

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION)
and GENEVANT SCIENCES GMBH,)
)
Plaintiffs,)
)
v.) C.A. No. 22-252-MSG
)
MODERNA, INC. and MODERNATX, INC.)
)
Defendants.)

STIPULATION AND ORDER TO EXTEND TIME

WHEREAS, the Court previously granted the parties’ Stipulation and Order to Extend Time, which extended the deadline for the substantial completion of document production from October 13, 2023 to December 1, 2023. D.I. 144; and

WHEREAS, the parties continue to meet and confer in good faith regarding the scope and timing of document collection and production, including electronically stored information (“ESI”) and search terms related thereto, and require additional time to collect, review, and produce documents;

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to the approval of the Court, that the deadline for the Substantial Completion of Document Production shall be extended from December 1, 2023 to December 22, 2023, and the deadline to file Motions to Join other Parties and to Amend or Supplement Pleadings be extended from December 4, 2023 to January 5, 2024.

No other deadlines set forth in the Scheduling Order (D.I. 72) are altered by way of this Stipulation.^{1,2}

SHAW KELLER LLP

/s/ Nathan R. Hoeschen

John W. Shaw (#3362)
Karen E. Keller (#4489)
Nathan R. Hoeschen (#6232)
Emily S. DiBenedetto (#6779)
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
kkeller@shawkeller.com
nhoeschen@shawkeller.com
edibenedetto@shawkeller.com

Attorney for Plaintiffs

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Travis J. Murray

Jack B. Blumenfeld (#1014)
Brian P. Egan (#6227)
Travis J. Murray (#6882)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
began@morrisnichols.com
tmurray@morrisnichols.com

Attorneys for Defendants

SO ORDERED this ____ day of _____ 2023.

UNITED STATES DISTRICT JUDGE

¹ Although this Stipulation is limited to the deadline for substantial completion of document production, it is Defendants' position that an extension to the overall case schedule is likely necessary, particularly in view of the large volume of ESI the parties anticipate reviewing and producing, which, under the currently negotiated search terms, hits on hundreds of thousands of documents for potential production. The parties could not agree to an extended schedule beyond the substantial completion of document production and amendment of pleadings deadlines, however, and thus Defendants reserve all rights to seek an extension to the remaining case deadlines once document production is substantially complete and they can better assess the remaining discovery needs for this complex litigation.

² Plaintiffs do not agree with Defendants' position that further schedule extensions are warranted based on the current status of document discovery. Defendants reference the volume of ESI the parties are reviewing as the basis for further extensions, but the parties have had months to review documents for production under an existing schedule that accommodates this volume of ESI. Any further extensions of the schedule after substantial completion can be considered by the parties at that time.