

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT CLARKSBURG**

REGENERON PHARMACEUTICALS, INC.,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC.,

Defendant.

Case No. 1:22-cv-00061-TSK

**OUTSIDE COUNSEL EYES ONLY**

**FILED UNDER SEAL**

**DEFENDANT MYLAN PHARMACEUTICALS INC.'S MEMORANDUM IN SUPPORT  
OF ITS MOTION FOR SUMMARY JUDGMENT OR PARTIAL SUMMARY  
JUDGMENT ON U.S. PATENT NOS. 11,104,715 (PROCESS PATENT); 11,084,865  
(FORMULATION PATENT); and 10,888,601 & 11,253,572 (DOSING PATENTS)**

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V. MYLAN DOES NOT DIRECTLY INFRINGE THE ‘572 AND ‘601 PATENTS. .... 5

VI. MYLAN DOES NOT INDUCE INFRINGEMENT OF ANY VALID CLAIM OF THE ‘572 PATENT. .... 6

    A. Regeneron lacks proof of direct infringement by a single entity. .... 6

    B. There can be no induced infringement absent a direct infringer. .... 7

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        1. Interchangeability/biosimilarity statements in YESAFILI™’s label are legally insufficient to prove Mylan actively induces. .... 8

        2. No YESAFILI™ label instructions require or encourage doctors or patients to achieve particular visual acuity results, including in comparison to ranibizumab, by the 52-week mark. .... 9

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