

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

REGENERON PHARMACEUTICALS, INC.,
Plaintiff,

v.

CIVIL NO. 1:23-CV-89

CELLTRION, INC.,
Defendant.

REGENERON PHARMACEUTICALS, INC.,
Plaintiff,

v.

CIVIL NO. 1:23-CV-94

SAMSUNG BIOEPIS, CO., LTD.,
Defendant.

REGENERON PHARMACEUTICALS, INC.,
Plaintiff,

v.

CIVIL NO. 1:23-CV-97

FORMYCON AG,
Defendant.

REGENERON PHARMACEUTICALS, INC.,
Plaintiff,

v.

CIVIL NO. 1:23-CV-106

SAMSUNG BIOEPIS, CO., LTD.,
Defendant.

ORDER SETTING BRIEFING SCHEDULE ON MOTIONS TO DISMISS AND
SETTING SCHEDULE FOR PRELIMINARY INJUNCTION PROCEEDINGS

Pending before the Court is a motion to dismiss for lack of personal jurisdiction filed by Defendant Samsung Bioepis, Co., LTD. [ECF No. 47 in Case No. 1:23-CV-94 and ECF No. 14 in 1:23-

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CV-106]. On January 5, 2024, the Court held a status conference that was prompted by Plaintiff Regeneron's "emergency motion" requesting either a schedule for preliminary injunction proceedings or an emergency status conference. During the status conference, Regeneron reiterated its request for the Court to enter a schedule governing preliminary injunction proceedings and also requested that the Court allow it to conduct jurisdictional discovery. Regeneron requests that the preliminary injunction proceedings run parallel to the resolution of the jurisdictional issue. Defendants disagree and ask the Court to decide the jurisdictional issue first.

Assuming that all Defendants will have filed a motion to dismiss on or before January 17, 2024, as represented, the following briefing schedule shall govern the motions to dismiss:

- Regeneron shall file an omnibus response to the motions to dismiss on or before **February 19, 2024**; and
- Any replies shall be filed on or before **February 26, 2024**.

The parties agree that preliminary injunction proceedings must ultimately take place within the 180 days set forth under the BPCIA. The 180-day clock has already begun to tick, and even if this Court would ultimately determine that it lacks jurisdiction, the 180 days would not restart when this action is transferred to or filed in a different court. Given the unique timeline in this

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case, the Court finds that it is appropriate here to allow preliminary injunction proceedings to take place at the same time as the briefing and resolution of the motions to dismiss.¹ The Court finds good cause to set forth and hereby does set forth the following schedule for preliminary injunction proceedings:

Event	Deadline
Regeneron identifies no more than eight patents that may be included in a motion for preliminary injunction; Defendants deliver targeted requests for production	Within two business days of entry of this order
Regeneron makes initial production of documents	Within one business day of agreement by counsel for a Defendant to maintain such documents on an outside-attorney's-eyes-only basis until a protective order has been entered
Defendant produces documents responsive to Regeneron's requests	January 26, 2024
Regeneron completes production of documents related to preliminary injunction, including documents related to patents it may assert in preliminary injunction motion	February 2, 2024
Regeneron identifies patents it may assert in preliminary injunction motion	February 2, 2024
Regeneron to file motion(s) for preliminary injunction and supportive memoranda against all defendants in the above-captioned cases	February 22, 2024
Depositions of any Regeneron	March 13, 2024

¹ The Court takes under advisement the request for jurisdictional discovery, finding it premature to decide at this time.

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declarants complete ²	
Defendants file opposition(s) to motion(s) for preliminary injunction	March 21, 2024
Deposition of Defendants' declarants complete	April 10, 2024
Regeneron files reply/replies in support of preliminary injunction	April 18, 2024
Hearing on Regeneron's motion(s) for preliminary injunction	May 2, 2024, at 10:00 a.m.
In-person status conference with lead counsel ahead of May 18, 2024 expiration of regulatory exclusivity	May 13, 2024, at 12:00 p.m.

It is so **ORDERED**.

The Clerk is **DIRECTED** to transmit copies of this Order to counsel of record.

DATED: January 9, 2024



THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA

² The parties shall present any declarant for deposition in the continental United States.