

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MERCK & CO., INC.	§	
	§	
Plaintiff Below, Appellant,	§	No. 150, 2023
	§	
v.	§	
	§	Court Below: Court of Chancery
BAYER AG,	§	of the State of Delaware
	§	
Defendant Below, Appellee.	§	
	§	C.A. No. 2021-0838

Submitted: November 1, 2023
Decided: November 16, 2023

Before **SEITZ**, Chief Justice; **VALIHURA**, **TRAYNOR**, **LEGROW**, and **GRIFFITHS**,
Justices, constituting the Court *en banc*.

ORDER

Now this 16th day of November 2023, the Court having considered this matter on the briefs and oral arguments of the parties and the record below and having concluded that the same should be affirmed on the basis of and for the reasons assigned by the Court of Chancery in its Memorandum Opinion decided on April 3, 2023;

NOW THEREFORE, IT IS HEREBY ORDERED that the judgment of the Court of Chancery be and the same hereby is AFFIRMED.

BY THE COURT:

/s/ Karen L. Valihura
Justice