

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

BIONTECH SE, *et al.*,

Plaintiffs / Counterclaim
Defendants,

v.

CUREVAC SE,

Defendant / Counterclaimant,

and

CUREVAC MANUFACTURING
GMBH,

Counterclaimant.

Case No. 2:23-cv-222

ORDER

This matter is before the Court on the Motion to Reduce the Number of Asserted Claims, filed by Plaintiffs BioNTech SE and Pfizer, Inc. (“BioNTech” and “Pfizer,” respectively; collectively “the plaintiffs”). ECF No. 254. For the reasons stated below, the motion is **GRANTED WITH MODIFICATIONS**.

Pursuant to direction from the Court, the plaintiffs filed the instant motion on April 1, 2024. ECF No. 228 at 3 (order); ECF Nos. 254 (motion), 255 (memorandum). Defendant CureVac SE (“CureVac”) responded on April 15, 2024. ECF No. 259. At the time the plaintiffs briefed the motion, CureVac was asserting 100 claims. ECF No. 255 at 2. On April 12, 2024, Acuitas Therapeutics, Inc. (“Acuitas”) was permitted to intervene in this case. ECF No. 258. CureVac then settled its disputes with Acuitas.

See ECF No. 310 (Joint Motion to Voluntarily Dismiss Acuitas). As a result of that resolution, CureVac also dismissed several of its claims against BioNTech and Pfizer. ECF Nos. 311.

On June 11, 2024, the parties notified the Court that they have “resolved their disagreement concerning the process to reduce the number of asserted claims” ECF No. 309 ¶ 3. The Court appreciates the parties’ efforts and will order reduction of the number of asserted claims consistent with the parties’ agreement.

The plaintiffs’ Motion to Reduce the Number of Asserted Claims (ECF No. 254) is **GRANTED WITH MODIFICATIONS**.

It is **ORDERED** that:

- (a) CureVac will reduce the number of claims asserted to no more than 50 (from among the 68 claims currently identified) on or before June 25, 2024; and
- (b) CureVac will reduce the number of claims asserted to no more than 20 (from among the 50 claims identified on June 25, 2024) within 14 days after the close of expert discovery.

The Clerk is **DIRECTED** to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.



/s/

Jamar K. Walker
United States District Judge

Norfolk, Virginia
June 14, 2024