

Amended Originating application

No. 715 VID of 2025

Federal Court of Australia District Registry: Victoria Division:
General

Regeneron Pharmaceuticals, Inc. and others Applicants

Sandoz Pty Ltd (ACN 075 449 553)

Respondent

To the Respondent

The Applicants apply for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: 305 William St, Melbourne VIC 3000

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

Date:

Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of (name & role of party)	The Applicants	
Prepared by (name of person/lawyer)	Aaron Yates, Lawyer; Grant Fisher, Lawyer	
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Details of claim

On the grounds stated in the Statement of Claim, the Applicants claim:

Relief for threatened patent infringement

1. An order restraining the Respondent (**Sandoz**), whether by itself, its directors, officers, servants, agents, Related Bodies Corporate (as defined in the *Corporations Act 2001* (Cth) (**Corporations Act**)), Associated Entities (as defined in the *Corporations Act*) or howsoever otherwise (together, **Sandoz Entities and Personnel**), during the term of Australian Patent AU2012205599 (**599 Patent**) from infringing each of claims 1, 3, 4, 5 and 12 of the 599 Patent (**Relevant Claims**), including (without limitation) by engaging in the following acts within the patent area (as that term is defined in the *Patents Act 1990* (Cth) (**Act**)), without the licence or authority of the Applicants: importing, selling, supplying or otherwise disposing of the Sandoz Aflibercept Products (as defined in paragraph 12 of the accompanying Statement of Claim) or offering to sell, supply or otherwise dispose of Sandoz Aflibercept Products.
2. An order that Sandoz immediately take all reasonable steps to withdraw any Sandoz Aflibercept Products that have entered the market and/or to prevent the use of any Sandoz Aflibercept Products that have entered the market and serve on the Applicants an affidavit made by a proper officer of Sandoz identifying the steps that have been taken.
3. A declaration that Sandoz has threatened to infringe each of the Relevant Claims.
4. Damages, including additional damages, or at the election of the Applicants, an account of profits, in respect of any and all infringements of the 599 Patent pursuant to section 122 of the Act.

Relief for contravention of the Australian Consumer Law

On the grounds stated in the Statement of Claim, pursuant to the *Competition and Consumer Act 2010* (Cth), Schedule 2 (**ACL**), sections 18 and 232, the Applicants claim:

5. A declaration that Sandoz has contravened or has threatened to contravene section 18 of the ACL by making or threatening to make the Representations (as defined in paragraph 33 of the Statement of Claim).
6. An order that Sandoz be restrained from making, whether by itself, through the Sandoz Entities and Personnel or otherwise, the Representations during the term of the 599 Patent.
7. Damages pursuant to section 236 of the ACL.

General

8. Interest pursuant to section 51A of the *Federal Court of Australia Act 1976* (Cth).
9. Costs.

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10. Such further or other orders, directions or relief as may be necessary or as the Court sees fit.

Claim for interlocutory relief

The Applicants also claim interlocutory relief.

11. An order restraining Sandoz, whether by itself, its directors, officers, servants, agents, Related Bodies Corporate (as defined in the Corporations Act), Associated Entities (as defined in the Corporations Act) or howsoever otherwise, until the conclusion of this proceeding or further order, from engaging in the following acts within the patent area (as that term is defined in the Act), without the licence or authority of the Applicants: importing, selling, supplying or otherwise disposing of the Sandoz Aflibercept Products or offering to sell, supply or otherwise dispose of Sandoz Aflibercept Products.
12. An order that Sandoz immediately take all reasonable steps to withdraw any Sandoz Aflibercept Products and/or to prevent the use of any Sandoz Aflibercept Products that have entered the market and serve on the Applicants an affidavit made by a proper officer of Sandoz identifying the steps that have been taken.
- 12A. An order that Sandoz immediately take reasonable steps to withdraw the application(s) for the Sandoz Aflibercept Products to be listed on the Pharmaceutical Benefits Scheme (PBS).
13. Costs of and incidental to the claim for interlocutory relief.
14. Such further or other orders, directions or relief as may be necessary or as the Court sees fit.

Applicants' address

The First Applicant's address for service is:

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Email: Grant.Fisher@corrs.com.au; David.Fixler@corrs.com.au; Kate.Donald@corrs.com.au

The First Applicant's address is 777 Old Saw Mill River Road, Tarrytown, New York 10591, United States of America

The Second Applicant's address for service is:

Place: Davies Collison Cave Law, Level 15, 1 Nicholson Street, Melbourne, Vic

Email: AYates@dcc.com; IPascarl@dcc.com

The Second Applicant's address is 875 Pacific Hwy, Pymble, NSW 2073

The Third Applicant's address for service is:

Place: Davies Collison Cave Law, Level 15, 1 Nicholson Street, Melbourne, Vic

Email: AYates@dcc.com; IPascarl@dcc.com

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The Third Applicant's address is Peter Merian-Strasse 84, CH-4052 Basel, Switzerland

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: ~~4 June~~ 8 August 2025

Signed by Grant Fisher
Lawyer for the First Applicant

Signed by Aaron Yates
Lawyer for the Second and Third Applicants

5.

Schedule

No. VID of 2025

Federal Court of Australia
District Registry: Victoria
Division: General

Applicants

Second Applicant:	Bayer Australia Limited (ACN 000 138 714)
Third Applicant	Bayer Consumer Care AG

Date: ~~4 June~~ 8 August 2025