

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GENENTECH, INC.,

Plaintiff,

v.

CENTUS BIOTHERAPEUTICS LTD.,
FUJIFILM KYOWA KIRIN BIOLOGICS
CO., LTD, FUJIFILM CORP., and
KYOWA KIRIN CO., LTD.,

Defendants.

Civil Action No. 2:20-CV-361

MOTION TO DISMISS WITH PREJUDICE

Plaintiff Genentech, Inc., pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, hereby moves to dismiss all causes of action in the complaint against Defendants Centus Biotherapeutics Limited, FujiFilm Kyowa Kirin Biologics Co., Ltd., FujiFilm Corp., and Kyowa Kirin Co., Ltd. (collectively “Defendants”) with prejudice.

Genentech moves to dismiss this action because it has reached a settlement as to the claims and there is no longer a basis for the relief sought.

None of Defendants have filed an answer to the complaint or motion for summary judgment as to these claims. Dismissal under Rule 41(a)(1) is therefore appropriate and Genentech moves to dismiss all claims with prejudice.

Dated: June 21, 2021

Respectfully submitted,

/s/ Melissa R. Smith

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CERTIFICATE OF SERVICE

I certify that on June 21, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Melissa R. Smith