EXHIBIT K

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.	C.A. No. 22-252-MSG **HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL'S EYES ONLY** **JURY TRIAL DEMANDED**
MODERNA, INC. and MODERNATX, INC., Counterclaim-Plaintiffs, v. ARBUTUS BIOPHARMA CORPORATION and GENEVANT SCIENCES GmbH, Counterclaim-Defendants.	

DEFENDANTS' RESPONSES AND OBJECTIONS TO PLAINTIFFS' THIRD SET OF REQUESTS FOR PRODUCTION TO DEFENDANTS (NOS. 128-173)

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 (Nos. 128-173).

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.

Moderna also objects the sheer number of requests, now totaling 173, as unreasonable burdensome, duplicative, and not proportional to the needs of the case, particularly where Plaintiffs expect Moderna to carry out an unreasonable number of searches at this stage in the case.

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. 128

All documents that estimate, define, describe, assess, study, or summarize the market for the Accused Product, including but not limited to company reports or studies, third-party research, or other information related to the market for the Accused Product.

RESPONSE TO REQUEST FOR PRODUCTION NO. 128:

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 that estimate, define, describe, assess, study, or summarize the market for the Accused Product," which presumes that all such documents are relevant. Moderna will not search for documents relating to batches of the Accused Products (and materials used in those batches) that were not made, used, offered for sale, or sold within the United States or imported into the United States, which are not accused of infringement. 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 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. 74, 76, 78, and 79. 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. Moderna objects to this Request to the extent it seeks a legal conclusion and/or expert discovery.

Subject to and without waiving any of its general or specific objections, Moderna will produce non-privileged market reports and analyses for Moderna's COVID-19 Vaccine identified after a reasonable and proportionate search.

REQUEST FOR PRODUCTION NO. 129

All documents and other information relating to the pricing strategies for the Accused Product, including, but not limited to, the factors, information, and/or data that Moderna considered in developing pricing strategies for the Accused Product.

RESPONSE TO REQUEST FOR PRODUCTION NO. 129:

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 other information relating to the pricing strategies for the Accused Product," which presumes that all such documents and information are relevant. Moderna will not search for documents relating to batches of the Accused Products (and materials used in those batches) that were not made, used, offered for sale, or sold within the United States or imported into the United States, which are not accused of infringement. Moderna will not produce irrelevant and/or non-responsive documents and information. 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 vague and ambiguous, at least with respect to the phrase "other information," which is not defined. 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 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. 69, 74, and 76. 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. Moderna objects to this Request to the extent it seeks a legal conclusion and/or expert discovery.

Subject to and without waiving any of its general or specific objections, Moderna will produce non-privileged documents concerning pricing strategy for Moderna's COVID-19 Vaccine identified after a reasonable and proportionate search.

REQUEST FOR PRODUCTION NO. 130

All documents and communications created, prepared, and/or reviewed for or by Moderna's Board of Directors, or any committee of such Board, related to the Accused Product, including, but not limited to, meeting minutes of Moderna's Board of Directors, presentations prepared for or provided to Moderna's Board of Directors, or financial analyses or projections about sales of the Accused Product provided to Moderna's Board of Directors.

RESPONSE TO REQUEST FOR PRODUCTION NO. 130:

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 created, prepared, and/or reviewed for or by Moderna's Board of Directors, or any committee of such

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