

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.

AMENDED BRIEFING SCHEDULE ON MOTIONS TO DISMISS AND
AMENDED SCHEDULE FOR PRELIMINARY INJUNCTION PROCEEDINGS

Now pending before the Court are motions to dismiss for lack of personal jurisdiction filed by all of the above-captioned defendants. On January 5, 2024, the Court held a status conference

1:23-CV-89, 1:23-CV-94, 1:23-CV-97, 1:23-CV-106

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.

The Court **ORDERS** that the following briefing schedule shall govern the motions to dismiss:

- Regeneron shall file individual responses to the motions to dismiss on or before **February 19, 2024** (limited to 25 pages); 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 case, the Court finds that it is appropriate here to allow preliminary injunction proceedings to take place at the same time

1:23-CV-89, 1:23-CV-94, 1:23-CV-97, 1:23-CV-106

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 motions for preliminary injunction; Defendants deliver targeted requests for production	January 11, 2024
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
Defendants produce 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 motions	February 2, 2024
Regeneron identifies patents it may assert in preliminary injunction motions	February 2, 2024
Regeneron to file individual motions for preliminary injunction and supportive memoranda against all defendants in the above-captioned cases	February 22, 2024
Depositions of any Regeneron declarants complete ²	March 13, 2024
Defendants file oppositions to	March 21, 2024

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

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

1:23-CV-89, 1:23-CV-94, 1:23-CV-97, 1:23-CV-106

motions for preliminary injunction	
Deposition of Defendants' declarants complete	April 10, 2024
Regeneron files replies in support of preliminary injunction	April 18, 2024
Hearing on Regeneron's motions 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: February 15, 2024



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