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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF WEST VIRGINIA

Regeneron Pharmaceuticals, Inc.

Plaintiff,

VS.

CIVIL ACTION NO.

1:22-cv-61

Mylan Pharmaceuticals, Inc., et al.,

Defendants.

- - -

Proceedings had in the pretrial conference of the above-styled action on May 30, 2023, before Honorable Thomas S. Klee, District Judge, at Clarksburg, West Virginia.

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APPEARANCES:

On behalf of the Plaintiff:

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20 Also attending: from Mylan Pharmaceuticals, Matthew
21 Greinert; from Biocon Biologics, Subhashini Karra.

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

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1 Tuesday Morning Session,
2 May 30, 2023, 10:26 a.m.

3 - - -

4 THE CLERK: Regeneron Pharmaceuticals, Inc.,
5 plaintiff, versus Mylan Pharmaceuticals, Inc., et al.,
6 defendants, Civil Action Number 1:22-CV-61.

7 Will counsel please note your appearance for the
8 record.

9 MR. RUBY: Your Honor, Steve Ruby.

10 THE COURT: Good morning, Mr. Ruby. I didn't realize
11 you were all the way back there.

12 MR. RUBY: Good morning, Your Honor. Steve Ruby for
13 the plaintiff, and joined at counsel table by David Berl, Ellen
14 Oberwetter, Arthur Argall of Williams & Connolly.

15 MR. O'BRIEN: Good morning. William O'Brien for
16 defendant Mylan Pharmaceuticals. With us at counsel table are
17 Deanne Mazzochi, Bill Rakoczy, Neil McLaughlin, Heinz Salmen,
18 Lauren Lesko, and Eric Hunt.

19 MR. HUNT: Excuse me, Your Honor. We also have
20 in-house representatives that would like to be introduced to
21 the Court today. From Mylan Pharmaceuticals, Matthew Greinert;
22 and from Biocon Biologics, Subhashini Karra.

23 MR. RUBY: I neglected to introduce our in-house
24 representative from Regeneron, Petra Scamborova.

25 THE COURT: Anyone else?

1 MR. RUBY: I think that's it, Your Honor.

2 THE COURT: Apologies for being on judge time this
3 morning.

4 We have convened for our pretrial conference. Trial
5 remains scheduled for June 12th, as the parties are quite well
6 aware, I'm sure. A couple developments since I believe the
7 last time we spoke that word is out that we can discuss it for
8 purposes of our record. Our courthouse will be closed starting
9 July 3rd. There's an asbestos abatement project that needs to
10 begin here in Clarksburg; in particular, just on the other side
11 of that wall to counsel's right.

12 We've been assured repeatedly by our landlords at GSA
13 that our air quality tests are fine and nothing is friable and
14 all the rest, but as part of an overall larger project,
15 including replacing the two roofs on this now antique structure
16 of a building, that asbestos needs abated.

17 The abatement, as I mentioned, is scheduled to start
18 the week of the 3rd. We, as in my chambers and this courtroom
19 in particular, have to vacate by June 27th for the mobilization
20 to prepare for that abatement.

21 So we don't have extraneous time available to us from
22 a physical structure. And we kind of need to stay on that
23 schedule, given the contractors and the rest.

24 Presently, the courthouse is closed for 30 days
25 starting July 3rd. When I say "the courthouse," the courthouse

1 will be closed. As I mentioned, my chambers, we're being
2 kicked out that week of the 26th so they can prepare, but the
3 courthouse itself will be closed for at least 30 days starting
4 on July 3rd.

5 GSA assures us they can get it done in less than 30
6 days. Our district's informal polling of our asbestos
7 abatement projects around the country indicate that may be
8 wishful thinking, so we're going to play that by ear. We do
9 anticipate other parts of the courthouse being able to be
10 opened, but our shop, which includes the only suitable
11 courtroom in this building, might be a little behind.

12 I mention that for everyone's general edification to
13 highlight two things: We've got the week of the 12th and the
14 week of the 19th, with the 19th being a holiday, scheduled for
15 trial. I know we need to discuss closing arguments, briefing,
16 and proposed findings of fact and conclusions of law as well.

17 I would anticipate not being in the Clarksburg
18 courthouse for closings. We can talk about where and how we do
19 those. Our docket has been divvied up. Trials during this
20 period where we're going to be displaced, the criminal trials
21 will take place in Wheeling; civil trials in Elkins. There's
22 space in both locations that we can use largely at our need at
23 both courthouses. So we can talk about when and where all of
24 that occurs.

25 Let me start here, given that sort of background.

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