

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG BIOEPIS CO., LTD., CELLTRION INC,
and BIOCON BIOLOGICS INC.
Petitioner,

v.

REGENERON PHARMACEUTICALS, INC.
Patent Owner.

Patent No. 11,253,572

Inter Partes Review No. IPR2023-00884¹

AMENDED PROTECTIVE ORDER

¹ IPR2024-00260 and IPR2024-00298 are joined with this proceeding.

AMENDED PROTECTIVE ORDER

This protective order governs the treatment and filing of confidential information, including documents and testimony.

1. Confidential information shall be clearly marked “PROTECTIVE ORDER MATERIAL” or “PROTECTIVE ORDER MATERIAL – OUTSIDE COUNSEL ONLY.”

2. Access to confidential information marked “PROTECTIVE ORDER MATERIAL” is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Parties. Persons who are owners of a patent involved in the proceeding and other persons who are named parties to the proceeding.

(B) Party Representatives. Representatives of record for a party in the proceeding.

(C) Experts. Retained experts of a party in the proceeding who further certify in the Acknowledgement that they are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(D) In-house counsel. In-house counsel of a party.

(E) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(F) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

3. Access to confidential information marked “PROTECTIVE ORDER MATERIAL – OUTSIDE COUNSEL ONLY” is limited to the following individuals who have executed the acknowledgment appended to this order:

(A) Party Representatives. Representatives of record for a party, who have appeared in the proceeding (IPR2023-00884) as of May 31, 2024, who are not also in-house counsel for a party.

(B) Experts. Retained experts of a party in the proceeding who (1) are not current employees of a party, (2) at the time of retention, are not anticipated to become officers, directors, or employees of a Party, and (3) are not a competitor to any party, or a consultant for, or employed by, such a competitor with respect to the subject matter of the proceeding.

(C) Support Personnel. Administrative assistants, clerical staff, court reporters and other support personnel of the foregoing persons who are reasonably necessary to assist those persons in the proceeding shall not be required to sign an Acknowledgement, but shall be informed of the terms and requirements of the Protective Order by the person they are supporting who receives confidential information.

(D) The Office. Employees and representatives of the United States Patent and Trademark Office who have a need for access to the confidential information shall have such access without the requirement to sign an Acknowledgement. Such employees and representatives shall include the Director, members of the Board and their clerical staff, other support personnel, court reporters, and other persons acting on behalf of the Office.

For clarity, the omission of in-house counsel from this list of individuals is intended to preclude in-house counsel for the non-disclosing party from accessing the disclosing party's confidential information; it is not intended to preclude in-

house counsel for a disclosing party from accessing the disclosing party's own confidential information. The "PROTECTIVE ORDER MATERIAL – OUTSIDE COUNSEL ONLY" designation shall be applied only to confidential information that has not been made publicly available and that is competitively sensitive—i.e., if disclosed, could reasonably be used to inform or guide business decisions that would compete with or otherwise harm the designating party.

4. Employees (e.g., corporate officers), consultants, or other persons performing work for a party, other than those persons identified above in Paragraphs 2(A)–(E) and 3(A)-(C), shall be extended access to confidential information only upon agreement of the parties or by order of the Board upon a motion brought by the party seeking to disclose confidential information to that person and after signing the Acknowledgment. The party opposing disclosure to that person shall have the burden of proving that such person should be restricted from access to confidential information.

5. Persons receiving confidential information shall use reasonable efforts to maintain the confidentiality of the information, including:

(A) Maintaining such information in a secure location to which persons not authorized to receive the information shall not have access;

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