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18 **Pro hac vice application pending*

19 ***Pro hac vice application approved*

20 **Attorneys for Plaintiff Promosome LLC**

21 **UNITED STATES DISTRICT COURT**

22 **SOUTHERN DISTRICT OF CALIFORNIA**

23 PROMOSOME LLC,

24 Plaintiff,

25 vs.

26 MODERNA, INC., MODERNA US,
27 INC. and MODERNATX, INC.

28 Defendants.

Case No. 3:23-cv-1047-JES-DDL

**PLAINTIFF PROMOSOME LLC'S
NOTICE OF VOLUNTARY
DISMISSAL PURSUANT TO RULE
41(a)(1)(A)(i)**

Judge: Hon. James E. Simmons, Jr.
Ctrm: 4B

Magistrate: Hon. Michelle M. Pettit
Ctrm: TBD

Date Filed: June 6, 2023

1 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff
2 Promosome LLC hereby dismisses, without prejudice, this action against all
3 Defendants in its entirety and provides notice of the same. For avoidance of doubt,
4 Defendants Moderna, Inc., Moderna US, Inc., and ModernaTX, Inc. have not served
5 an answer or motion for summary judgment in this action. Accordingly, Plaintiff
6 hereby notices voluntary dismissal of this action in its entirety, without prejudice.
7 *See* Fed. R. Civ. P. (a)(1)(B).

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9 Dated: September 19, 2023

SUSMAN GODFREY L.L.P.

10
11 By: /s/ Amanda K. Bonn

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**Pro hac vice application pending*
***Pro hac vice application granted*
Attorneys for Plaintiff Promosome LLC

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2023, I electronically filed the foregoing
NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO RULE
41(a)(1)(A)(i) using the Court’s electronic filing system, which will notify all
counsel of record authorized to receive such filings.

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