## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PATRICK MCDERMID, individually and on behalf of all others similarly situated,

Plaintiff,

CIVIL ACTION NO. 20-01402

v.

INOVIO PHARMACEUTICALS, INC., et al.,

Defendants.

## <u>ORDER</u>

AND NOW, this 16th day of February 2021, upon consideration of Defendants' Motion to Dismiss, (ECF No. 72), Plaintiffs' Response, (ECF No. 80), and Defendants' Reply, (ECF No. 83), it is **ORDERED** that Defendants' Motion is **GRANTED in part** and **DENIED in part**. Specifically:

- 1. The Court **DISMISSES with prejudice** those claims in Counts I and II based upon the Defendants' April 30 and June 30, 2020 press releases; and
- 2. The Court **DENIES** Defendants' Motion to Dismiss Counts I and II as to all other statements.

It is further **ORDERED** that, upon consideration of Defendants' Request for Judicial Notice, (ECF No. 73), Plaintiffs' Response, (ECF No. 81), and Defendants' Reply, (ECF No. 84), the Motion is **GRANTED** in part and **DENIED** in part. The Court **GRANTS** the Motion as to Exhibits A–L, N–O and U–V and **DENIES** the Motion as to Exhibits M and P–T.

## BY THE COURT:

## /s/ Gerald J. Pappert

GERALD J. PAPPERT, J.