

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

REGENERON PHARMACEUTICALS, INC.,

Plaintiff,

v.

MYLAN PHARMACEUTICALS INC.,

Defendant.

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

**DEFENDANT MYLAN PHARMACEUTICALS INC.'S MOTION FOR SUMMARY  
JUDGMENT OR PARTIAL SUMMARY JUDGMENT ON  
U.S. PATENT NOS. 11,104,715 (PROCESS PATENT); 11,084,865 (FORMULATION  
PATENT); AND 10,888,601 & 11,253,572 (DOSING PATENTS)**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7.02, Defendant Mylan Pharmaceuticals Inc. (“Mylan”) respectfully moves the Court to grant summary judgement or partial summary judgment in its favor with respect to Counts 12, 17, 18, 21 of the complaint filed by Plaintiff Regeneron Pharmaceuticals Inc. (“Regeneron”).

As set forth in the accompanying Memorandum filed under seal contemporaneously herewith, on the undisputed facts, and under the Court’s construction of the claims (Dkt. 427), with regard to Mylan and the accused product, YESAFILI™, for the claims asserted by Regeneron:

- There is no infringement of claims 2-3, 6, 12-14, and 16 of the ‘715 patent;
- There is no infringement of claim 18 of the 865 patent;
- There is no direct infringement by Mylan on any claims of the ‘572 or ‘601 patents;
- There is no induced infringement for the claims of the ‘572 patent;

• There is no induced infringement and/or the claims are invalid for at least claims 1-14 and 26-28 of the '572 patent; and claims 5-6 and 9 of the '601 patent, in view of Dixon.

Accordingly, Mylan respectfully asks the Court to enter summary judgment or partial summary judgment in its favor.

Dated: April 20, 2023

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of April 2023, I served the foregoing “Defendant Mylan Pharmaceuticals Inc.’s Motion for Summary Judgment or Partial Summary Judgment on U.S. Patent Nos. 11,104,715 (Process Patent); 11,084,865 (Formulation Patent); And 10,888,601 & 11,253,572 (Dosing Patents)” by electronically filing the same with the Clerk using the Court’s CM/ECF system, which will send notification of the filing to all counsel of record.

**/s/ Gordon H. Copland**

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