

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

REGENERON PHARMACEUTICALS, INC.,

Plaintiff,

v.

CELLTRION INC.,

Defendant.

Judge Thomas S. Kleeh

No. 1:23-cv-89-TSK

**REGENERON PHARMACEUTICALS, INC.'S AMENDED OBJECTIONS AND
RESPONSES TO CELLTRION INC.'S FIRST SET OF REQUESTS FOR THE
PRODUCTION OF DOCUMENTS AND THINGS TO REGENERON (NOS. 1-32)**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 34.01 of the Local Rules of Civil Procedure, Plaintiff Regeneron Pharmaceuticals, Inc. (“Plaintiff” and/or “Regeneron”), by and through its counsel, hereby submits the following amended objections and responses to Defendant Celltrion Inc.’s (“Defendant” and/or “Celltrion”) Requests for the Production of Documents and Things to Regeneron (Nos. 1–32) (“Requests”).

These objections and responses are based on information currently available and without prejudice to Regeneron’s right to produce evidence of any subsequently discovered fact or information, to add, modify, or otherwise change, amend, or supplement its responses as appropriate, or to correct any inadvertent errors, mistakes, or omissions.

GENERAL OBJECTIONS

1. Regeneron incorporates by reference these General Objections into each and every specific response below. A specific response may repeat a General Objection for emphasis or for other reasons. The omission of any General Objection in any specific response to a

Request is not intended to be and should not be construed as a waiver or limitation of any General Objection to that response.

2. Regeneron objects to the Instructions and Definitions to the extent that they seek to impose on Regeneron any requirement or discovery obligation greater or different than those imposed by the Court, the Federal Rules of Civil Procedure, or the Local Rules of the United States District Court for the Northern District of West Virginia (collectively, the “Rules”).

3. Regeneron objects to each Request to the extent that it seeks information (including electronically stored information) or documents that are already in the possession, custody, or control of Defendant or counsel for Defendant, or to the extent that it seeks information or documents that are in the public domain and would be no more burdensome for Defendant to obtain than for Regeneron to obtain. Unless otherwise specifically indicated below, Regeneron will not produce any such information or documents.

4. Regeneron objects to each Request to the extent that it seeks any document or electronically stored information that is not within the possession, custody, or control of Regeneron.

5. Regeneron objects to producing documents in response to any Requests or any parts of Requests relating to patents not currently at issue in the litigation, as set forth in the Court’s Scheduling Order of January 9, 2024 (ECF No. 61). Regeneron only will produce documents in response to Requests or parts of Requests to the extent they relate to the PI Patents currently at issue in this initial phase of the litigation.

6. Regeneron objects to each Request to the extent that it seeks “each” or “any” or “all” documents and electronically stored information responsive to the Request. Such

demands are unduly burdensome and overly broad, and they seek documents and electronically stored information that are not relevant to the claims or defenses of any party nor proportional to the needs of the case. Regeneron will consider as responsive to any Request that seeks documents or things “concerning,” “reflecting,” “regarding,” or “relating” (or similar language) to a designated subject only those documents or things that discuss the subject on their face.

7. In furnishing these objections and responses to these Requests and in producing documents and electronically stored information in response to these Requests, Regeneron does not admit or concede the relevance, materiality, authenticity, or admissibility in evidence of any such Request, document, or electronically stored information. All objections to the use, at trial or otherwise, of any document produced or information provided in response to the Requests are hereby expressly reserved.

8. Regeneron’s statements that it will produce documents in response to a particular Request do not mean that it has any such documents, and its response should not be construed in such a manner.

9. Regeneron objects to each Request to the extent that it uses language incorporating or calling for a legal conclusion or making an erroneous statement of law. By incorporating the need to make a legal conclusion or erroneous statement of law, such Requests are vague and ambiguous. Such Requests also intrude upon the attorney work product protection by seeking an identification of the information that counsel believes satisfies the legal contention. Regeneron’s responses herein shall be as to matters of fact only, and shall not be construed as stating or implying any conclusions of law concerning the matters referenced in any Request or concerning any matter relevant to this litigation.

10. Regeneron objects to each Request to the extent that it prematurely seeks

production of information to be provided during later expert discovery. Regeneron will not prematurely produce documents or information that are to be provided during later expert discovery.

11. Regeneron objects to each Request to the extent that it calls for the production of documents or disclosure of electronically stored information protected by any privilege, including, without limitation, the attorney-client privilege, the work product doctrine, the common interest privilege, or any other available and valid grounds for withholding documents and electronically stored information from production. Regeneron will not produce such privileged documents or information—all Requests have been read to exclude the discovery and/or production of such privileged information and documents, and any indication by Regeneron that it will produce documents or electronically stored information, including in these responses, shall be read to exclude the production of such privileged documents and information. Regeneron objects to any Request that it log communications with litigation counsel retained to handle patent litigation and *inter partes* review and post-grant review proceedings, including counsel at Williams & Connolly, Arnold & Porter, Carey Douglas Kessler & Ruby PLLC, Kellogg, Hansen, Todd, Figel & Frederick: P.L.L.C., Weil, Gotshal & Manges LLP, Morrison Foerster, and Bienert Katzman Littrell Williams LLP. Regeneron objects to Defendant's Instruction No. 7 regarding the logging of withheld documents as imposing on Regeneron a burden of production greater than that provided in the Rules (in accordance with Fed. R. Civ. P. 26(b)(5)). Regeneron will not produce any privilege logs at this time. It is willing to meet and confer with Celltrion regarding the production and form of any logs at an appropriate time.

12. Regeneron objects to each Request to the extent that it seeks information or documents containing private, confidential, secret, trade secret, proprietary, and/or sensitive

business information of Regeneron, its employees, and/or third parties (hereinafter referred to as “Confidential Information”). Regeneron will only disclose Confidential Information, including trade secret, proprietary, personal, commercially sensitive, third-party confidential, or other confidential information, that is responsive, relevant, and not otherwise protected, with the understanding that these documents should be treated on an Outside Counsel’s Eyes Only basis until entry of a protective order in this case, at which time they may be treated according to the protective order and consistent with their confidentiality branding . Regeneron may withhold information or documents on this basis, and Regeneron may redact Confidential Information from documents that it has otherwise agreed to produce. For example, Regeneron will exclude personnel file materials such as evaluations and reviews because those documents lack relevance and reflect sensitive, personal information. Regeneron may, for its sole convenience, produce documents and/or information in response to a Request without agreeing that other, similar documents or information in its possession, custody, or control are responsive and without waiving any objections it may have to the production of such documents or information.

13. Regeneron may, in response to particular Requests, refer to or produce documents from custodians or non-custodial sources located outside the United States. Foreign privacy laws, over which Regeneron has no control, may have a substantial impact on the nature and extent of information or documents that Regeneron can disclose or produce from such sources. Regeneron objects to the Requests to the extent that they call for production of information from any jurisdiction outside that United States that (i) pertains to a specific individual that can be linked to that individual; or (ii) is reasonably believed by Regeneron to contain information about or pertaining to a specific individual that can be linked to that individual and that reveals race, ethnic origin, sexual orientation, political opinions, religious or

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