

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

IN RE: AFLIBERCEPT PATENT
LITIGATION

**This Document Relates to:
No. 1:24-cv-39-TSK**

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) MDL No. 1:24-md-3103-TSK
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STIPULATION AND ORDER OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by Plaintiff Regeneron Pharmaceuticals, Inc. (“Plaintiff”) and Defendant Amgen Inc. (“Defendant”), subject to the approval of the Court, that all counterclaims, affirmative defenses, and prayers for relief by Defendant with respect to the “Unselected Patents” set forth in Regeneron’s Notice of Case Narrowing, ECF No. 748, should be DISMISSED WITHOUT PREJUDICE pursuant to Fed. R. Civ. P. 41(a)(1), including Counterclaim Nos. 1-4, 7-18, 21-23, 28-33, and 36-40, numbered according to Amgen’s Answer to Plaintiff’s First Amended Complaint and Counterclaims.

The parties do not hereby agree to dismiss any count or counterclaim not specifically enumerated above.

The propriety of any other counterclaims asserted by Defendant in this Case No. 1:24-cv-39-TSK (ECF No. 749-2 in MDL No. 1-24-md-3103) or in Case No. 1:25-cv-74-TSK (ECF No. 666 in MDL No. 1-24-md-3103), or any other claims, counterclaims, or defenses asserted by either party in this MDL, as well as the appropriate scope of discovery in this MDL, shall be determined

according to law without regard for the fact that dismissal of the counts and counterclaims enumerated above was accomplished via agreement rather than by another means.

AGREED TO:

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SO ORDERED:

This 16 day of April, 2026



Thomas S. Kleeh, Chief Judge
Northern District of West Virginia