

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

IN RE: AFLIBERCEPT PATENT LITIGATION

MDL No. 1:24-md-3103-TSK

**THIS DOCUMENT RELATES TO:**

Civil Action No. 1:23-cv-94-TSK

Civil Action No. 1:23-cv-106-TSK

**DEFENDANT SAMSUNG BIOEPIS CO., LTD.’S  
MOTION FOR LEAVE TO FILE UNDER SEAL**

Defendant Samsung Bioepis Co., Ltd. (“SB”), through its undersigned counsel, hereby appears specifically in this case for the sole purpose of moving the Court pursuant to L.R. Gen. P. 6.01 and L.R. Civ. P. 26.05 for leave to file under seal Defendant’s Emergency Motion to Stay the Preliminary Injunction Pending Appeal (“Emergency Motion”), which is attached hereto. By making this special appearance, SB reserves and does not waive any objections as to personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2).

As explained in the memorandum filed concurrently with this motion, the Emergency Motion contains information Plaintiff has designated confidential, as well as SB’s highly confidential business information that requires protection from SB’s competitors, including defendants in co-pending actions brought by Plaintiff Regeneron Pharmaceuticals, Inc. Accordingly, to protect the confidentiality of this information, SB respectfully requests that the Court grant SB leave to file its Emergency Motion under seal.

Dated: June 19, 2024

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*Attorneys for Defendant Samsung Bioepis Co.,  
Ltd. appearing for the limited purpose of  
contesting jurisdiction*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on June 19, 2024, I caused a true and correct copy of the foregoing Defendant Samsung Bioepis Co., Ltd.'s Motion for Leave to File Under Seal to be served by electronic mail to counsel of record for Plaintiff.

/s/ Sandra K. Law  
Sandra K. Law (WVSB No. 6071)

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**MEMORANDUM IN SUPPORT OF DEFENDANT SAMSUNG BIOEPIS CO., LTD.’S  
MOTION FOR LEAVE TO FILE UNDER SEAL**

Defendant Samsung Bioepis Co., Ltd. (“SB”) moves for leave to file under seal Defendant’s Emergency Motion to Stay the Preliminary Injunction Pending Appeal (“Emergency Motion”), which is attached hereto, because it contains sensitive and confidential business information. By making this special appearance, SB reserves and does not waive any objections as to personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2).

Sealing the Emergency Motion is required to protect confidential business information about SB’s proposed biosimilar of EYLEA®, called SB15. SB would be harmed if its potential competitors, including defendants in co-pending actions brought by Plaintiff Regeneron Pharmaceuticals, Inc., were to have access to that information. The Emergency Motion references competitively sensitive information regarding SB’s plans for the manufacture and commercialization of SB15. This business information has been maintained in confidence and its public disclosure would compromise SB’s competitive interests. Accordingly, there is good cause to seal the Emergency Motion. *See, e.g., In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984)

(noting “unfairly gaining a business advantage” as an “improper purpose[]” for accessing court documents); *NVR, Inc. v. Nelson*, 2016 WL 11669370, at \*1 (E.D. Va. Nov. 4, 2016) (granting leave to seal confidential business information the disclosure of which would cause competitive harm to the moving party). Furthermore, the Emergency Motion contains information that Plaintiff has designated confidential.

Accordingly, SB respectfully requests that the Court grant SB leave to file its Emergency Motion under seal.

Dated: June 19, 2024

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*Attorneys for Defendant Samsung Bioepis Co.,  
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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on June 19, 2024, I caused a true and correct copy of the foregoing Defendant Samsung Bioepis Co., Ltd. Memorandum in support of its Motion for Leave to File Under Seal to be served by electronic mail to counsel of record for Plaintiff.

/s/ Sandra K. Law  
Sandra K. Law (WVSB No. 6071)