

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

CUREVAC SE, *et al.*,

Plaintiffs,

GLAXOSMITHKLINE BIOLOGICALS SA,

Intervenor,

v.

BIONTECH SE, *et al.*,

Defendants.

Civil Action No. 2:23-cv-00222 (JKW)



**MOTION TO INTERVENE AND REQUEST FOR EXPEDITED HEARING BY  
GLAXOSMITHKLINE BIOLOGICALS SA**

Pursuant to Federal Rule of Civil Procedure 24, proposed Plaintiff-Intervenor GlaxoSmithKline Biologicals SA (“GSK”) respectfully moves this Court to grant its Motion to Intervene (the “Motion”) in this action. In support of the Motion, GSK refers this Court to its Brief in Support of Its Motion to Intervene Pursuant to Federal Rule of Civil Procedure 24, Complaint in Intervention, Motion for a Temporary Restraining Order and Preliminary Injunction, Declaration of Justin Wilcox In Support Of Plaintiff-Intervenor GlaxoSmithKline Biologicals SA’s Motion To Intervene, and all associated attachments and exhibits, including the Declaration of Julian Bouchard. A Proposed Order Granting the Motion is attached hereto as Addendum 1.

As detailed in its Brief in Support of this Motion, GSK moves to intervene in this suit to join CureVac SE’s and CureVac Manufacturing GMBH’s (collectively “CureVac”) patent infringement claims against BioNTech SE and BioNTech Manufacturing GMBH (collectively, BioNTech), and Pfizer Inc. (“Pfizer”). As the exclusive licensee to CureVac’s patents-in-suit, GSK

must intervene to protect its valuable rights in those patents, including its contractual right [REDACTED]

[REDACTED].

Although this suit has been pending for almost three years, GSK can no longer stand on the sidelines given that BioNTech SE and CureVac's parent company, CureVac N.V., have entered into a purchase agreement under which BioNTech SE will acquire CureVac. CureVac and BioNTech now share a common interest in resolving this litigation quickly and quietly to clear the path for CureVac's acquisition, even if doing so comes at GSK's expense. For these reasons, GSK must intervene because CureVac can no longer adequately represent GSK's interests in this action.

As further detailed in GSK's Motion for a Temporary Restraining Order and Preliminary Injunction, GSK requires immediate relief in the form of an order enjoining and restraining CureVac and BioNTech as follows:

- (1) Enjoining CureVac from taking any action inconsistent with its obligations under the CLA1 and CLA2 Amendment and Restatement Deed ("CLA Restatement") until arbitration proceedings conclude, including without limitation by:
  - a. Settling, or agreeing to settle, its claims against BioNTech or Pfizer Inc. ("Pfizer") in this litigation without GSK's consent;
  - b. Granting, or agreeing to grant, to BioNTech or Pfizer a license to the patents-in-suit without GSK's consent;
  - c. Granting, or agreeing to grant, to BioNTech or Pfizer a license to any other CureVac Patent Rights; or
  - d. Failing to consult with and obtain GSK's agreement on strategic decisions in this litigation, including whether to seek any trial continuance or dismiss any patent infringement claims.

(2) Enjoining BioNTech from causing or inducing CureVac to take any action inconsistent with CureVac's obligations under the CLA Restatement, including without limitation by:

- a. Conditioning BioNTech's acquisition of CureVac on the settlement of, or agreement to settle, CureVac's claims against BioNTech or Pfizer in this litigation without GSK's consent;
- b. Conditioning BioNTech's acquisition of CureVac on CureVac granting, or agreeing to grant, to BioNTech or Pfizer a license to the patents-in-suit without GSK's consent; or
- c. Conditioning BioNTech's acquisition of CureVac on CureVac granting, or agreeing to grant, to BioNTech or Pfizer a license to any other CureVac Patent Rights.

GSK has provided notice of its intent to file this Motion and offered to meet and confer with counsel for CureVac, BioNTech and Pfizer, none of which consented to this Motion. Due to GSK's immediate need for relief, GSK respectfully requests an expedited hearing on the Motion on or before August 7, 2025, as soon as counsel may be heard.

WHEREFORE, GSK respectfully requests that the Court grant its Motion to Intervene.

Dated: July 7, 2025

By: /s/ Justin P.D. Wilcox

Justin P.D. Wilcox (VSB No. 66067)

David J. Shaw (VSB No. 82628)

[jwilcox@desmaraisllp.com](mailto:jwilcox@desmaraisllp.com)

[dshaw@desmaraisllp.com](mailto:dshaw@desmaraisllp.com)

DESMARAIS LLP

1899 Pennsylvania Ave., NW, Suite 400

Washington, D.C. 20006

Telephone: 202-451-4900

John M. Desmarais (*pro hac vice* forthcoming)

[jdesmarais@desmaraisllp.com](mailto:jdesmarais@desmaraisllp.com)

DESMARAIS LLP

230 Park Avenue

New York, NY 10169

Telephone: 212-351-3400

*Attorneys for Plaintiff-Intervenor*

*GlaxoSmithKline Biologicals SA*