

Kayali, Kathryn

From: Elliot Choi <elliotchoi@quinnemanuel.com>
Sent: Thursday, June 20, 2024 6:32 PM
To: Patel, Priyata; Zach Summers; Trask, Andrew; QE - Samsung Bioepis
Cc: Eylea; Eylea Biosimilars; REGENERONPATENT@lists.kelloggghansen.com
Subject: RE: Regeneron v. Samsung, 23-cv-94 & 23-cv-106 (NDWVa)

Counsel,

Regeneron has not provided any basis for its request in the procedures set forth in the Protective Order. The Protective Order provides that depositions containing confidential information may be designated as such, and there is no mechanism requiring a line-by-line redaction.

This position is not inconsistent with our redactions to our PI papers. The cited testimony of Dr. Boyle was made in the context of his non-infringement opinion involving SB's confidential information. Indeed, Dr. Boyle's transcript was withheld in its entirety from Amgen due to its highly confidential nature.

We further note that Regeneron has not applied this rigorous review process to its own deponents, which underscores the inconsistency and inequity of its demands. SB will adhere to the established procedures set forth in the Protective Order.

Regards,
Elliot

From: Patel, Priyata <Priyata.Patel@weil.com>
Sent: Tuesday, June 18, 2024 10:46 AM
To: Elliot Choi <elliotchoi@quinnemanuel.com>; Zach Summers <zachsummers@quinnemanuel.com>; Trask, Andrew <atrask@wc.com>; QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>
Cc: Eylea <Eylea@wc.com>; Eylea Biosimilars <Eylea.Biosimilars@weil.com>; REGENERONPATENT@lists.kelloggghansen.com
Subject: RE: Regeneron v. Samsung, 23-cv-94 & 23-cv-106 (NDWVa)

[EXTERNAL EMAIL from priyata.patel@weil.com]

Counsel,

It has now been over two months since Regeneron made the below request for redacted copies of Dr. Boyle's deposition transcript. SB has failed to comply. SB previously contended that it is not required to perform a "line-by-line review of each deposition." But no such review is necessary because Regeneron has provided SB with a short list of lines from the specific transcript 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 excluded the transcript of Dr. Prentice). Regeneron's request is therefore narrow and would not be onerous for SB. Indeed, SB 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 SB agrees with Regeneron regarding the non-confidential nature of the below information and, if not, identify which lines SB considers confidential or OCEO and provide an explanation supporting its designations.

Boyle Final Tr. 1	24:17-25:9; 39:22-40:18; 42:5-16; 70:13-71:9; 72:2-12; 76:20-77:8; 79:11-21; 84:12-17; 100:10-16; 131:8-132:4; 163:2-11; 202:16-21; 220:7-13; 221:2 – 222:2; 226:21 – 227:6; 231:1 – 231:9; 263:3-8; 277:18 – 278:6
-------------------	--

Thanks,
Priya

From: Elliot Choi <elliotchoi@quinnemanuel.com>
Sent: Monday, April 15, 2024 5:50 PM
To: Patel, Priyata <Priyata.Patel@weil.com>; Zach Summers <zachsummers@quinnemanuel.com>; Trask, Andrew <atrask@wc.com>; QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>
Cc: Eylea <Eylea@wc.com>; Eylea Biosimilars <Eylea.Biosimilars@weil.com>; REGENERONPATENT@lists.kellogghansen.com
Subject: RE: Regeneron v. Samsung, 23-cv-94 & 23-cv-106 (NDWVa)

Counsel:

As stated in our prior correspondence, SB has and will continue to abide the procedures set forth in the Protective Order regarding the treatment of deposition transcripts containing confidential information. As set forth in Paragraph 16 of the Protective Order, SB has ten days following receipt of the final transcript to designate the deposition as confidential. Despite the fact this ten-day period is only now expiring, SB has previously informed Regeneron that Dr. Boyle's transcript contains SB confidential information, a fact that Regeneron implicitly acknowledges given its repeated requests for redactions. SB therefore maintains its claim of confidentiality with respect to Dr. Boyle's transcript. Moreover, we understand that Celltrion has asked that the Prentice deposition be designated confidential. Finally, there is nothing in the Protective Order that requires the parties to undertake the time consuming and expensive process of conducting and line-by-line review of each deposition transcript to determine which pages and lines of the transcript contain confidential information and Regeneron's unilateral demands that SB does so are not appropriate, particular under the expedited timelines that Regeneron has imposed. We further note that Regeneron has not undertaken this process for any of its deponents. Regeneron has not provided any basis deviating from the procedures set forth in the Protective Order and without more, SB intends to follow the procedures set forth in the Protective Order.

Regards,
Elliot

From: Patel, Priyata <Priyata.Patel@weil.com>
Sent: Saturday, April 13, 2024 3:53 PM
To: Zach Summers <zachsummers@quinnemanuel.com>; Trask, Andrew <atrask@wc.com>; Elliot Choi <elliotchoi@quinnemanuel.com>; QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>
Cc: Eylea <Eylea@wc.com>; Eylea Biosimilars <Eylea.Biosimilars@weil.com>; REGENERONPATENT@lists.kellogghansen.com
Subject: RE: Regeneron v. Samsung, 23-cv-94 & 23-cv-106 (NDWVa)

[EXTERNAL EMAIL from priyata.patel@weil.com]

Counsel for Bioepis,

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 Bioepis 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 Bioepis agrees with Regeneron regarding the non-confidential nature of this information and, if not, identify which lines Bioepis considers confidential or OCEO and provide an explanation supporting its designations. If Bioepis 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	24:17-25:9; 39:22-40:18; 42:5-16; 70:13-71:9; 72:2-12; 76:20-77:8; 79:11-21; 84:12-17; 100:10-16; 131:8-132:4; 163:2-11; 202:16-21; 220:7-13; 221:2 – 222:2; 226:21 – 227:6; 231:1 – 231:9; 263:3-8; 277:18 – 278:6
Prentice Rough Tr.	9:8-10:16; 40:4-41:12

Sincerely,
Priya

From: Zach Summers <zachsummers@quinnemanuel.com>
Sent: Thursday, April 11, 2024 8:44 AM
To: Trask, Andrew <atrask@wc.com>; Elliot Choi <elliottchoi@quinnemanuel.com>; QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>
Cc: Eylea <Eylea@wc.com>; Eylea Biosimilars <Eylea.Biosimilars@weil.com>; REGENERONPATENT@lists.kellogghansen.com
Subject: RE: Regeneron v. Samsung, 23-cv-94 & 23-cv-106 (NDWVa) | Boyle deposition

Counsel:

As we stated, Regeneron's questioning and Dr. Boyle's answers implicated Samsung Confidential information, including Samsung's Confidential BLA testing, throughout the transcript—indeed, analysis of those tests was the subject of Dr. Boyle's declaration. Accordingly, pursuant to the Protective Order, we have designated the transcript as Confidential. We also note that this is consistent with the parties' practice in other depositions. Pursuant to Paragraph 16, we are reviewing our designation with our client, but unless we change it within the time allotted by the PO, the transcript remains Confidential and must be treated as such. We are not required under the Protective Order to review and designate each line of the transcript as confidential or non-confidential. Regeneron has not done as much in this case and has not cited any authority or agreement for the proposition it can unilaterally impose such a requirement on SB. Regeneron's statement that SB is somehow shielding the Court from the transcript is nonsensical—the transcript can, of course, be submitted to the Court under seal here, in the same way Regeneron has submitted voluminous amounts of its own Confidential information already.

Best,
Zach

From: Trask, Andrew <atrask@wc.com>
Sent: Tuesday, April 9, 2024 1:00 PM
To: Elliot Choi <elliottchoi@quinnemanuel.com>; Zach Summers <zachsummers@quinnemanuel.com>; QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>
Cc: Eylea <Eylea@wc.com>; Eylea.Biosimilars@weil.com; REGENERONPATENT@lists.kellogghansen.com
Subject: RE: Regeneron v. Samsung, 23-cv-94 & 23-cv-106 (NDWVa) | Boyle deposition

[EXTERNAL EMAIL from atrask@wc.com]

Samsung counsel,

Regeneron requested that you (1) identify any lines of testimony in the redacted version of pages 1-288 of the transcript (with lines 152:11-16 redacted, as discussed below) that you believe contains Samsung's confidential information; and (2) provide a time today to confer. Your response does neither. 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 Samsung's improper confidentiality designation 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: Elliot Choi <elliottchoi@quinnemanuel.com>

Sent: Monday, April 8, 2024 22:08

To: Trask, Andrew <atrask@wc.com>; Zach Summers <zachsummers@quinnemanuel.com>; QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>

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

Subject: RE: Regeneron v. Samsung, 23-cv-94 & 23-cv-106 (NDWVa) | Boyle deposition

Counsel:

We disagree with your characterization of the record and your unilateral attempt to de-designate portions of the transcript that contain SB's confidential information. As stated on the face of the transcripts themselves, SB's counsel designated the transcript Confidential on the record, pursuant to the Protective Order as well as the parties' practice in this case. While we are still reviewing the transcript, aside from the testimony you cite below, Regeneron's questioning touched upon SB's and REGN's confidential information throughout (for instance, information reflective of SB's BLA testing), and SB's designation of the transcript as confidential reflects that fact. Pursuant to the Protective Order, the transcript as a whole was designated Confidential.

Your position regarding SB's designation of the transcript as Confidential and your demand for an immediate response is inconsistent with both the parties' practice in this case and, more importantly, the Protective Order's requirement for treatment of deposition transcripts, including as set out in Paragraph 16. As we noted at the deposition, Regeneron should familiarize itself with the Protective Order before making demands that directly contradict the parties' agreed on processes for designating and handling Confidential information in this case.

Regards,
Elliot

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

Sent: Saturday, April 6, 2024 11:52 AM

To: Zach Summers <zachsummers@quinnemanuel.com>; QE - Samsung Bioepis <qe-samsungbioepis@quinnemanuel.com>

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

Subject: Regeneron v. Samsung, 23-cv-94 & 23-cv-106 (NDWVa) | Boyle deposition

[EXTERNAL EMAIL from atrask@wc.com]

Samsung counsel,

At Thursday's deposition of Dr. Boyle in the *Regeneron v. Samsung* case, Regeneron's counsel indicated that the deposition would start with a portion that would not include any Samsung confidential information. Regeneron's counsel asked Samsung's counsel to note on the record if any particular testimony involved Samsung confidential information. During this first portion of the deposition, Samsung's counsel identified only the testimony at 152:11-16 of the final transcript as allegedly involving Samsung confidential information.

Aside from the testimony at 152:11-16, the first portion of the transcript of Dr. Boyle's deposition (i.e., final transcript pages 1-288) contains no Samsung confidential information. Regeneron has prepared a version of this first portion of the transcript with the testimony at 152:11-16 redacted, and Regeneron understands that redacted transcript to contain no Samsung confidential information or Samsung outside counsel eyes only information. If you disagree, let us know no later than close of business on Monday what additional lines from pages 1-288 you contend contain Samsung confidential information and what times on Tuesday you are available to confer.

Any delay in confirming that this redacted version of pages 1-288 of the transcript is nonconfidential will be understood as an effort to shield improperly the Court and Regeneron's in-house counsel from information that is plainly nonconfidential.

Best,

Andrew

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

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.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.