

**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 and Counterclaimant CureVac Manufacturing GmbH (collectively, “CureVac”), by their counsel, and pursuant to Rule 41(a)(1)(A)(ii) and Rule 41(a)(2) of the Federal Rules of Civil Procedure moved the Court to dismiss with prejudice, from the above styled action, the following claims and allegations in CureVac’s First Amended Counterclaims and Answer (Dkt. No. 106): (i) CureVac’s causes of action for infringement with respect to all claims of the ’493 Patent (Count VIII), all claims of the ’525 Patent (Count IX), all claims of the ’966 Patent (Count X), and (ii) all allegations that Acuitas, BioNTech, or Pfizer, violated any confidentiality obligations or that Acuitas’s actions, or BioNTech or Pfizer’s actions with respect to Acuitas, support or are the bases for any claim or response to any defense or counterclaim, including willful infringement allegations against BioNTech and/or

Pfizer, including, e.g., CureVac's allegations in Paragraphs 179, 180, 197, and 198 of Docket No. 106.

UPON CONSIDERATION of the representations of counsel, the pleadings and for other good cause shown, it is ORDERED, ADJUDGED and DECREED that the aforementioned claims and allegations are dismissed with prejudice from the above styled action.

Norfolk, Virginia
June 14, 2024

Handwritten signature of Jamar K. Walker in black ink.

/s/

Jamar K. Walker
United States District Judge