

EXHIBIT 6

Griffin, Renee

From: Kayali, Kathryn
Sent: Thursday, February 8, 2024 7:45 PM
To: Zach Summers; Laura Fairney; clt@simmermanlaw.com; fes@simmermanlaw.com; trey@simmermanlaw.com; Matthew Robson; Matthew Traupman; Ray Nimrod; skl@schraderlaw.com
Cc: Eylea; Eylea Biosimilars; QE - Samsung Bioepis
Subject: RE: MDL No. 3103: In re Aflibercept Patent Litigation

Counsel:

Needless to say, we disagree entirely with your posture and rhetoric below. Requesting permission to disclose information is not a “threat” nor does it in any way violate the BPCIA—to the contrary, such requests are explicitly contemplated by statute. While we thoroughly dispute that, for example, an assertion that a public document anticipates or renders obvious a public patent could possibly be confidential, we will abide by your refusal to permit the JPML to view materials relevant to its decision. Accordingly, we will not disclose the contents of Samsung Bioepis’s contentions in our MDL filings or otherwise attach excerpts of those contentions as exhibits. We will inform the JPML that we requested permission to do so and permission was denied. We trust this resolves your concerns.

Best,

Kat

Kathryn S. Kayali
Williams & Connolly LLP
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(P) 202-434-5644 | (F) 202-434-5029
kkayali@wc.com | www.wc.com

From: Zach Summers <zachsummers@quinnemanuel.com>
Sent: Thursday, February 8, 2024 5:11 PM
To: Laura Fairney <laurafairney@quinnemanuel.com>; Kayali, Kathryn <KKayali@wc.com>; clt@simmermanlaw.com; fes@simmermanlaw.com; trey@simmermanlaw.com; Matthew Robson <matthewrobson@quinnemanuel.com>; Matthew Traupman <matthewtraupman@quinnemanuel.com>; Ray Nimrod <raynimrod@quinnemanuel.com>; skl@schraderlaw.com
Cc: Eylea <Eylea@wc.com>; Eylea Biosimilars <Eylea.Biosimilars@weil.com>; QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>
Subject: RE: MDL No. 3103: In re Aflibercept Patent Litigation

Counsel:

We have not received any response from you. Please confirm Regeneron and its counsel have immediately ceased their use of SB’s confidential information for the MDL or any other purpose not permitted by the statute. In particular, please confirm before 8 pm ET today that Regeneron withdraws its threat to use or reference the contents of SB’s 3B contentions in its MDL papers. If Regeneron does not do so, SB intends to seek a TRO from the Court tomorrow morning, pursuant to 42 U.S.C. § 262(l)(1)(H). That provision specifies that injunctive relief is appropriate and necessary for any violation or threatened violation of the confidentiality provisions of the BPCIA, which still govern that material here. See 42 U.S.C. § 262(l)(1)(H) (“[t]he disclosure of any confidential information in violation of this paragraph shall be

deemed to cause the subsection (k) applicant to suffer irreparable harm for which there is no adequate legal remedy and the court shall consider immediate injunctive relief to be an appropriate and necessary remedy for any violation or threatened violation of this paragraph”).

Best,
Zach

From: Laura Fairney <laurafairney@quinnemanuel.com>
Sent: Wednesday, February 7, 2024 9:48 AM
To: Kayali, Kathryn <KKayali@wc.com>; clt@simmermanlaw.com; fes@simmermanlaw.com; trey@simmermanlaw.com;
Matthew Robson <matthewrobson@quinnemanuel.com>; Matthew Traupman
<matthewtraupman@quinnemanuel.com>; Ray Nimrod <raynimrod@quinnemanuel.com>; Zach Summers
<zachsummers@quinnemanuel.com>; skl@schraderlaw.com
Cc: Eylea <Eylea@wc.com>; Eylea Biosimilars <Eylea.Biosimilars@weil.com>; QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>
Subject: RE: MDL No. 3103: In re Aflibercept Patent Litigation

Counsel,

Your email is deeply troubling. As your email notes, SB designated its 3B contentions as confidential pursuant to 42 U.S.C. § 262(l)(1). Section 262(l)(1)(D) provides explicit limitations on the use of SB’s confidential information: “Confidential information shall be used for the **sole and exclusive purpose of determining**, with respect to each patent assigned to or exclusively licensed by the reference product sponsor, **whether a claim of patent infringement could reasonably be asserted** if the subsection (k) applicant engaged in the manufacture, use, offering for sale, sale, or importation into the United States of the biological product that is the subject of the application under subsection (k).” (emphases added). Plainly, Regeneron’s briefing in support of its motion to transfer and centralize its lawsuits against third parties Biocon, Mylan, Celltrion, Formycon and Amgen falls outside the scope of permissible uses of SB’s confidential information. Yet, your email demonstrates that Regeneron already has used SB’s confidential information for the impermissible purpose of preparing its reply brief. SB demands that Regeneron and its counsel immediately cease their use of SB’s confidential information for purposes not permitted by the statute. Any reference to the contents of SB’s 3B contentions in Regeneron’s brief before the JPML would constitute a breach of the statutory use limitations, and in particular your stated intention of attaching or quoting all or part of SB’s 3B contentions in connection with Regeneron’s upcoming reply brief would constitute an egregious violation of statute for which SB will seek immediate relief.

Your email is the latest in a long and ongoing deliberate set of acts by Regeneron and its outside counsel of misusing confidential information produced by aflibercept biosimilar applicants. SB expects Regeneron to immediately take steps to ensure its full compliance with the relevant confidentiality provisions, and SB reserves its right to seek appropriate relief from Regeneron’s repeated and ongoing misuse of confidential information.

Regards,
Laura

From: Kayali, Kathryn <KKayali@wc.com>
Sent: Tuesday, February 6, 2024 11:49 PM
To: clt@simmermanlaw.com; fes@simmermanlaw.com; trey@simmermanlaw.com; Laura Fairney <laurafairney@quinnemanuel.com>; Matthew Robson <matthewrobson@quinnemanuel.com>; Matthew Traupman <matthewtraupman@quinnemanuel.com>; Ray Nimrod <raynimrod@quinnemanuel.com>; Zach Summers <zachsummers@quinnemanuel.com>; skl@schraderlaw.com
Cc: Eylea <Eylea@wc.com>; Eylea Biosimilars <Eylea.Biosimilars@weil.com>

[EXTERNAL EMAIL from kkayali@wc.com]

Counsel,

In your MDL opposition brief, you stated that your defenses differ from the defenses raised by other Defendants (Amgen, Formycon, Celltrion, Mylan and/or Biocon). We therefore assume you reviewed the defenses asserted by other Defendants or otherwise conferred regarding their content. Please confirm that you therefore agree to Regeneron's service of unredacted copies of excerpts of Samsung Bioepis's contentions pursuant to 28 U.S.C. § 262(l)(3)(B) (or information contained therein) on outside counsel for each of the other Defendants, which will be included as part of Regeneron's JPML reply. Any such material will be filed under seal or redacted and not visible to the public. To the extent your position differs as to Samsung Bioepis's infringement contentions and Samsung Bioepis's invalidity contentions, please so specify. In the absence of agreement, we will need to serve outside counsel only with redacted copies of Regeneron's reply.

In the alternative, if your client does not consider its contentions to be confidential, please let us know so that we may dispense with the sealing process.

Best,

Kat

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This message and any attachments are intended only for the addressee and may contain information that is privileged and confidential. If you have received this message in error, please do not read, use, copy, distribute, or disclose the contents of the message and any attachments. Instead, please delete the message and any attachments and notify the sender immediately. Thank you.