



'966 patent") (Count X), and U.S. Patent No. 11,596,686 ("the '686 patent") (Count XI) (ECF No. 106);

WHEREAS, on August 2, 2023, Defendants filed amended counterclaims and answer to CureVac's first amended complaint asserting counterclaims of declarations of invalidity of the '312 patent (Count I), the '278 patent (Count II), the '492 patent (Count III), the '920 patent (Count IV), the '070 patent (Count V), the '910 patent (Count VI), the '493 patent (Count VII), the '525 patent (Count VIII), the '966 patent) (Count IX), and the '686 patent (Count X), and counterclaims of declarations of non-infringement of the '492 patent (Count XI), the '920 patent (Count XII), the '070 patent (Count XIII), the '910 patent (Count XIV), the '525 patent (Count XV), the '966 patent) (Count XVI), and the '686 patent (Count XVII) (ECF. No 116);

WHEREAS, pursuant to the parties' stipulation (ECF No. 311), the Court dismissed CureVac's causes in CureVac's first amended complaint 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) (ECF No. 315);

WHEREAS, on December 30, 2024, the Court entered an order dismissing the cause of action in CureVac's first amended complaint for damages based on provisional patent rights with respect to the '312 patent under 35 U.S.C. § 154(d) (Count II) (ECF No. 518);

WHEREAS, pursuant to Federal Rule of Civil Procedure 41, CureVac seeks to dismiss with prejudice its causes of action for infringement with respect to all claims of the '312 patent (Count I in ECF No. 106), the '278 patent (Count III in ECF No. 106), the '492 patent (Count IV in ECF No. 106), the '920 patent (Count V in ECF No. 106), the '070 patent (Count VI in ECF No. 106), the 910 patent (Count VII in ECF No. 106), and the '686 patent (Count XI in ECF No. 106);

WHEREAS, pursuant to Federal Rule of Civil Procedure 41, Defendants seek to dismiss with prejudice their causes of action for a declaration of non-infringement in this action with respect to the '312 patent (Count I in Complaint, ECF No. 1), the '278 patent (Count II in Complaint, ECF No. 1), the '493 patent (Count III in Complaint, ECF No. 1), the '492 patent (Count XI in ECF No. 116), the '920 patent (Count XII in ECF No. 116), the '070 patent (Count XIII in ECF No. 116), the '910 patent (Count XIV in ECF No. 116), the '525 patent (Count XV in ECF No. 116), the '966 patent (Count XVI in ECF No. 116), and the '686 patent (Count XVII in ECF No. 116);

WHEREAS, pursuant to Federal Rule of Civil Procedure 41, Defendants seek to dismiss with prejudice their causes of action for a declaration of invalidity in this action with respect to the '312 patent (Count I in ECF No. 116), the '278 patent (Count II in ECF No. 116), the '492 patent (Count III in ECF No. 116), the '920 patent (Count IV in ECF No. 116), the '070 patent (Count V in ECF No. 116), the '910 patent (Count VI in ECF No. 116), the '493 patent (Count VII in ECF No. 116), the '525 patent (Count VIII in ECF No. 116), the '966 patent (Count IX in ECF No. 116), and the '686 patent (Count X in ECF No. 116);

NOW, THEREFORE, IT IS HEREBY STIPULATED

- (a) Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), CureVac dismisses with prejudice its causes of action for infringement with respect to all claims of the '312 patent (Count I in ECF No. 106), the '278 patent (Count III in ECF No. 106), the '492 patent (Count IV in ECF No. 106), the '920 patent (Count V in ECF No. 106), the '070 patent (Count VI in ECF No. 106), the 910 patent (Count VII in ECF No. 106), and the '686 patent (Count XI in ECF No. 106);

(b) Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Defendants dismiss with prejudice their causes of action: (a) for a declaration of non-infringement with respect to the '312 patent (Count I in Complaint, ECF No. 1), the '278 patent (Count II in Complaint, ECF No. 1), the '493 patent (Count III in Complaint, ECF No. 1), the '492 patent (Count XI in ECF No. 116), the '920 patent (Count XII in ECF No. 116), the '070 patent (Count XIII in ECF No. 116), the '910 patent (Count XIV in ECF No. 116), the '525 patent (Count XV in ECF No. 116), the '966 patent) (Count XVI in ECF No. 116), and the '686 patent (Count XVII in ECF No. 116); (b) for a declaration of invalidity in this action with respect to the '312 patent (Count I in ECF No. 116), the '278 patent (Count II in ECF No. 116), the '492 patent (Count III in ECF No. 116), the '920 patent (Count IV in ECF No. 116), the '070 patent (Count V in ECF No. 116), the '910 patent (Count VI in ECF No. 116), the '493 patent (Count VII in ECF No. 116), the '525 patent (Count VIII in ECF No. 116), the '966 patent) (Count IX in ECF No. 116), and the '686 patent (Count X in ECF No. 116).

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