

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION)
and GENEVANT SCIENCES GmbH,)

Plaintiffs,)

v.)

MODERNA, INC. and MODERNATX, INC.)

Defendants.)

MODERNA, INC. and MODERNATX, INC.,)

Counterclaim-Plaintiffs,)

v.)

ARBUTUS BIOPHARMA CORPORATION)
and GENEVANT SCIENCES GmbH,)

Counterclaim-Defendants.)

C.A. No. 22-252 (MSG)

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JURY TRIAL DEMANDED

**DEFENDANTS’ RESPONSES AND OBJECTIONS TO PLAINTIFFS’ SECOND SET OF
REQUESTS FOR PRODUCTION TO DEFENDANTS (NOS. 99–127)**

Pursuant to Federal Rules of Civil Procedure 26 and 34, Defendants Moderna, Inc. and ModernaTX, Inc. (collectively, “Moderna” or “Defendants”) provide their responses and objections to Plaintiffs Arbutus Biopharma Corporation (“Arbutus”) and Genevant Sciences GmbH (“Genevant”)’s requests for production.

GENERAL OBJECTIONS

Moderna incorporates by reference its General Objections provided in Moderna’s Responses and Objections to Plaintiffs’ First Set of Requests for Production to Defendants (Nos. 1–98) served February 2, 2023.

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DEFINITIONS

Moderna incorporates by reference the Definitions provided in Moderna’s Responses and Objections to Plaintiffs’ First Set of Requests for Production to Defendants (Nos. 1–98) served February 2, 2023.

OBJECTIONS TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 99:

All documents and communications by, with, or from Stéphane Bancel related to the Accused Product, the Patents-in-Suit, Plaintiffs, Operation Warp Speed, Contract No. W911QY-20-C-0100, or Contract No. W58P05-22-C-0017.

RESPONSE TO REQUEST FOR PRODUCTION NO. 99:

Moderna objects to this Request as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional to the needs of this case, including because it seeks “[a]ll documents and communications by, with, or from Stéphane Bancel” related to various overbroad topics including the Accused Product and Operation Warp Speed, Contract No. W911QY-20-C-0100, or Contract No. W58P05-22-C-0017, which presumes that all such documents and communications are relevant. Moderna will not produce irrelevant and/or non-responsive documents. Moderna objects to this Request as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional to the needs of this case, specifically because it lacks reasonable temporal restrictions. Moderna objects to this Request as seeking the production of documents protected from discovery by the attorney-client privilege, the work-product doctrine, or any other applicable privilege or immunity. Moderna will not produce such documents. Moderna objects to this Request as improperly seeking to expand upon the default number of ESI custodians under the Delaware Default Standard. Moderna has already identified a proportional number of ESI custodians most likely to have relevant ESI, including custodians with information

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concerning the C-0100 and C-0017 contracts. Moderna objects to this Request to the extent it seeks documents that are protected by confidentiality obligations to third parties that prohibit or restrict their disclosure by Moderna (by agreement or by law) and will not produce such documents. Moderna objects to this Request as duplicative of at least RFP Nos. 6, 47, 49, and 50. Moderna also objects to this Request to the extent it calls for information that is publicly available. Moderna will not search for and produce information that is publicly available.

Subject to and without waiving any of its general or specific objections, Moderna will not produce documents solely in response to this Request.

REQUEST FOR PRODUCTION NO. 100:

All documents and communications by, with, or from Moncef Slaoui related to the Accused Product, the Patents-in-Suit, Plaintiffs, Operation Warp Speed, Contract No. W911QY-20-C-0100, or Contract No. W58P05-22-C-0017.

RESPONSE TO REQUEST FOR PRODUCTION NO. 100:

Moderna objects to this Request as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional to the needs of this case, including because it seeks “[a]ll documents and communications by, with, or from Moncef Slaoui” related to various overbroad topics including the Accused Product and Operation Warp Speed, Contract No. W911QY-20-C-0100, or Contract No. W58P05-22-C-0017, which presumes that all such documents and communications are relevant. Moderna will not produce irrelevant and/or non-responsive documents. Moderna objects to this Request as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional to the needs of this case, specifically because it lacks reasonable temporal restrictions. Moderna objects to this Request as seeking the production of documents protected from discovery by the attorney-client privilege, the work-product doctrine,

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REQUEST FOR PRODUCTION NO. 118:

All documents produced by Moderna related to the Accused Product in *ModernaTX, Inc. and Moderna US, Inc. v. Pfizer Inc., BioNTech SE, BioNTech Manufacturing GmbH, and BioNTech US Inc.*, Case 1:22-cv-11378-RGS (D. Mass.).

RESPONSE TO REQUEST FOR PRODUCTION NO. 118:

Moderna objects to this Request as overbroad, unduly burdensome, and calling for information not relevant to any of the claims or defenses in this litigation and/or not proportional to the needs of this case, including because it seeks “[a]ll documents produced by Moderna related to the Accused Product” in *Moderna v. Pfizer* litigation (C.A. No. 22-cv-11378 (D. Mass.)), which involves different patents from the current case, and potentially encompasses an enormous volume of documents, not all of which will have relevance to the issues in dispute, and some of which may require redaction and/or review for third-party confidentiality. Moderna will not produce irrelevant and/or non-responsive documents, including documents relating to aspects of the Accused Products that are not relevant to the Asserted Claims. Moderna objects to this Request to the extent it seeks proprietary, confidential, or trade secret information of Moderna or of others to whom Moderna is under an obligation of confidentiality (by agreement or by law).

Subject to and without waiving any of its general or specific objections, Moderna is willing to meet and confer regarding this Request.

REQUEST FOR PRODUCTION NO. 119:

All pleadings, correspondence, transcripts, discovery requests, discovery responses, or other documents associated with *ModernaTX, Inc. and Moderna US, Inc. v. Pfizer Inc., BioNTech SE, BioNTech Manufacturing GmbH, and BioNTech US Inc.*, Case 1:22-cv-11378-RGS (D. Mass.), including but not limited to requests for production, responses to requests for production, interrogatories, interrogatory responses, discovery correspondence, briefs, deposition transcripts, and hearing transcripts.

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