IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SANOFI-AVENTIS U.S. LLC; GENZYME CORPORATION; AND REGENERON PHARMACEUTICALS, INC., **Plaintiffs,** **v.** **AMGEN INC. AND IMMUNEX CORPORATION,** **Defendants.**	**Civil Action No. 1:17-cv-10465-NMG** **DEMAND FOR JURY TRIAL**

FIRST AMENDED COMPLAINT FOR DECLARATORY JUDGMENT OF NON-INFRINGEMENT

Sanofi-Aventis U.S. LLC and Genzyme Corporation (collectively, "Sanofi"), and Regeneron Pharmaceuticals, Inc. ("Regeneron"), by and through their undersigned attorneys, upon knowledge with respect to their own actions and on information and belief as to other matters, for their complaint aver as follows:

Nature of the Action

1. This is an action seeking a declaration that Sanofi and Regeneron's development, manufacturing, sale, promotion, and related activities for their product Dupixent® (dupilumab) do not directly or indirectly infringe U.S. Patent No. 8,679,487 (the "'487 Patent").

Parties

2. Plaintiff Sanofi-Aventis U.S. LLC is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located at 55 Corporate Drive, Bridgewater, New Jersey.

3. Plaintiff Genzyme Corporation ("Sanofi Genzyme") is a corporation organized and existing under the laws of the Commonwealth of Massachusetts with its principal place of business located at 500 Kendall Street, Cambridge, Massachusetts.

4. Plaintiff Regeneron is a corporation organized and existing under the laws of the State of New York with its principal place of business located at 777 Old Saw Mill River Road, Tarrytown, New York.

5. On information and belief, Defendant Amgen Inc. ("Amgen") is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located at One Amgen Center Drive, Thousand Oaks, California.

6. On information and belief, Defendant Immunex Corporation ("Immunex," and collectively with Amgen, "Defendants") is a wholly-owned subsidiary of Amgen with its principal place of business located at One Amgen Center Drive, Thousand Oaks, California. On information and belief, Immunex is a patent-holding entity, without offices or employees in any state.

Jurisdiction and Venue

7. This is an action for a declaratory judgment arising under 28 U.S.C. § 2201, *et seq*.

8. The Court has subject matter jurisdiction with respect to Sanofi and Regeneron's claim pursuant to 28 U.S.C. §§ 1331 and 1338.

9. On information and belief, Amgen has complete control over Immunex and Amgen also controls the '487 Patent. This is demonstrated, for example, by Amgen and Immunex's

behavior in the years following Amgen's acquisition of Immunex on July 16, 2002. On information and belief, Amgen and Immunex hold themselves out as a unitary entity and their activities are directed, controlled, and carried out as a single consolidated entity.

10. On information and belief, in filings with the Securities and Exchange Commission, Immunex admitted that Amgen could cause Immunex to sign agreements after Amgen acquired Immunex. For example, with respect to a promotion agreement between Amgen and American Home Products Corporation related to the promotion of the drug product Enbrel® in the United States and Canada, Immunex stated, "If the merger is completed and we become a wholly-owned subsidiary of Amgen, this agreement would take effect, and Amgen has agreed that it would cause us to sign the agreement."

11. On information and belief, Amgen, without the involvement of Immunex, has engaged in licensing negotiations, royalty negotiations, and/or patent enforcement activities with entities (including entities located in Massachusetts) relating to patents that were originally assigned to Immunex (including the '487 Patent).

12. On information and belief, Defendants have purposefully directed their activities at residents of this forum by engaging in licensing discussions and/or patent enforcement activities with entities located in this forum, including with respect to the '487 Patent family.

13. On information and belief, since Amgen's acquisition of Immunex, Immunex has not granted licenses, enforced patents, or entered into agreements without the involvement of Amgen.

14. On information and belief, when Amgen completed its acquisition of Immunex on July 16, 2002, Amgen concomitantly acquired Immunex's then-existing research and development (including the antibody that would later be named AMG-317), as well as rights to Immunex's

portfolio of patents and patent applications, which now includes the ’487 Patent.

15. On information and belief, Amgen directed and controlled the prosecution of the ’487 Patent and Amgen directs and controls the prosecution of other patents and applications in the ’487 Patent family. Amgen has held itself out as having rights in and control of the ’487 Patent. For example, “Amgen, Inc.” is listed on the U.S. Patent and Trademark Office’s public “Patent Application Information Retrieval” database as the name of the relevant correspondent for the ’487 Patent, with an address of “Law – Patent Operations, M/S 28-2-C, One Amgen Center Drive, Thousand Oaks, CA 91320-1799.” On information and belief, Mail Stop 28-2-C at One Amgen Center Drive, Thousand Oaks, CA 91320-1799 is the mailing address for Amgen’s “Law – Patent Operations” group.

16. On March 23, 2017, Plaintiffs filed a petition with the U.S. Patent and Trademark Office, before the Patent Trial and Appeal Board, for *inter partes* review of the ’487 Patent. In connection with the *inter partes* review proceedings, Immunex filed a power of attorney representing that its principal place of business is “One Amgen Center Drive, Mail Stop 28-2C, Thousand Oaks, CA 91320.” Immunex’s power of attorney was signed by Stuart L. Watt, titled Vice President, Law and Intellectual Property Officer, on April 12, 2017. On information and belief, Stuart L. Watt is an Amgen employee and holds a position titled Vice President, Law and Intellectual Property Officer at Amgen.

17. Also in connection with the ’487 Patent *inter partes* review proceedings, Immunex filed mandatory notices stating that “[t]he real parties-in-interest are Immunex Corporation and Amgen Inc.,” which evidences Amgen’s rights and/or interest in the ’487 Patent as of March 20, 2017 and now.

18. On information and belief, Amgen has represented that it owns the '487 Patent family. For example, in an email response to a request for comment from a publication regarding this lawsuit, Amgen stated that "Amgen does have a patent covering the product and we will defend our patent rights," which evidences Amgen's rights and/or interest in the '487 Patent as of March 20, 2017 and now.

19. On information and belief, Amgen directs and controls litigation relating to the '487 Patent.

20. On information and belief, Immunex presently has no offices, sells no products, and has no employees. On information and belief, Immunex presently does not own any real property in any state. On information and belief, Amgen controls all of Immunex's operations.

21. On information and belief, based on at least the allegations herein, Amgen is the *de facto* owner or exclusive licensee of the '487 Patent, and/or can take or grant a license to or enforce the '487 Patent at any time by virtue of its control over Immunex.

22. On information and belief, Amgen was at all relevant times the partner, officer, agent, assignee, successor-in-interest, co-conspirator, principal, or alter ego of Immunex or was otherwise responsible for, contributed to, or participated in the acts alleged herein, and thereby Amgen and Immunex incurred liability therefor. For example, Amgen and Immunex hold themselves out as a unitary entity, and Amgen has admitted that Immunex is a wholly-owned subsidiary of Amgen, which is an expression that Amgen exercises dominion and control over Immunex. For at least these reasons, Amgen's contacts with Massachusetts are attributable to Immunex.

23. On information and belief, Amgen maintains large research and development facilities in Massachusetts; owns two properties and leases three properties in Massachusetts;

maintains numerous employees in Massachusetts; solicits and conducts business in Massachusetts; and derives revenues from business in Massachusetts.

24. On information and belief, two of Amgen's eight United States offices (25% of its total United States offices) are located in Massachusetts, in Cambridge and Woburn.

25. On information and belief, Amgen claims that when it opened its Cambridge facility in 2001, "Amgen bec[ame] one of the early pioneers in what would become a biotechnology hotbed in Kendall Square, opening a 285,000-square-foot facility."

26. On information and belief, in 2011 Amgen acquired BioVex for nearly $1 Billion and raised its presence in Massachusetts by taking control of BioVex's facilities located at 34 Commerce Way, Woburn, MA 01801.

27. On information and belief, Amgen has approximately 540 current employees located within Massachusetts.

28. On information and belief, Amgen has expanded and is expanding the number of employees located at its Massachusetts facilities by moving jobs from its other locations to Massachusetts and by hiring new employees in Massachusetts.

29. On information and belief, Amgen is moving up to one hundred additional research and development jobs from other offices to its Cambridge facility.

30. On information and belief, Amgen is currently hiring in Massachusetts, listing more than 35 job opportunities available in its Massachusetts facilities.

31. On information and belief, Richard J. Armitage, Jose Carlos Escobar, and Arvia E. Morris, the named inventors of the '487 Patent, were Amgen employees in 2010 (or had recently departed from Amgen) when they each assigned their rights to the '487 Patent to Immunex for $1.00.

32. On information and belief, Amgen has or had substantial partnerships with various prominent Massachusetts educational and research entities. On information and belief, Amgen has publicly stated, "Amgen is focused on enhancing its presence in key innovation hubs . . . and when you talk about innovative hubs in the life sciences, there is no better place to be than Cambridge, Massachusetts. We are very excited to be here, about our plans for growth, and about increasing collaborations with biotech startups, industry peers, and academic institutions in the area."

33. On information and belief, Amgen recently announced that the winners of the Amgen-sponsored LabCentral Golden Ticket residency opportunity in Massachusetts were Cocoon Biotech, Torus Therapeutics, and Holobiome. The Golden Ticket awards underwrite the cost of a lab bench for a scientist from each organization to reside in LabCentral's open lab for one year. LabCentral is a shared laboratory space designed as a launch pad for life-sciences and biotech startups. As one of LabCentral's sponsors, Amgen can nominate companies each year to take residence in LabCentral's 28,000 square foot Kendall Square facilities in Cambridge, Massachusetts.

34. On information and belief, Defendants invest in and collaborate with Massachusetts academic institutions, including Harvard University and the Massachusetts Institute of Technology. For example, on information and belief, Defendants have or had scholarship programs with Harvard University and the Massachusetts Institute of Technology.

35. On information and belief, Defendants have conducted research collaborations with various Massachusetts entities, including Massachusetts General Hospital and the Broad Institute.

36. On information and belief, prior to its acquisition by Amgen, Immunex entered into a collaboration/licensing agreement with Massachusetts General Hospital regarding the drug

product Enbrel®.

37. On information and belief, prior to its acquisition by Amgen, Immunex derived revenues from business in Massachusetts, including sales of Enbrel®.

38. On information and belief, prior to its acquisition by Amgen, Immunex had employees located in Massachusetts, including sales representatives.

39. On information and belief, both Amgen and Immunex are currently registered to do business in Massachusetts; have appointed agents for the service of process in Massachusetts; and have regularly used the Massachusetts courts for litigation, including patent enforcement actions.

40. On information and belief, on February 7, 2017, both Amgen and Immunex filed an Annual Report with the Secretary of the Commonwealth of Massachusetts, Corporations Divisions, as required by Massachusetts General Laws. On information and belief, the individuals listed as Officers and Directors in Immunex's filed Annual Report are Amgen employees.

41. On information and belief, Defendants (and/or their wholly-owned subsidiaries) have availed themselves of this forum by filing suit in the District of Massachusetts, including, for example: *Amgen Inc. v. F. Hoffmann-LaRoche LTD et al.*, No. 1:05-cv-12237 (D. Mass.); *Amgen, Inc. v. Hoechst Marion, et al.*, No. 1:97-cv-10814 (D. Mass.); *Amgen Manufacturing, Limited; Immunex Rhode Island Corporation; and Amgen USA Inc. v. The Trustees of Columbia University in the City of New York*, No. 1:04-cv-12626 (D. Mass.); *Amgen, Inc. v. Genetics Institute, Inc.*, No. 1:94-cv-11818 (D. Mass.); *Amgen Inc. v. Integrated Genetics, Inc.*, No. 1:87-cv-02616 (D. Mass.); and *Amgen Inc., et al. v. Chugai Pharmaceutical Co., Ltd., et al.*, No. 1:87-cv-02617 (D. Mass.).

42. On information and belief, Defendants have also availed themselves of this forum by supporting transfer of litigation to the District of Massachusetts, including, for example:

Immunex Corporation and Amgen Inc. v. The Trustees of Columbia University in the City of New York, No. 1:04-cv-10740 (D. Mass.); and *In re: Columbia University Patent Litigation*, No. 1:04-md-01592 (D. Mass.).

43. On information and belief, Defendants have attended conferences in Massachusetts where Plaintiffs have presented the results of the development of Plaintiffs' IL-4R monoclonal antibody, Dupixent®.

44. On information and belief, Defendants are aware that Plaintiffs have publicly stated that Dupixent® will be commercialized by Plaintiff Regeneron and Plaintiff Sanofi Genzyme, a well-known Massachusetts corporation with its principal place of business in Cambridge, Massachusetts.

45. On information and belief, Amgen has publicly stated that it welcomed employment applications from Plaintiff Sanofi Genzyme, located near Amgen in Kendall Square in Cambridge, Massachusetts.

46. This Court has personal jurisdiction over Amgen and Immunex at least because they have purposefully directed their activities at residents of this forum and their contacts with Massachusetts are substantial, pervasive, continuous and systematic. By virtue of their contacts with Massachusetts, Amgen and Immunex are at home in Massachusetts.

47. Pursuant to 28 U.S.C. §§ 1391 and 1400, venue properly lies in this Court because a substantial part of the events giving rise to the parties' dispute occurred within this judicial district, Amgen and Immunex have an established place of business in this district, Amgen and Immunex are subject to personal jurisdiction in this judicial district, and Amgen and Immunex are residents in this judicial district.

48. For the reasons alleged herein and additional reasons that will be presented to the

Court if jurisdiction and/or venue is challenged, this Court has subject matter jurisdiction and personal jurisdiction over Amgen and Immunex and venue is proper in this Court.

Relevant Facts

Dupixent®: A Breakthrough Treatment for a Debilitating Disease

49. Sanofi and Regeneron are pharmaceutical companies dedicated to the discovery, development, and commercialization of novel medicines.

50. Dupixent®, the product at issue in this action, is a monoclonal antibody that was developed using Regeneron's revolutionary VelocImmune® mouse technology. Regeneron and Sanofi invested many years of research efforts and hundreds of millions of dollars in developing Dupixent®.

51. After receiving a "Breakthrough Therapy" designation from the U.S. Food and Drug Administration ("FDA") in 2014, Dupixent® underwent extensive clinical trials in patients suffering from uncontrolled, moderate-to-severe forms of atopic dermatitis.

52. A type of eczema, atopic dermatitis is a debilitating, disfiguring disease characterized by chronically inflamed lesions that cover the affected person's skin. These lesions result in severe itching of the skin and predispose the affected person to recurrent skin infections. Atopic dermatitis is an incurable life-long disease that, in many cases, also causes anxiety, depression, and suicidal ideation.

53. Dupixent® is a game-changer in the fight against atopic dermatitis. This is underscored by the stunning results Dupixent® achieved in clinical trials. Within two weeks of beginning treatment, most patients reported relief of their symptoms. And, by the end of the treatment cycle, nearly 40 percent of participants saw all or almost all of their skin lesions disappear. As the *New York Times* reported, because "[t]here has never been a safe and effective

treatment" for atopic dermatitis, Dupixent® now "offer[s] hope to the estimated 1.6 million adult Americans" that are affected by the condition.

54. On July 29, 2016, Regeneron submitted a Biologics License Application (BLA) for Dupixent® to the FDA and received a so-called "PDUFA date"[1] of March 29, 2017. Sanofi and Regeneron planned to make the product available to patients as soon as possible after receiving an approval from the FDA.

55. On March 28, 2017, the FDA approved the BLA for Dupixent®, the first and only biologic medicine approved for the treatment of adults with moderate-to-severe atopic dermatitis whose disease is not adequately controlled with topical prescription therapies, or when those therapies are not advisable.

56. Dupixent® is now available in the United States. *See* https://www.dupixent.com/.

Defendants' Failed AMG-317 Project and the '487 Patent

57. On information and belief, in the 2000s, Defendants attempted to develop a monoclonal antibody treatment for asthma. Defendants produced a monoclonal antibody that reportedly inhibited the activity of interleukin 4 (IL-4) and interleukin 13 (IL-13), two cytokines involved in the immune response. Defendants' antibody—known under the code name AMG-317—underwent clinical trials for the treatment of moderate to severe asthma. On information and belief, Defendants' antibody was initially developed by Immunex, but was acquired by Amgen through Amgen's 2002 acquisition of Immunex. On information and belief, Amgen thereafter named the antibody AMG-317 (*i.e.*, Amgen-317) and continued to develop the antibody.

[1] Prescription Drug User Fee Act (PDUFA) dates are deadlines by which the FDA must review new drug applications.

58. The clinical efficacy of AMG-317 failed to meet the FDA's criteria for "phase 2" trials, with patients receiving treatment with AMG-317 reporting only small improvements relative to placebo. Specifically, AMG-317 "did not demonstrate clinical efficacy across the overall group of patients." "A total of 294 patients enrolled in the study from 52 U.S. sites," and on information and belief, the study included patients located in Massachusetts. *See* Corren, *et al.*, "A Randomized, Controlled, Phase 2 Study of AMG 317, an IL-4α Antagonist, in Patients with Asthma," *Am. J. Respir. Crit. Care Med.* (181):788-96 (2010).

59. Based on these disappointing results and approximately 8 years after Amgen completed its acquisition of Immunex, Amgen thereafter abandoned its development of AMG-317.

60. Defendants' failed drug-development efforts, however, did result in a number of patents, including the '487 Patent, which is titled "Anti-interleukin-4 receptor antibodies." Issued on March 25, 2014, the '487 Patent is assigned to Immunex and names Richard J. Armitage ("Armitage"), Jose Carlos Escobar ("Escobar"), and Arvia E. Morris ("Morris") as inventors. The '487 Patent issued from Application No. 12/829,231 ("the '231 Application"). Armitage executed an assignment of his interest in the '231 Application to Immunex on September 24, 2010. Escobar executed an assignment of his interest in the '231 Application to Immunex on September 30, 2010. Morris executed an assignment of her interest in the '231 Application to Immunex on September 24, 2010. On information and belief, at the time of these assignments in 2010, Immunex existed only as a patent holding company for Amgen, and Armitage, Escobar and Morris were employees of (or had recently been employees of) Amgen.

61. On information and belief, the antigen-binding region of AMG-317 corresponds to the antigen-binding region of one of the antibodies disclosed in the '487 Patent specification.

62. On information and belief, when Amgen completed its acquisition of Immunex on July 16, 2002, Amgen concomitantly acquired rights to Immunex's portfolio of patents and patent applications, which now includes the '487 Patent. On information and belief, Amgen is the *de facto* owner or exclusive licensee of the '487 Patent, and/or has the ability to take or grant a license to the '487 Patent from its wholly-owned subsidiary and nominal patent owner, Immunex, at any time, by virtue of its control over Immunex. On information and belief, were this not the case, Amgen would not have proceeded with clinical trials on AMG-317 or sought to license the patents that cover AMG-317 to others.

The Present Controversy

63. Amgen has a long history of aggressively enforcing its patents against competitors like Sanofi and Regeneron, and, indeed, the parties are currently engaged in an unrelated patent litigation concerning Sanofi and Regeneron's product Praluent®.

64. In the second half of March 2017, counsel for Plaintiffs learned that Amgen had hired litigation counsel to prosecute a patent infringement litigation related to Amgen's work on antibodies to the IL-4 receptor and was in the process of retaining experts. Tellingly, when contacting potential experts, litigation counsel represented that they were hired by Amgen, not Immunex, and the subject line indicated that the email related to an expert consulting opportunity for Amgen, not Immunex. On information and belief, Amgen controls the decision-making with respect to the subject litigation concerning the '487 Patent.

65. Given that Dupixent® was the only IL-4 inhibitor expected to come to market in the near future, Regeneron and Sanofi believed that Amgen and Immunex would sue them for infringement of the claims of the '487 Patent at a time of defendants' choosing and for the purpose of impairing plaintiffs' ability to sell Dupixent® in the United States. This course of conduct

would be consistent with the manner in which Amgen commenced litigation against Plaintiffs with respect to Plaintiffs' Praluent® product. On April 5, 2017, Immunex sued Plaintiffs in the Central District of California (Case No. 2:17-cv-02613), alleging infringement of the '487 Patent.

66. As evidence of Amgen's rights and/or interest in the '487 Patent as of March 20, 2017 and now, in an email response to a request for comment from a publication regarding this lawsuit, Amgen stated that "Amgen does have a patent covering the product and we will defend our patent rights."

67. Because, as explained below, Dupixent® does not in fact infringe the '487 Patent, Sanofi and Regeneron wish to eliminate any potential obstacle Defendants might seek to raise against the planned U.S. commercialization of Dupixent®.

68. An actual, imminent, concrete, and particularized dispute exists between parties having adverse legal interests with respect to the '487 Patent. This controversy warrants relief under 28 U.S.C. §§ 2201 and 2202.

Dupixent® Does Not Infringe the '487 Patent

69. Dupixent® falls outside the claims of the '487 Patent.

70. Among other things, all 17 claims of the '487 Patent recite, expressly or by incorporation, the limitation "[a]n isolated human antibody that competes with a reference antibody for binding to [the IL-4 receptor]."

71. As it is used in the '487 Patent and as it would be understood by a person of ordinary skill in the art, the term "antibody" is a generic term that does not denote any particular structure, much less a structure that is sufficiently definite. This is underscored by certain of the dependent claims, which purport to claim the "antibody of claim 1" wherein such antibody is a "*fragment* of an antibody" or even "a fusion protein."

72. Furthermore, the activity of the "antibody" recited in the claims of the '487 Patent is described in purely functional terms. That is, the claims describe the claimed "antibody" purely based on a desired result, *i.e.*, "compet[ition]" for binding to the IL-4 receptor.

73. Because, as recited in all of the claims of the '487 Patent, the term "antibody" fails to provide sufficient structure for the functional limitation "that competes with a reference antibody for binding to human IL-4 interleukin-4 (IL-4) receptor," the term "antibody" must be construed in accordance with 35 U.S.C. § 112 ¶ 6.

74. Properly construed, none of the claims of the '487 Patent cover matter beyond the structures specifically disclosed in the specification, *i.e.*, the sequences of mAbs 6-2, 12B5, 27A1, 5A1, 63, or 1B7, the only structures conceivably capable of performing the "compet[ing]" function, or their equivalents.

75. Because Dupixent® is markedly different structurally from mAbs 6-2, 12B5, 27A1, 5A1, 63, or 1B7, and any embodiments that may qualify as equivalent, Dupixent® does not infringe any of the 17 claims of the '487 Patent.

Count I—Declaration of Non-Infringement

76. Sanofi and Regeneron repeat and reallege the allegations of paragraphs 1 through 75, as though fully set forth herein.

77. Regeneron has manufactured and will continue to manufacture Dupixent® in the United States.

78. Sanofi Genzyme and Regeneron have marketed and will continue to market Dupixent® in the United States.

79. Sanofi and Regeneron have a reasonable apprehension that Amgen and Immunex will sue them for infringement of the claims of the '487 Patent at a time of defendants' choosing

and for the purpose of impairing Plaintiffs' ability to sell Dupixent® in the United States. Sanofi and Regeneron's apprehension of suit is based on, among other things, (1) Amgen's prior conduct, including the parties' previous litigation history with respect to Praluent®; (2) Amgen's long history of aggressively enforcing its patents and; and (3) the fact that Amgen has hired litigation counsel to prosecute a patent infringement litigation related to Amgen's work on antibodies to the IL-4 receptor. Indeed, on April 5, 2017, Immunex sued Plaintiffs in the Central District of California (Case No. 2:17-cv-02613), alleging infringement of the '487 Patent.

80. An actual, imminent, concrete, and particularized dispute exists between parties having adverse legal interests with respect to the '487 Patent. This controversy warrants relief under 28 U.S.C. §§ 2201 and 2202.

81. Accordingly, Sanofi and Regeneron are entitled to a declaratory judgment that they have not infringed, will not infringe, and are not liable for infringement of any claim of the '487 Patent, and that the commercial manufacture, use, offer for sale, sale or importation of Dupixent® would not infringe any claim of the '487 Patent, either literally or under the doctrine of equivalents.

WHEREFORE, Sanofi and Regeneron respectfully request that this Court grant relief against Amgen and Immunex in the form of a judgment:

A. Declaring that Plaintiffs have not infringed, will not infringe, and are not liable for infringement of any valid and enforceable claim of the '487 Patent, and that the commercial manufacture, use, offer for sale, sale or importation of Dupixent® would not infringe any valid and enforceable claim of the '487 Patent, either literally or under the doctrine of equivalents;

B. Declaring this case exceptional under 35 U.S.C. § 285 and awarding Sanofi and Regeneron's attorneys' fees, costs, and disbursements as a result of this action; and

C. Awarding Sanofi and Regeneron such further relief as the Court deems just and proper.

Dated: April 24, 2017

Respectfully submitted,

/s/ David L. Evans

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ATTORNEYS FOR PLAINTIFFS
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REGENERON PHARMACEUTICALS, INC.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants, as identified on the Notice of Electronic File ("NEF"), and paper copies will be sent to those indicated as non-registered participants on April 24, 2017 by first class mail.

/s/ David L. Evans
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