

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ALNYLAM PHARMACEUTICALS,)
INC.,)
)
Plaintiff,)
) C.A. No. 22-336 (CFC)
v.) (CONSOLIDATED)
)
PFIZER INC., PHARMACIA &)
UPJOHN CO. LLC, BIONTECH SE)
and BIONTECH MANUFACTURING)
GMBH,)
)
Defendants.)

STIPULATION AND [PROPOSED] ORDER
REGARDING DISMISSAL OF THE '480 PATENT

WHEREAS Plaintiff Alnylam Pharmaceuticals, Inc. (“Plaintiff”) has filed actions against Defendants Pfizer, Inc., Pharmacia & Upjohn Co. LLC, BioNTech SE, and BioNTech Manufacturing GMBH (collectively “Defendants”) for infringement of U.S. Patent Nos. 11,246,933 (the “’933 patent”); 11,382,979 (the “’979 patent”); 11,590,229 (the “’229 patent”); 11,612,657 (the “’657 patent”); 11,633,479 (the “’479 patent”); and 11,633,480 (the “’480 patent”);

WHEREAS Defendants have filed affirmative defenses and counterclaims against Plaintiff for the ’933 patent; the ’979 patent; the ’229 patent; the ’657 patent; the ’479 patent; and the ’480 patent; and

WHEREAS Plaintiff and Defendants desire to narrow the issues for trial and

streamline the issues in this case;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendants, subject to the approval of the Court, as follows:

1. Plaintiff's claims of infringement against Defendants in Count Four of the Complaint with respect to the '480 patent¹ are DISMISSED WITH PREJUDICE pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

2. Defendants' counterclaims and affirmative defenses with respect to the '480 patent² are DISMISSED WITHOUT PREJUDICE.

3. For clarity and avoidance of doubt, this Stipulation and Order does not relate to, dismiss, or in any way affect any claims, counterclaims, and affirmative defenses pending between Plaintiff and Defendants relating to the '933 patent; the '979 patent; the '229 patent; the '657 patent; and the '479 patent; or any future motion with respect to attorney fees under 35 U.S.C. § 285 with respect to the '480 patent.

¹ See C.A. No. 23- 578, D.I. 1, at ¶¶ 96-99 (Count Four); D.I. 15 at 103-104, ¶¶ 22-25 (Count Four).

² See C.A. No. 23- 578, D.I. 11, at 37, ¶¶ 96-99 (Count Four); *id.* at 39-40 (Second Affirmative Defense; Sixth Affirmative Defense; Ninth Affirmative Defense with respect to the '480 patent only); *id.* at 61-64, ¶¶ 151-156 (Count IV), ¶¶ 166-168 (Count VIII); D.I. 22 at 11 (Tenth Affirmative Defense, Eleventh Affirmative Defense, and Twelfth Affirmative Defense).

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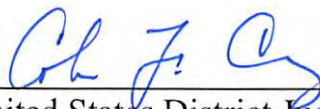
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February 21, 2025

SO ORDERED this 29th day of February, 2025.



Chief, United States District Judge