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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ALLELE BIOTECHNOLOGY AND
PHARMACEUTICALS, INC.,

Plaintiff,

v.

PFIZER, INC.; BIONTECH SE;
BIONTECH US, INC.; and DOES 1-30,

Defendants.

Case No.: 20-cv-01958-H-AGS

JOINT MOTION TO DISMISS

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff ALLELE BIOTECHNOLOGY AND PHARMACEUTICALS, INC. and Defendants PFIZER, INC., BIONTECH SE and BIONTECH US, INC. (collectively, "Defendants") hereby jointly move the Court for the dismissal with prejudice of this action and all claims, counterclaims, and defenses by and between the parties.

Dated: January 4, 2022

By: /s/ Ben Lewis Wagner
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SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to David J. Noonan, counsel for Defendant Pfizer, Inc. and Elizabeth Brann, counsel for Defendants BioNTech SE and BioNTech US, Inc., and that I have obtained Ms. Brann's and Mr. Noonan's authorization to affix their electronic signatures to this document.

Dated: January 4, 2022

By: /s/ Ben L. Wagner

**TROUTMAN PEPPER HAMILTON
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*Attorneys for Plaintiff Allele Biotechnology &
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