

**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
CASE NO. 1:23-cv-00097-TSK**

**STIPULATION AND ORDER
DISMISSING ALL CLAIMS AND COUNTERCLAIMS, VACATING
PRELIMINARY INJUNCTION PREVIOUSLY ISSUED BY THE COURT,
AND RELEASING PRELIMINARY INJUNCTION BOND**

Plaintiff Regeneron Pharmaceuticals, Inc. (“Regeneron”) and Defendant Formycon AG (“Formycon”), subject to the approval of the Court, hereby enter into the following Stipulation to dismiss without prejudice and release the preliminary injunction bond.

WHEREAS, Regeneron and Formycon have reached an agreement that will resolve all issues between them without further litigation regarding Formycon’s 2 mg aflibercept product.

NOW THEREFORE Regeneron and Formycon, by and through their respective undersigned counsel in this Action, and subject to the approval of the Court, stipulate and agree as follows:

1. The Court’s Order for Injunctive Relief Against Formycon (24-cv-3103, ECF No. 253), entered on July 10, 2024, is hereby vacated.
2. Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Regeneron’s Case No. 1:24-cv-97 against Formycon (which was made a part of MDL No. 24-md-3103-TSK), including all claims and defenses asserted by Regeneron against Formycon and all counterclaims and defenses asserted by Formycon against

Regeneron, are hereby dismissed, without prejudice to the extent specified in the parties' agreement.

3. All parties shall bear their own costs, disbursements, and attorneys' fees.
4. The Court's Order Establishing Security Under Federal Rule of Civil Procedure 65(c) [24-cv-3103, ECF No. 236] is hereby vacated and the preliminary injunction bond, Bond #CGB9428695 [24-cv-3103, ECF No. 265], is hereby released to the Sureties, Fidelity and Deposit Company of Maryland and Zurich American Insurance Company.

All pending motions in Case No. 1:23-cv-97 are hereby TERMINATED and the Clerk is DIRECTED to STRIKE Case No. 1:23-cv-97 from the Court's active docket and to STRIKE Formycon as a party in Case No. 1:24-md-03103.

SO ORDERED this 29th day of September, 2025.



Hon. Thomas S. Klee, Chief Judge

Date: September 29, 2025

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