11 MR. RUBY: Good morning, Your Honor. Steve Ruby of
12 Carey, Douglas, Kessler & Ruby for plaintiff Regeneron
13 Pharmaceuticals, Inc. With me I have David Berl, Ellen
14 Oberwetter, and Kathryn Kayali from Williams & Connolly in
15 Washington, D.C. And also from Regeneron I have with me Joe
16 LaRosa, who is executive vice president and general counsel;
17 Larry Coury, who is vice president and associate general
18 counsel. I'll note that Mr. Coury is a native of Mercer
19 County.

20 THE COURT: Welcome home, sir.

21 MR. RUBY: His father is a WVU alum and his mother
22 Marshall alum. So we're glad to have him back in West Virginia
23 for a little while.

24 Also Petra Scamborova, James Evans, Andrew Deciare,
25 and Arun Bhoumik, all from Regeneron.

1 THE COURT: Good morning, everyone.

2 Good morning, Counsel.

3 MR. COPLAND: Good morning, Your Honor. This is
4 Gordon Copland, Steptoe & Johnson, appearing on behalf of the
5 defendants Mylan Pharmaceuticals, Inc., and Biocon Biologics,
6 Inc. Also appearing this morning is William O'Brien of
7 Steptoe & Johnson; William Rakoczy and Deanne Mazzochi, both
8 with the Rakoczy Molino Mazzochi & Siwik firm.

9 THE COURT: Good morning, everyone.

10 All right. Here for day one for trial slated to
11 start opening statements, but word was there was a request to
12 seal the courtroom during a portion of plaintiff's opening. Is
13 that correct?

14 MR. COPLAND: That's correct, Your Honor. The
15 motion's not opposed by the plaintiff. We did prepare a brief
16 just in case, which I'll hand up if I may, Your Honor.

17 THE COURT: Sure. Which slides are we talking about?

18 MR. COPLAND: It's 14 through, I believe, 45, but may
19 I double-check that, Your Honor, when I get back to my seat?
20 And there are about 142 slides, maybe a little more. So only
21 the portion between the first slide, which is 14, and the last
22 one that has an issue, 41, would we request sealing. And, of
23 course, that would not apply to anyone already under the
24 protective order, only to third parties present in the
25 courtroom.

1 We do have an agreement that certain counsel for
2 Regeneron may attend even though outside-counsel-eyes-only
3 material will be some of the material, and we just ask that
4 their counsel confirm that they're agreed to be under the
5 protective order pursuant to the parties' prior agreement.

6 THE COURT: Understood.

7 Counsel?

8 MR. RUBY: We agree to that, Your Honor, yes.

9 THE COURT: Understood. And note that we have a
10 spectator or two today. I'll leave it to counsel to police who
11 is permitted to attend -- remain in the courtroom under the
12 Court's protective order and who is not.

13 MR. COPLAND: If Mr. Berl will just give us notice
14 before he hits Slide 14, and we can pause.

15 THE COURT: Understood.

16 A couple housekeeping matters for everyone. There
17 are additional restrooms. Since we've got a bigger crowd than
18 we had for naturalization on Friday, the line will back up
19 quickly here. There are additional restrooms up on the third
20 floor and either the elevator or stairs at the end of the hall
21 will get you there.

22 As folks may have noticed, in addition to our looming
23 asbestos abatement project, some preliminary work is ongoing on
24 the roof of the building. So please continue to refrain from
25 trying to park immediately adjacent to the courthouse, those

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.