

EXHIBIT 2

Kayali, Kathryn

From: Patel, Priyata <Priyata.Patel@weil.com>
Sent: Tuesday, June 18, 2024 10:31 AM
To: Robert Oakes; Trask, Andrew; SERVICE - Formycon Team
Cc: Eylea; Eylea Biosimilars; REGENERONPATENT@lists.kellogghansen.com
Subject: RE: Regeneron v. Formycon, 23-cv-97 (NDWVa)
Attachments: Boyle Formycon Decl [Highlighted & Excerpted].pdf; Boyle040524Mini_S1 [Highlighted & Excerpted].pdf; Boyle040524Mini_S2 [Highlighted & Excerpted].pdf; Forrest040324Mini [Highlighted & Excerpted].pdf

Counsel,

It has now been over two months since Regeneron made the below request for redacted copies of Dr. Forrest's deposition transcript and Dr. Boyle's deposition transcripts and declaration. Formycon has failed to comply. Formycon previously contended that it is not required to "parse each line of testimony to determine whether particular questions do or do not implicate confidential information." But Formycon need not "parse" each line of testimony because Regeneron has provided Formycon with a short list of lines from each transcript/declaration that it contends does not contain confidential information. Additionally, Regeneron has now further limited its request to only the documents pertaining to Dr. Boyle and Dr. Forrest (and excluded the transcripts of Dr. Prentice and Dr. Barron). Regeneron's request is therefore narrow and would not be onerous for Formycon. Indeed, Formycon has now provided redactions to a number of documents pursuant to the parties' stipulation regarding redactions, and yet, has failed to respond to Regeneron's request.

By **close of business 6/20**, confirm whether Formycon agrees with Regeneron regarding the non-confidential nature of the below information and, if not, identify which lines Formycon considers confidential or OCEO and provide an explanation supporting its designations.

Boyle Final Tr. 1	22:16-20; 23:11-24:4; 25:18-26:17; 34:12-20; 38:19-39:1; 39:9-41:2; 45:9-15; 46:9-20; 52:16-53:12; 54:17-55:11; 57:14-58:12; 64:3-6; 69:12-70:7; 72:13-19; 84:17-85:3; 88:22-99:2
Boyle Final Tr. 2	191:10-192:5
Forrest Final Tr.	10:18-14:5; 20:9-21:18; 104:21-108:5; 130:5-145:22; 147:5-156:11; 159:1-164:19; 201:8-213:10; 222:7-226:2; 238:5-263:3
Boyle Declaration	¶ 81

Thanks,
 Priya

From: Robert Oakes <RMO@FR.com>
Sent: Monday, April 15, 2024 9:55 PM
To: Patel, Priyata <Priyata.Patel@weil.com>; Trask, Andrew <atrask@wc.com>; SERVICE - Formycon Team <SERVICE-Formycon_Team@fr.com>
Cc: Eylea@wc.com; Eylea Biosimilars <Eylea.Biosimilars@weil.com>; REGENERONPATENT@lists.kellogghansen.com
Subject: RE: Regeneron v. Formycon, 23-cv-97 (NDWVa)

Priya,

As we have explained repeatedly in various correspondence, the deposition transcripts of Formycon’s witnesses are properly designated as either Confidential or Outside Counsel’s Eyes Only under the Protective Order. As Regeneron is well aware, Formycon is not required to parse each line of the confidential transcripts to determine whether particular questions do or do not implicate confidential information. There is no provision in the Protective Order that requires a party to do so, and Regeneron has not even attempted to argue that there is such a requirement. Please cease your repeated attempts to misuse Regeneron’s confidential information. The deposition transcripts of Formycon’s witnesses must be treated in accordance with their confidentiality designations unless and until the Court orders otherwise.

Regards,

Bob

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From: Patel, Priyata <Priyata.Patel@weil.com>
Sent: Saturday, April 13, 2024 3:52 PM
To: Robert Oakes <RMO@FR.com>; Trask, Andrew <atrask@wc.com>; SERVICE - Formycon Team <SERVICE-Formycon_Team@fr.com>
Cc: Eylea@wc.com; Eylea.Biosimilars@weil.com; REGENERONPATENT@lists.kelloggghansen.com
Subject: RE: Regeneron v. Formycon, 23-cv-97 (NDWVa)

Counsel for Formycon,

You have yet again failed to comply with Regeneron’s request. Though we are not obligated to do so, we have provided below a table of citations to information that Regeneron contends does not contain any OCEO information or Formycon confidential information. For ease of reference, we have also attached excerpts of the relevant transcripts containing highlighting that reflects those same citations. **By close of business Monday**, let us know whether Formycon agrees with Regeneron regarding the non-confidential nature of this information and, if not, identify which lines Formycon considers confidential or OCEO and provide an explanation supporting its designations. If Formycon fails to do so by close of business Monday, then Regeneron will understand that the parties are unable to agree upon the status of the information listed below.

Boyle Final Tr. 1	22:16-20; 23:11-24:4; 25:18-26:17; 34:12-20; 38:19-39:1; 39:9-41:2; 45:9-15; 46:9-20; 52:16-53:12; 54:17-55:11; 57:14-58:12; 64:3-6; 69:12-70:7; 72:13-19; 84:17-85:3; 88:22-99:2
Boyle Final Tr. 2	191:10-192:5
Prentice Rough Tr.	9:8-10:16; 40:4-41:12
Barron Rough Tr.	43:21-44:12
Forrest Final Tr.	10:18-14:5; 20:9-21:18; 104:21-108:5; 130:5-145:22; 147:5-156:11; 159:1-164:19; 201:8-213:10; 222:7-226:2; 238:5-263:3
Boyle Declaration	¶ 81 - “Once a protein is degraded, it will not return to its unmodified form. See ¶ 77, <i>supra</i> . Applying that principle, if greater than 2% of the protein is not in native conformation at 0 month, greater than 2% of the protein will not be in native conformation at the 2-month timepoint.”

Sincerely,
Priya

From: Robert Oakes <RMO@FR.com>
Sent: Wednesday, April 10, 2024 10:08 PM
To: Trask, Andrew <atrask@wc.com>; SERVICE - Formycon Team <SERVICE-Formycon_Team@fr.com>
Cc: Eylea@wc.com; Eylea Biosimilars <Eylea.Biosimilars@weil.com>; REGENERONPATENT@lists.kelloggghansen.com
Subject: RE: Regeneron v. Formycon, 23-cv-97 (NDWVa) | Boyle deposition

Andrew,

As we stated below, the "Session 1" Boyle deposition transcript is properly designated as Confidential under the Protective Order. As non-limiting examples, in that portion of the transcript you quoted from a confidential portion of Dr. Boyle's report, and asked Dr. Boyle questions reflective of Formycon's BLA testing. Dr. Boyle's "Session 2" transcript is properly designated as OCEO at least because Regeneron marked Dr. Boyle's declaration, which is designated OCEO, as an exhibit and questioned Dr. Boyle on sections of Formycon's BLA. Regeneron's questioning touched on Formycon confidential information throughout Dr. Boyle's deposition, and we are not required to parse each line of testimony to determine whether particular questions do or do not implicate confidential information. As Regeneron is well aware, the Protective Order contains no such requirement. Regeneron's continued attempts to misuse Formycon confidential information is improper and contrary to the Protective Order.

Regards,

Bob

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From: Trask, Andrew <atrask@wc.com>
Sent: Tuesday, April 09, 2024 1:00 PM
To: Robert Oakes <RMO@FR.com>; SERVICE - Formycon Team <SERVICE-Formycon_Team@fr.com>
Cc: Eylea@wc.com; Eylea.Biosimilars@weil.com; REGENERONPATENT@lists.kelloggghansen.com
Subject: RE: Regeneron v. Formycon, 23-cv-97 (NDWVa) | Boyle deposition

Formycon counsel,

Regeneron requested that you (1) identify any lines of testimony in pages 1-125 of the transcript that you believe contain Formycon's confidential information; (2) identify any lines of testimony from page 126-196 from the transcript that you believe are properly designated OCEO; and (3) provide a time today to confer. Your response does none of those things. Please comply with these requests immediately so that Regeneron may understand and confer with you about your confidentiality designations.

The protective order does not restrict the use of nonconfidential information. Your attempt to delay the resolution of Regeneron's challenge to Formycon's improper confidentiality designations is prejudicial to Regeneron and improperly seeks to shield nonconfidential information from the Court.

Best

Andrew

Andrew Trask | Williams & Connolly LLP | 202-434-5023 | atrask@wc.com

From: Robert Oakes <RMO@FR.com>

Sent: Monday, April 8, 2024 22:08

To: Trask, Andrew <atrask@wc.com>; SERVICE - Formycon Team <SERVICE-Formycon_Team@fr.com>

Cc: Eylea <Eylea@wc.com>; Eylea.Biosimilars@weil.com; REGENERONPATENT@lists.kellogghansen.com

Subject: RE: Regeneron v. Formycon, 23-cv-97 (NDWVa) | Boyle deposition

Andrew,

The "Session 1" transcript from Dr. Boyle's deposition in the Formycon case contains Formycon confidential information. As you are well aware, I designated the deposition transcript confidential at the time you instructed the court reporter to break up the transcript, and noted on the record that, as one basis for that designation, your questioning of Dr. Boyle on his opinions on the data in Formycon's BLA, and reading statements from his declaration, which is marked Outside Counsel's Eyes Only. Tr. at 132:8-133:2. Your statement that "Formycon's counsel never identified any testimony as confidential" is simply untrue. We are not required to pick through all of Dr. Boyle's testimony, the transcript of which we just received this afternoon, and identify each and every instance where confidential information was discussed, and we decline to do so. Your attempt to disregard Formycon's confidentiality designations in order use this information in other cases is transparent and improper. The Protective Order expressly provides that "all Protected Material shall be used solely for this Action." D99, ¶17. "Protected Material may not be used under any circumstances for a related, separate or foreign action or proceeding...or for any other purpose." *Id.* The "Session 1" Boyle transcript is designated as "Confidential" under the Protective Order, the "Session 2" Boyle transcript is designated as "Outside Counsel's Eyes Only" under the Protective Order, and those transcripts must be treated in accordance with those designations unless and until the Court orders otherwise. D99, ¶11.

These confidentiality designations were expressly made on the record at Dr. Boyle's deposition. Tr. at 132:8-133:2, 146:14-147:11. To the extent there is any dispute about that, Formycon hereby designates the "Session 1" Boyle transcript as "Confidential" and the "Session 2" Boyle transcript as "Outside Counsel's Eyes Only" under Paragraph 16 of the Protective Order, which we are able to do within 10 days of receipt of the final transcript, which we received today. D99, ¶16. Note that the court reporter sent revised versions of the Boyle transcripts with corrected confidentiality designations at approximately 5pm ET today, we expect Regeneron to use those corrected versions going forward.

Regards,

Bob

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From: Trask, Andrew <atrask@wc.com>

Sent: Monday, April 08, 2024 3:02 PM

To: Robert Oakes <RMO@FR.com>; SERVICE - Formycon Team <SERVICE-Formycon_Team@fr.com>

Cc: Eylea@wc.com; Eylea.Biosimilars@weil.com; REGENERONPATENT@lists.kellogghansen.com

Subject: RE: Regeneron v. Formycon, 23-cv-97 (NDWVa) | Boyle deposition

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