

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

REGENXBIO INC. and THE TRUSTEES  
OF THE UNIVERSITY OF  
PENNSYLVANIA,

Plaintiffs,

v.

SAREPTA THERAPEUTICS, INC.,  
SAREPTA THERAPEUTICS THREE, LLC,  
AND CATALENT, INC.,

Defendants.

C.A. No. 23-667-RGA

**JURY TRIAL DEMAND**

**JOINT STIPULATION AND [PROPOSED] ORDER TO STAY**

WHEREAS REGENXBIO Inc. and The Trustees of the University of Pennsylvania (“Plaintiffs”) have asserted infringement of claims 1, 3-6 and 8 (“Asserted Claims”) in U.S. Patent No. 11,680,274 (“Patent-in-Suit”) against Sarepta Therapeutics, Inc., Sarepta Therapeutics Three, LLC, and Catalent, Inc. (“Defendants”) in this matter (the “Litigation”);

WHEREAS, on February 21, 2024, Defendant Sarepta Therapeutics, Inc. filed a petition before the Patent Trial and Appeal Board (“PTAB”) seeking *inter partes* review (“IPR”) of claims 1, 3-6, and 8 of the Patent-in-Suit (the “IPR Proceeding”), which was assigned number IPR2024-00580;

WHEREAS, the petition names the other two defendants, Sarepta Therapeutics Three, LLC and Catalent, Inc. as real parties in interest;

WHEREAS, the PTAB will render an institution decision on the IPR no later than August 28, 2024, and, if instituted, is expected to issue a final written decision and terminate the IPR no later than August 28, 2025 pursuant to 37 C.F.R. § 42.100(c);

WHEREAS, fact discovery in the above-captioned litigation is not complete, and whereas substantial work remains in this case including the substantial completion of document production, depositions, expert discovery, claim construction, and dispositive motions, and this case is at an early phase in the proceedings with trial scheduled for November 17, 2025;

WHEREAS, the scope of the Litigation may be substantially impacted if any or all of the Asserted Claims are invalidated in the IPR Proceeding; and

WHEREAS, in the interest of avoiding unnecessary motion practice, and to conserve judicial resources, the parties have agreed to stay the Litigation pending final resolution of the IPR Proceeding.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the parties through their respective counsel, subject to the approval of the Court, that this Litigation is stayed until further Order of the Court.

The Parties are ordered to file a joint status report with the Court fourteen (14) days after (a) the PTAB denies institution of IPR2024-00580, or (b) if the PTAB institutes IPR2024-00580, after any final written decision issued by the PTAB. The joint status report shall describe: (i) the status of the IPR Proceeding; and (ii) the parties' positions as to whether the stay should be lifted.

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**IT IS SO ORDERED**, this \_\_\_\_ day of March, 2024.

\_\_\_\_\_  
The Honorable Richard G. Andrews  
United States District Court Judge