

# EXHIBIT 4

**From:** [Brett A. Postal](#)  
**To:** [Kayali, Kathryn](#); [Aviv Zalcenstein](#); [Robert Oakes](#); [Laura Fairney](#); [Neil B. McLaughlin](#); [Terri Mascherin](#)  
**Cc:** [Patel, Priyata](#); [Mike Cottler](#); [Shaun Van Horn](#); [John R. Labbe](#); [Argall, Arthur](#); [M710 Team](#); [Jamie.Obrien@steptoe-johnson.com](#); [Gordon.Copland@steptoe-johnson.com](#); [DG-AfIibercept](#); [WFG-afIibercept@willkie.com](#); [mhissam@hfdrlaw.com](#); [Carl Shaffer](#); [Andrew Robey](#); [Max Gottlieb](#); [QE - Samsung Bioepis](#); [skl@schraderlaw.com](#); [clt@simmermanlaw.com](#); [fes@simmermanlaw.com](#); [trey@simmermanlaw.com](#); [SERVICE - Formycon Team](#); [MGB-Amgen-ABP938](#); [ABP938](#); [REGENERONPATENT@lists.kelloggghansen.com](#); [drpogue@cdkrlaw.com](#); [sruby@cdkrlaw.com](#); [Ashley Hardesty Odell](#); [Kaitlyn McKitrick](#); [Eylea.Biosimilars@weil.com](#); [Eylea](#)  
**Subject:** RE: In re afIibercept - May 10 submission m/c  
**Date:** Thursday, June 6, 2024 8:04:57 PM

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Kat:

Thank you for confirming that Regeneron will be producing to Amgen any and all documents you received from the other Defendants on June 5. We interpret your commitment to produce them "on or about Tuesday, June 11, 2024" to mean, at most, one calendar day beyond June 11. We request that you expedite this production to the extent possible, given that you will already be producing these materials after the start of Amgen's response period.

Finally, we continue to disagree with your suggestion that Regeneron's proposed changes to the protective orders are necessary. Throughout this case, Amgen has been open to discussing reasonable and appropriate ways to facilitate access to redacted versions of documents, including sealed court filings. As you know, Amgen proposed a stipulation to that end on June 4, which incorporated revisions endorsed by Formycon, SB, Celltrion, and Biocon.

We note that Formycon, Samsung, and Celltrion have stated they are available to meet and confer on Monday, June 10th, from 10am-12pm. Amgen can also be available between 11:30am and noon ET on Monday June 10th.

Best,  
Brett



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-----Original Message-----

From: Kayali, Kathryn <[KKayali@wc.com](mailto:KKayali@wc.com)>  
Sent: Thursday, June 6, 2024 4:33 PM  
To: Brett A. Postal <[bpostal@rothwellfigg.com](mailto:bpostal@rothwellfigg.com)>; Aviv Zalcenstein <[azalcenstein@geminilaw.com](mailto:azalcenstein@geminilaw.com)>;

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Subject: RE: In re aflibercept - May 10 submission m/c

Brett:

Again, we disagree with your characterizations. Our request that Defendants promptly agree to our proposed changes to the applicable protective orders were intended to accommodate Amgen's demand that Defendants produce to Amgen documents containing Regeneron's confidential information on June 5th. We maintain that those amendments are necessary to avoid further, ad-hoc productions of this nature, and also to ensure that Regeneron has the same ability to utilize information produced across cases as Defendants do. Please provide availability to meet and confer on Monday, June 12 concerning those amendments.

Regardless, we are in receipt of Defendants' redacted documents. We are loading them into our discovery system, will code them for confidentiality (a given document may require different confidentiality designations for Amgen than for other Defendants), stamp them with Bates Nos., and produce them promptly to all Defendants. We therefore anticipate being able to produce them on or about Tuesday, June 11, 2024.

Furthermore, we received the necessary permissions from IQVIA late last night. This authorization will allow us to avoid further redactions to these new documents and will permit us to produce additional financial information to Amgen. Because the financial documents have already been produced to other Defendants and therefore have already been processed for production, we expect to provide them on Friday.

Best,

Kat

Kathryn S. Kayali

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From: Brett A. Postal <[bpostal@rothwellfigg.com](mailto:bpostal@rothwellfigg.com)><<mailto:bpostal@rothwellfigg.com>>>  
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Subject: RE: In re aflibercept - May 10 submission m/c

Kat,

As you are aware, it took several weeks for us to settle on mutually acceptable terms for the stipulated protective order that is now in place. Your demand that Amgen provide a response to an amendment that you proposed after COB on June 4, to which presumably all defendants must agree, is unreasonable and unnecessary. Amgen will consider your proposal, however, that is entirely independent of your obligation to immediately produce to Amgen the documents that defendants produced to Regeneron yesterday. The email below confirms that Celltrion, Formycon, and SB have now served on Regeneron the categories of redacted documents that these defendants agreed to produce on May 30.

Amgen has accommodated Regeneron's purported need to redact IQVIA data from certain documents and Regeneron has not indicated that this cannot be completed within one business day. In fact, your 10pm June 4 email represents that Regeneron could produce the redacted documents while "the parties reach agreement" about amended protective orders. Due to the time sensitivity of these preliminary injunction proceedings, and Regeneron's delay in raising any concern about IQVIA data, Amgen requires confirmation no later than 5pm ET today that you will produce these materials to Amgen today. If Regeneron does not so confirm, Amgen will proceed with seeking relief from the Court.

Accordingly, please confirm no later than 5pm ET today that Regeneron will produce these documents to Amgen today.

Best regards,

Brett

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Brett A. Postal  
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