

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

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

Plaintiff,

v.

INOVIO PHARMACEUTICALS, INC., *et
al.,*

Defendants.

CIVIL ACTION
NO. 20-01402

ORDER

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.