

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

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

Plaintiffs/Counterclaim Defendants,

v.

CUREVAC SE (f/k/a CUREVAC AG),

Defendant/Counterclaimant,

and

CUREVAC MANUFACTURING GMBH,

Counterclaimant.

C.A. No. 2:23-cv-222-JKW-DEM

JURY TRIAL DEMAND

DISMISSAL ORDER

THIS DAY CAME Defendant and Counterclaimant CureVac SE, Counterclaimant CureVac Manufacturing GmbH (“CureVac”), Plaintiffs BioNTech SE, BioNTech Manufacturing GmbH, and Pfizer, Inc. (“Plaintiffs”), and intervening party Acuitas Therapeutics Inc. (“Acuitas”), by their counsel, and pursuant to Rule 41(a)(1)(A)(ii) and Rule 41(a)(2) of the Federal Rules of Civil Procedure jointly moved the Court to dismiss with prejudice Acuitas from the above styled action because CureVac and Acuitas have resolved the present controversies between them in this action since the Court’s ruling granting Acuitas’s Motion to Intervene. Dkt. No. 258.

UPON CONSIDERATION of the representations of counsel, the pleadings and for other good cause shown, it is ORDERED, ADJUDGED and DECREED that Acuitas is dismissed with prejudice from the above styled action and will bear its own attorneys’ fees and costs; provided, however, that the Court shall maintain jurisdiction over Acuitas for the limited purpose of resolving

any disputes and issuing any orders related to the Notice of Deposition Pursuant to Federal Rule of Civil Procedure 30(b)(6) served on Acuitas by BioNTech and Pfizer on May 17, 2024.

Norfolk, Virginia
June 14, 2024

/s/ 

Jamar K. Walker
United States District Judge