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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 PFIZER INC., BIONTECH SE, and
27 BIONTECH MANUFACTURING
28 GMBH

Defendants.

Case No. 3:23-cv-1048-JES-MMP

**STIPULATION OF DISMISSAL
PURSUANT TO RULE**

41(a)(1)(A)(ii)

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

Magistrate: Hon. Michelle M. Pettit
Ctrm: TBD

Date Filed: June 6, 2023

1 Plaintiff/Counterclaim-Defendant Promosome LLC represents and warrants
2 that Promosome LLC is the exclusive licensee holding all substantial rights to U.S.
3 Patent No. 8,853,179 (“the ’179 patent”), including the right to assert all causes of
4 action under the ’179 patent and the exclusive right to remedies obtained on the ’179
5 patent. Promosome LLC further represents and warrants that Promosome LLC has
6 the right to grant the covenant in this stipulation.

7 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Promosome LLC
8 and Defendants/Counterclaim-Plaintiffs Pfizer Inc., BioNTech SE, and BioNTech
9 Manufacturing GmbH (the “Parties”) hereby stipulate to the dismissal of this action
10 in its entirety, including all claims, counterclaims, and defenses asserted therein by
11 any party. The Parties stipulate that the Parties will each bear their own costs, fees,
12 and expenses associated with this lawsuit.

13 The Parties further stipulate that (i) Promosome LLC covenants not to assert
14 the ’179 patent against Defendants or any of their products, including
15 COMIRNATY®; (ii) Promosome LLC’s claims are dismissed with prejudice; (iii)
16 Pfizer Inc., BioNTech SE, and BioNTech Manufacturing GmbH’s claims for costs,
17 fees, or expenses incurred with respect to this litigation prior to the date of this notice
18 are dismissed with prejudice; and (iv) all other claims, counterclaims, or defenses of
19 Defendants in this action are dismissed without prejudice.

20
21 Dated: October 4, 2023

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**Pro hac vice application pending*
***Pro hac vice application granted*
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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2023, I electronically filed the foregoing **STIPULATION OF DISMISSAL PURSUANT TO RULE 41(a)(1)(A)(ii)** using the Court’s electronic filing system, which will notify all counsel of record authorized to receive such filings.

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