

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

REGENERON PHARMACEUTICALS, INC.,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC.
and BIOCON BIOLOGICS INC.,

Defendants.

Civil Action No. 1:22-cv-00061-TSK

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON REGENERON
COUNTS 7, 9, AND 11 FOR 35 U.S.C. § 253(b) STATUTORY DISCLAIMER**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7.02, Defendants Biocon Biologics Inc. (“Biocon”) and Mylan Pharmaceuticals Inc. (“Mylan”) (collectively “Defendants”) respectfully move the Court to grant summary judgment in their favor with respect to Counts 7, 9, and 11 of the complaint filed by Plaintiff Regeneron Pharmaceuticals Inc. (“Regeneron”).

As set forth in the accompanying Memorandum filed contemporaneously herewith, in light of disclaimers filed by Regeneron and the other undisputed facts:

- There is no infringement of any claim of U.S. Patent No. 10,406,226 as contemplated by Count 7;
- There is no infringement of any claim of U.S. Patent No. 10,464,992 as contemplated by Count 9; and,
- There is no infringement of any claim of U.S. Patent No. 10,857,205 as contemplated by Count 11.

Accordingly, Defendants respectfully ask the Court to enter summary judgment in their favor.

Respectfully submitted,

Date: January 26, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2024, I electronically filed the foregoing with the Clerk of the Court by using the Court's CM/ECF system. Counsel of record for all parties will be served by the Court's CM/ECF system.

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