IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GLAXOSMITHKLINE BIOLOGICALS SA and GLAXOSMITHKLINE LLC, Plaintiffs, v. MODERNA, INC., MODERNATX, INC., and MODERNA US, INC., Defendants.	C.A. No. 24-cv-1135 (GBW)

STIPULATION OF DISMISSAL

Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs GlaxoSmithKline Biologicals SA and GlaxoSmithKline LLC (collectively "GSK") and Defendants Moderna, Inc., Moderna TX, Inc., and Moderna US, Inc. (collectively "Moderna") stipulate and agree as follows:

WHEREAS, GSK filed its First Amended Complaint on September 4, 2025 (D.I. 91);

WHEREAS, Moderna filed its First Amended Counterclaims and Answer on September 23, 2026 (D.I. 308);

WHEREAS, GSK and Moderna desire to resolve this Action;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

1. GSK's claims of infringement (D.I. 91, Counts I, II, III, IV, V, VI, and VII as to all the Accused Products (i.e., Spikevax® (original monovalent), Spikevax® (bivalent BA.1), Spikevax® (bivalent BA.4/5), Spikevax® (monovalent XBB.1.5), Spikevax® (monovalent JN.1), Spikevax® (monovalent KP.2), Spikevax® (LP.8.1), Spikevax® (XFG), mNEXSPIKE® (monovalent JN.1), mNEXSPIKE® (LP.8.1), and mNEXSPIKE® (XFG)) shall be dismissed WITH PREJUDICE.

2. Moderna's counterclaims for declaratory judgment of non-infringement (D.I. 308, Counts I, II, III, IV, V, VI, and VII as to all the Accused Products (i.e., Spikevax® (original monovalent), Spikevax® (bivalent BA.1), Spikevax® (bivalent BA.4/5), Spikevax® (monovalent XBB.1.5), Spikevax® (monovalent JN.1), Spikevax® (monovalent KP.2), Spikevax® (LP.8.1), Spikevax® (XFG), mNEXSPIKE® (monovalent JN.1), mNEXSPIKE® (LP.8.1), and mNEXSPIKE® (XFG)) shall be dismissed WITH PREJUDICE.
3. Moderna's counterclaim for declaratory judgment of government sales under 28 U.S.C. § 1498(a) (D.I. 308, Count XV) shall be dismissed WITH PREJUDICE.
4. Moderna's counterclaims for declaratory judgment of invalidity (D.I. 308, Counts VIII, IX, X, XI, XII, XIII, and XIV) and unenforceability (D.I. 308, Counts XVI, XVII, XVIII, XIX, XX, XXI, XXII, and XXIII) shall be dismissed WITHOUT PREJUDICE.
5. Each party will bear its own costs and attorneys' fees.

IT IS SO STIPULATED.

Dated: November 6, 2026

/s/ Kelly E. Farnan
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