

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ALEXION PHARMACEUTICALS, INC. and	)	
ALEXION PHARMA INTERNATIONAL	)	
OPERATIONS LTD.,	)	
	)	
Plaintiffs,	)	C.A. No. 24-5-GBW
	)	
v.	)	
	)	
SAMSUNG BIOEPIS CO. LTD.,	)	
	)	
Defendant.	)	

**PLAINTIFFS’ EMERGENCY MOTION FOR INJUNCTION PENDING APPEAL AND  
TEMPORARY RESTRAINING ORDER PENDING RESOLUTION OF THIS MOTION**

Pursuant to Federal Rule of Civil Procedure 62(d) and 35 U.S.C. § 283, Alexion Pharmaceuticals, Inc. and Alexion Pharma International Operations Ltd. (collectively, “Alexion” or “Plaintiffs”) respectfully move for an injunction preventing Defendant Samsung Bioepis Co. Ltd. (“Samsung”) from engaging in the commercial manufacture, marketing, sale, and use of its eculizumab biosimilar product, SB12, pending Plaintiffs’ appeal (D.I. 58) of this Court’s May 14, 2024 Memorandum Order (D.I. 57) denying Plaintiffs’ Motion for Preliminary Injunction, to the United States Court of Appeals for the Federal Circuit.

Plaintiffs also move for a temporary restraining order, pursuant to Federal Rule of Civil Procedure 65(b), to enjoin Samsung from that same conduct pending resolution of this emergency motion.

Alternatively, if the requested injunction is denied, Plaintiffs request a temporary restraining order while Plaintiffs seek an injunction from the Federal Circuit pursuant to Federal Rule of Appellate Procedure 8(a).

The grounds for this motion are set forth in Plaintiffs' Opening Brief in Support of their Emergency Motion for Injunction Pending Appeal and Temporary Restraining Order Pending Resolution of the Motion.

Dated: May 17, 2024

MCCARTER & ENGLISH, LLP

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*Attorneys for Plaintiffs*

**RULE 7.1.1 CERTIFICATE**

I hereby certify that the subject of the foregoing motion has been discussed with counsel for Defendants. Defendants are opposed both to the Motion for Injunction Pending Appeal and Temporary Restraining Order Pending Resolution of the Motion.

Dated: May 17, 2024

/s/ Daniel M. Silver  
Daniel M. Silver (#4758)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ALEXION PHARMACEUTICALS, INC. and ALEXION PHARMA INTERNATIONAL OPERATIONS LTD.,	)	
	)	
Plaintiffs,	)	C.A. No. 24-5-GBW
	)	
v.	)	
	)	
SAMSUNG BIOEPIS CO. LTD.,	)	
	)	
Defendant.	)	

**[PROPOSED] ORDER GRANTING INJUNCTION PENDING APPEAL**

WHEREAS, Alexion Pharmaceuticals Inc. and Alexion Pharma International Operations Ltd. (collectively, “Alexion” or “Plaintiffs”) have moved this Court for an injunction pending appeal (the “Motion”);

WHEREAS, this Court has considered the Motion and the parties’ submissions and arguments in support and opposition thereto;

IT IS HEREBY ORDERED that Plaintiffs’ Motion is GRANTED as follows:

1. Defendant Samsung Bioepis Co. Ltd., its officers, agents, servants, employees, attorneys, and other persons who are in privity, active concert, or participation with it (including but not limited to all distribution partners for Samsung’s eculizumab biosimilar product, SB12) (collectively, “Samsung”) are enjoined from engaging in the commercial manufacture, use, offer to sell, or sale of Samsung’s eculizumab biosimilar product, SB12 (the “Accused Product”).

2. This injunction shall remain in full force and effect until the earliest of: (a) further orders of this Court concerning this injunction; or (b) further orders of the United States Court of Appeals for the Federal Circuit concerning this injunction.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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GREGORY B. WILLIAMS  
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ALEXION PHARMACEUTICALS, INC. and	)	
ALEXION PHARMA INTERNATIONAL	)	
OPERATIONS LTD.,	)	
	)	
Plaintiffs,	)	C.A. No. 24-5-GBW
	)	
v.	)	
	)	
	)	
SAMSUNG BIOEPIS CO. LTD.,	)	
	)	
Defendant.	)	

**[PROPOSED] ORDER GRANTING TEMPORARY RESTRAINING ORDER**

WHEREAS, Alexion Pharmaceuticals, Inc. and Alexion Pharma International Operations Ltd., (collectively, “Alexion” or “Plaintiffs”) have moved this Court for a temporary restraining order pursuant to Federal Rule of Civil Procedure 65(b) pending resolution of their emergency motion for an injunction pending appeal (the “Motion”);

WHEREAS, this Court has considered the Motion and the parties’ submissions and arguments in support and opposition thereto; and has concluded that the commercial manufacture, use, offer to sell, or sale of Samsung’s eculizumab biosimilar product, SB12, before resolution of Plaintiffs’ emergency motion for an injunction pending appeal will cause Plaintiffs immediate and irreparable injury for which there is no adequate remedy at law in the absence of intervention by this Court;

IT IS HEREBY ORDERED that Plaintiffs’ Motion is GRANTED as follows:

1. Defendant Samsung Bioepis Co. Ltd., its officers, agents, servants, employees, attorneys, and other persons who are in privity, active concert, or participation with Samsung (including but not limited to all distribution partners for Samsung’s eculizumab biosimilar product, SB12) (collectively, “Samsung”) are restrained from engaging in the commercial manufacture,

use, offer to sell, or sale of the Accused Product.

2. This Order expires fourteen days after entry unless extended by further order of the Court or Samsung consents to a longer extension.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2024.

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GREGORY B. WILLIAMS  
UNITED STATES DISTRICT JUDGE