

**TROUTMAN PEPPER HAMILTON
SANDERS LLP**

Ben Lewis Wagner (SBN 243594)
ben.wagner@troutman.com
11682 Camino Real, Suite 400
San Diego, CA 92130-2092
Telephone: 858-509-6000
Facsimile: 858-509-6050

Robert Schaffer, *pro hac vice*
robert.schaffer@troutman.com
875 Third Avenue
New York, NY 10022
Telephone: 212-704-6000
Facsimile: 212-704-6288

*Attorneys for Plaintiff Allele
Biotechnology and Pharmaceuticals, Inc*

**NOONAN LANCE BOYER &
BANACH**

David J. Noonan (SBN 55966)
701 Island Avenue, Suite 400
San Diego, CA 92101
Telephone: 619-780-0880
Facsimile: 619-780-0877

WILLIAMS & CONNOLLY LLP

Thomas H. L. Selby, *pro hac vice*
Stanley E. Fisher, *pro hac vice*

Charles L. McCloud, *pro hac vice*
Michael Xun Liu, *pro hac vice*
725 Twelfth Street, N.W.
Washington, DC 20005
Telephone: 202-434-5000
Facsimile: 202-434-5029

Attorneys for Defendant Pfizer Inc.

PAUL HASTINGS LLP

Elizabeth L. Brann (SBN 222873)
elizabethbrann@paulhastings.com
4747 Executive Drive, 12th Floor
San Diego, CA 92121
Telephone: 858-458-3000
Facsimile: 858-458-3005

Bruce M. Wexler, *pro hac vice*
brucewexler@paulhastings.com
Merri C. Moken, *pro hac vice*
merrimoken@paulhastings.com
200 Park Avenue

New York, NY 10166
Telephone: 212-318-6000
Facsimile: 212-319-4090

*Attorneys for Defendants BioNTech SE
and BioNTech US, Inc.*

**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

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

6
7 Dated: January 4, 2022

8 By: /s/ Ben Lewis Wagner
9 **TROUTMAN PEPPER HAMILTON**
10 **SANDERS LLP**

11 Ben Lewis Wagner (SBN 243594)
12 ben.wagner@troutman.com
13 11682 Camino Real, Suite 400
14 San Diego, CA 92130-2092
15 Telephone: 858-509-6000
16 Facsimile: 858-509-6050

17 Robert Schaffer, *pro hac vice*
18 robert.schaffer@troutman.com
19 875 Third Avenue
20 New York, NY 10022
21 Telephone: 212-704-6000
22 Facsimile: 212-704-6288

23 *Attorneys for Plaintiff Allele*
24 *Biotechnology and Pharmaceuticals, Inc.*

25 Dated: January 4, 2022

26 By: /s/ David J. Noonan
27 **NOONAN LANCE BOYER &**
28 **BANACH**

David J. Noonan (SBN 55966)
701 Island Avenue, Suite 400
San Diego, CA 92101
Telephone: 619-780-0880
Facsimile: 619-780-0877

WILLIAMS & CONNOLLY LLP

Thomas H. L. Selby, *pro hac vice*
Stanley E. Fisher, *pro hac vice*
Charles L. McCloud, *pro hac vice*
Michael Xun Liu, *pro hac vice*
725 Twelfth Street, N.W.
Washington, DC 20005
Telephone: 202-434-5000
Facsimile: 202-434-5029

Attorneys for Defendant Pfizer, Inc.

Dated: January 4, 2022

By: /s/ Elizabeth L. Brann
PAUL HASTINGS LLP

Elizabeth L. Brann (SBN 222873)
elizabethbrann@paulhastings.com
4747 Executive Drive, 12th Floor
San Diego, CA 92121
Telephone: 858-458-3000
Facsimile: 858-458-3005

Bruce M. Wexler, *pro hac vice*
brucewexler@paulhastings.com
Merri C. Moken, *pro hac vice*
merrimoken@paulhastings.com
200 Park Avenue
New York, NY 10166
Telephone: 212-318-6000
Facsimile: 212-319-4090

Attorneys for Defendants BioNTech SE
and BioNTech US, Inc.

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
SANDERS LLP**
Ben L. Wagner

*Attorneys for Plaintiff Allele Biotechnology &
Pharmaceuticals, Inc.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28