

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF WEST VIRGINIA

3 Regeneron Pharmaceuticals, Inc.

4 Plaintiff,

5 VS.

CIVIL ACTION NO.

6 1:22-cv-61

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

9 - - -

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

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13 APPEARANCES:

14 On behalf of the Plaintiff:

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

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 Bhounik, 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

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