

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

In re: Aflibercept Patent Litigation

MDL No. 1:24-md-03103-TSK

**THIS ORDER APPLIES TO**

Case No. 1:22-CV-0061-TSK

**ORDER FOR INJUNCTIVE RELIEF  
AGAINST BIOCON AND MYLAN**

Upon consideration of Plaintiff's Motion for Permanent Injunction, accompanying Memorandum in Support, exhibits attached thereto, and all of the evidence presented before this Court, including at trial, for the reasons set forth in the Court's June 11, 2024 Order Granting Motion for Permanent Injunction (Dkt. No. 162), it is

ORDERED THAT:

Pursuant to Rule 65(d)(1)(A), the reasons why this injunction is being issued are detailed in the Court's June 11, 2024 Order Granting Motion for Permanent Injunction (Dkt. No. 162), while the Court's findings and conclusions with respect to infringement and validity are detailed in the Court's Memorandum Opinion and Order Following Bench Trial (22-cv-61, Dkt. No. 664).

Pursuant to Rules 65(d)(1)(B)-(C), the terms of the permanent injunction and the acts restrained are as follows:

Defendants, their officers, agents, servants, representatives and employees and any and all persons or entities acting by, through, under or in active concert with any or all of them, are hereby enjoined and restrained from offering to sell or selling within the United States without a license from Regeneron any product that is the subject of BLA No. 761274 that the FDA approved May 20, 2024, until the expiry of U.S. Patent No. 11,084,865 ("the '865 Patent").

Defendants, their officers, agents, servants, representatives and employees and any and all persons or entities acting by, through, under or in active concert with any or all of them shall be so enjoined until the expiry of the '865 Patent.

Pursuant to Rule 65(d)(2), Biocon shall provide copies of this order to its respective officers and any employee with current and ongoing responsibility for Biocon's development or commercialization of YESAFILI as soon as possible and no later than three (3) business days of the issuance of this order. To the extent Mylan Pharmaceuticals Inc. has an employee with current

and ongoing responsibility for Biocon's development or commercialization of YESAFILI, a copy of this order shall be provided to that employee within three (3) business day of the issuance of this order.

Nothing herein shall impact, disrupt or otherwise restrict or prohibit any activities undertaken in the United States solely for commercialization of product in non-U.S. markets.

It is so ORDERED.

DATED: June 21, 2024



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Hon. Thomas S. Kleeh, Chief Judge