

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

REGENERON PHARMACEUTICALS, INC.,

Plaintiff/Counter-Defendant,

v.

CIVIL NO. 1:22-CV-61
(KLEEH)

MYLAN PHARMACEUTICALS INC.,

Defendant/Counter-Claimant.

ORDER DENYING MOTIONS FOR SUMMARY JUDGMENT [ECF NO. 428, 429]
AND RELATED MOTIONS [ECF NOS. 439, 483, 484]

Pending before the Court are motions for summary judgment filed by both parties. The Court finds that genuine disputes regarding material facts exist in this case, to the extent that summary judgment for either party is inappropriate under Rule 56 of the Federal Rules of Civil Procedure. The parties' motions for summary judgment are **DENIED** [ECF Nos. 428, 429]. As such, Regeneron's amended motion to strike arguments raised in Mylan's reply brief is **DENIED AS MOOT** [ECF No. 484]. Regeneron's original motion to strike is also **DENIED AS MOOT** [ECF No. 483].

Mylan also filed a Rule 56(d) motion to defer and conduct further discovery to adequately oppose summary judgment. Because the Court is denying both motions for summary judgment, the motion to defer is **DENIED AS MOOT** [ECF No. 439].

It is so **ORDERED**.

The Clerk is **DIRECTED** to transmit copies of this Order to

REGENERON V. MYLAN

1:22-CV-61

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AND RELATED MOTIONS [ECF NOS. 439, 483, 484]

counsel of record.

Entered: June 6, 2023

Tom S. Klee

THOMAS S. KLEEH, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA