

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

IN RE: AFLIBERCEPT PATENT LITIGATION

MDL No. 1:24-md-03103-TSK  
Hon. Thomas S. Kleeh

**THIS DOCUMENT RELATES TO:  
ALL CASES**

**ORDER REQUIRING FILING AND SERVING OF REDACTED VERSIONS OF  
SEALED FILINGS**

Whereas the Judicial Panel on Multi-District Litigation has consolidated actions brought by Plaintiff Regeneron Pharmaceuticals, Inc. (“Plaintiff”) against Defendants Mylan Pharmaceuticals Inc. and Biocon Biologics Inc., Samsung Bioepis Co., Ltd., Celltrion, Inc., Formycon AG, and Amgen Inc. (collectively, including any defendant to a case that is added to this Multi-District Litigation (“MDL”) in the future, the “Defendants”) (Plaintiff and Defendants together, the “Parties”) pursuant to its order dated April 11, 2024 (ECF No. 1);

Whereas protective orders governing confidential information of the Parties either have been entered or will be entered in each of the actions that is part of this MDL;

Whereas the Parties have made and expect to make numerous filings under seal including materials related to preliminary injunction motions, summary judgment motions, and trial, which contain confidential information of one or more Parties;

Whereas public, nonconfidential versions of filings should be filed in the public record with redactions necessary to protect confidential information;

Whereas the Parties have a need for a procedure under which all Parties will have access to redacted non-confidential versions of all MDL filings;

Now, therefore, for good cause shown, the Court **GRANTS** Defendant Amgen Inc.'s Expedited Motion Requiring Filing and Serving of Redacted Versions of Sealed Filings as modified by Regeneron, and **ORDERS** as follows:

1. **Applicability:** Paragraphs 2-6 of this Order shall apply to any documents filed in this MDL and in any member case to this MDL on or after June 11, 2024. Paragraphs 2-6 of this Order shall not apply to any documents filed in any member case to this MDL or in the MDL prior to this date.
2. **Non-Public Service Copies of Future Sealed Filings:** Any Party who files a document in this MDL with the Court under seal shall serve (but not file) on all other Parties within seven (7) calendar days of such filing, a redacted copy that does not include any Defendant's confidential information. Such redacted copy shall be clearly marked "REDACTED VERSION – CONTAINS PLAINTIFF CONFIDENTIAL INFORMATION" or "REDACTED VERSION – CONTAINS PLAINTIFF OUTSIDE COUNSEL INFORMATION" as appropriate.
3. **Public Versions of Future MDL Court Filings:** Any Party who files a document in this MDL with the Court under seal shall file on the public record within fourteen (14) calendar days of such filing, a redacted copy that does not include any Party's confidential information. Such redacted copy shall be clearly marked "PUBLIC VERSION."
4. **Public Versions of Sealed Court Orders:** If the Court enters a sealed order, memorandum opinion, or any other sealed document (each, a "Sealed Court Order") in this MDL or in any member case to this MDL, on or after June 11, 2024, the affected Parties shall coordinate to jointly file, on the public record, a copy of the Sealed Court

Order with all confidential information redacted within fourteen (14) business days of issuance of the Sealed Court Order. Such redacted copy shall be clearly marked “PUBLIC VERSION.”

5. **Non-Public Service Copies of Sealed Court Orders:** Regeneron shall serve (but not file) on each Party to this MDL within seven (7) calendar days of issuance of a Sealed Court Order, a redacted copy of the Sealed Court Order that does not include any Defendant’s confidential information. Regeneron’s confidential information shall not be redacted in these non-public service copies. Such redacted copy shall be clearly marked “REDACTED VERSION – CONTAINS PLAINTIFF CONFIDENTIAL INFORMATION” as appropriate.
6. **Defendants’ Responsibility to Provide Redactions:** The Party whose confidential information is at issue shall timely provide (within three (3) business days of a request) redactions to the Party that is required by this Order to file or serve a redacted copy that does not contain any the first Party’s confidential information.
7. **Regeneron’s Confidential Information:** Regeneron’s confidential information shall not be redacted from non-public service copies required by this Order, but shall be subject to the applicable Protective Order in each recipient Defendant’s case, or shall be maintained on an Outside Counsel Eyes Only (“OCEO”) basis by the Defendant’s counsel pending entry of a Protective Order. Regeneron shall designate any non-public service copies accordingly.
8. **Access to Pleadings and Deposition Transcripts from Injunction Proceedings Filed Before Entry of this Order:** Within fourteen (14) calendar days of the entry of this Order, each Defendant shall provide to Regeneron copies of all documents filed under seal and all deposition transcripts in each member case that have been redacted to remove the relevant Defendant’s confidential information. Within seven (7) calendar days of

receipt, Regeneron shall then produce to each Party to this MDL the redacted copies provided by Defendants, appropriately branded under the relevant protective order to reflect the level of Regeneron confidential information they contain (i.e., “REDACTED VERSION – CONTAINS PLAINTIFF CONFIDENTIAL INFORMATION” or “REDACTED VERSION – CONTAINS PLAINTIFF OUTSIDE COUNSEL’S EYES ONLY INFORMATION.”). Within seven (7) calendar days of Regeneron’s production, Regeneron shall add redactions to each document to remove any of Regeneron’s confidential information and facilitate public docketing of these non-confidential versions. The requirements of Paragraph 7 are limited to documents filed and depositions taken in connection with injunctive proceedings.

It is so **ORDERED**.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE THOMAS S. KLEEH  
CHIEF UNITED STATES DISTRICT JUDGE