

**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-00094-TSK
CASE NO. 1:23-cv-00106-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 Samsung Bioepis, Co., Ltd (“Samsung Bioepis”), 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 Samsung Bioepis have reached an agreement that will resolve all issues between them without further litigation regarding Samsung Bioepis’s 2 mg aflibercept product.

NOW THEREFORE Regeneron and Samsung Bioepis, 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 Samsung Bioepis (24-md-3103, ECF No. 254), entered on July 10, 2024, is hereby vacated.
2. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Regeneron’s Case Nos. 1:23-cv-94 and 1:23-cv-106 against Samsung Bioepis (which was made a part of MDL No. 24-md-3103-TSK), including all claims and defenses asserted by Regeneron against Samsung Bioepis and all

counterclaims and defenses asserted by Samsung Bioepis 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-md-3103, ECF No. 223] is hereby vacated and the preliminary injunction bond, Bond #CGB9428696 [24-md-3103, ECF No. 263], is hereby released to the Sureties, Fidelity and Deposit Company of Maryland and Zurich American Insurance Company.
5. The Court's Stipulated Protective Order [23-cv-00094, ECF No. 120; 23-cv-00106, ECF No. 101] is modified as follows: the prohibitions of sections 9(b) and 9(h) that terminate "one (1) year after final termination of this Action" will instead terminate on April 15, 2026.
6. The Court's Stipulations To Amend Complaint & Set Deadline to Respond [24-md-3103, ECF Nos. 435 and 437] are modified as follows: paragraph 4 of each Order is vacated.

All pending motions in Case Nos. 1:23-cv-94 and 1:23-cv-106 are hereby TERMINATED and the Clerk is DIRECTED to STRIKE Case Nos. 1:23-cv-94 and 1:23-cv-106 from the Court's active docket and to STRIKE Samsung Bioepis as a party in Case No. 1:24-md-03103.

SO ORDERED this 12th day of February, 2026.



Hon. Thomas S. Klech, Chief Judge

Date: February 11, 2026

Of Counsel:

David I. Berl (admitted *PHV*)
Ellen E. Oberwetter (admitted *PHV*)
Thomas S. Fletcher (admitted *PHV*)

CAREY DOUGLAS KESSLER & RUBY, PLLC

/s/ Steven R. Ruby
Steven R. Ruby (WVSB No. 10752)
David R. Pogue (WVSB No. 10806)

Andrew V. Trask (admitted *PHV*)
Teagan J. Gregory (admitted *PHV*)
Shaun P. Mahaffy (admitted *PHV*)
Kathryn S. Kayali (admitted *PHV*)
Arthur J. Argall III (admitted *PHV*)
Adam Pan (admitted *PHV*)
Rhochele Krawetz (admitted *PHV*)
Jennalee Beazley (admitted *PHV*)
WILLIAMS & CONNOLLY LLP
680 Maine Avenue, SW
Washington, DC 20024
(202) 434-5000
dberl@wc.com
eoberwetter@wc.com
tfletcher@wc.com
atrask@wc.com
tgregory@wc.com
smahaffy@wc.com
kkayali@wc.com
aargall@wc.com
apan@wc.com
rkrawetz@wc.com
jbeazley@wc.com

Elizabeth Stotland Weiswasser (admitted *PHV*)
PAUL, WEISS, RIFKIND, WHARTON & GARRISON
LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 373-3000
eweiswasser@paulweiss.com

Christopher M. Pepe (admitted *PHV*)
Priyata Y. Patel (admitted *PHV*)
PAUL, WEISS, RIFKIND, WHARTON & GARRISON
LLP
2001 K Street, NW
Washington, DC 20006
(202) 223-7300
cpepe@paulweiss.com
ppatel@paulweiss.com

Andrew E. Goldsmith (admitted *PHV*)
Jacob E. Hartman (admitted *PHV*)
Mary Charlotte Y. Carroll (admitted *PHV*)
Sven E. Henningson (admitted *PHV*)
KELLOGG, HANSEN, TODD, FIGEL &
FREDERICK, P.L.L.C.
1615 M Street, N.W., Suite 400

Raymond S. Franks II (WVSB No. 6523)
707 Virginia Street East
901 Chase Tower (25301)
P.O. Box 913
Charleston, West Virginia 25323
(304) 345-1234
sruby@cdkrlaw.com
drpogue@cdkrlaw.com

*Attorneys for Plaintiff Regeneron
Pharmaceuticals, Inc.*

Washington, D.C. 20036
TEL: (202) 326-7900
agoldsmith@kellogghansen.com
eleo@kellogghansen.com
jhartman@kellogghansen.com
mcarroll@kellogghansen.com
shenningson@kellogghansen.com

*Attorneys for Plaintiff Regeneron
Pharmaceuticals, Inc.*

Dated: February 11, 2026

SCHRADER COMPANION, DUFF & LAW, PLLC

Of Counsel:

Frank E. Simmerman, Jr. (WVSB# 3403)
Chad L. Taylor (WVSB# 10564)
Frank E. Simmerman, III (WVSB# 10584)
SIMMERMAN LAW OFFICE, PLLC
254 East Main Street
Clarksburg, West Virginia 26301
(304) 623-4900
clt@simmermanlaw.com

Raymond N. Nimrod (*PHV* granted)
Laura L. Fairneny (*PHV* granted)
QUINN EMANUEL URQUHART
& SULLIVAN, LLP
295 5th Ave
New York, NY 10016
(212) 849-7000
raynimrod@quinnemanuel.com
laurafairneny@quinnemanuel.com

Zachariah B. Summers (*PHV* granted)
QUINN EMANUEL URQUHART
& SULLIVAN, LLP
865 S. Figueroa St.
Los Angeles, CA 90017
(213) 443-3000
zachsummers@quinnemanuel.com

*Attorneys for Defendant
Samsung Bioepis Co., Ltd.*

/s/ Sandra K. Law

Sandra K. Law (WVSB No. 6071)
401 Main Street
Wheeling, West Virginia 26003
skl@schraderlaw.com