

# EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION	)	
and GENEVANT SCIENCES GmbH,	)	<b>CONTAINS INFORMATION</b>
	)	<b>MODERNA DESIGNATED HIGHLY</b>
Plaintiffs,	)	<b>CONFIDENTIAL – OUTSIDE</b>
	)	<b>COUNSEL EYES ONLY</b>
v.	)	
	)	C.A. No. 22-252-MSG
MODERNA, INC. and MODERNATX, INC.,	)	
	)	
Defendants.	)	

**PLAINTIFFS’ SECOND SET OF INTERROGATORIES TO DEFENDANTS**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiffs Arbutus Biopharma Corporation (“Arbutus”) and Genevant Sciences GmbH (“Genevant”) request that Defendants Moderna, Inc. and ModernaTX Inc. (collectively, “Moderna” or “Defendants”) respond fully, in writing, under oath, separately to each interrogatory below. Plaintiffs request that Defendants serve their written responses to these interrogatories upon Williams & Connolly LLP, 680 Maine Avenue SW, Washington, DC, 20024, within 30 days after service hereof.

**DEFINITIONS & INSTRUCTIONS**

Plaintiffs incorporate herein by reference as though fully set forth herein the definitions and instructions of Plaintiffs First Set of Interrogatories to Defendants served February 16, 2023.

**INTERROGATORIES**

**INTERROGATORY NO. 11**

Identify all final and intermediate batches and/or lots of the Accused Product by all batch numbers and/or lot numbers, including any batch and/or lot numbers used or assigned by Moderna or any third party, including:

- (1) all batches and/or lots of mRNA-1273 Drug Product and any supplemental or booster COVID-19 mRNA vaccine product thereof, including any batches and/or lots of mRNA-1273.214 and mRNA-1273.222;
- (2) all batches and/or lots of mRNA-1273 Lipid Nanoparticle (“LNP”), including all batches and/or lots of mRNA-1273 LNP-B, mRNA-1273.529 LNP, and mRNA-1273.045 LNP;
- (3) all batches and/or lots of [REDACTED];
- (4) all batches and/or lots of SM-102, DSPC, Cholesterol, and PEG2000-DMG; and
- (5) all batches and/or lots of mRNA, including all batches and/or lots of CX-024414, CX-034476, and CX-031302,

and for each batch and/or lot:

describe in detail the genealogy of the batch and/or lot, including the source and disposition of the batch and/or lot, including: the batches of SM-102, DSPC, Cholesterol, and PEG2000-DMG used to manufacture each batch of [REDACTED] and/or mRNA-1273 LNP; the batches of mRNA and batches of [REDACTED] used to manufacture each batch of mRNA-1273 LNP; the batches of mRNA-1273 LNP used to manufacture each batch of mRNA-1273 Drug Product and/or other final drug product; the parties to whom or by whom the batch and/or lot was manufactured, sold, offered for sale, distributed, transferred, shipped, administered and/or used; where that manufacturing, sale, offer for sale, distribution, transfer, shipment, administration and/or use occurred; and the dates on which that manufacturing, sale, offer for sale, distribution, transfer, shipment, administration and/or use occurred; and

identify the unit sales, revenues, gross profit, net profit, average unit sales price to end users, average unit sales price to distributors (if any), list price to end users, list price to distributors

(if any), cost of goods sold (including identification of the items included in cost of goods sold), and operating costs (*i.e.*, other costs not included in cost of goods sold, such as selling, general, and administrative expenses) associated with the batch and/or lot.

OF COUNSEL:

David I. Berl  
Adam D. Harber  
Thomas S. Fletcher  
Jessica Palmer Ryan  
Lydia B. Cash  
Shaun P. Mahaffy  
Anthony H. Sheh  
WILLIAMS & CONNOLLY LLP  
680 Maine Avenue S.W.  
Washington, DC 20024  
(202) 434-5000  
*Attorneys for Plaintiff Genevant  
Sciences GmbH*

Daralyn J. Durie  
Shaelyn K. Dawson  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, CA 94105-2482  
(415) 268-6080

Kira A. Davis  
MORRISON & FOERSTER LLP  
707 Wilshire Boulevard  
Los Angeles, CA 90017-3543  
(213) 892-5200

David N. Tan  
MORRISON & FOERSTER LLP  
2100 L Street, NW, Suite 900  
Washington, DC 20037  
*Attorneys for Plaintiff Arbutus  
Biopharma Corporation*

Dated: March 16, 2023

/s/ Nathan R. Hoeschen

John W. Shaw (No. 3362)  
Karen E. Keller (No. 4489)  
Nathan R. Hoeschen (No. 6232)  
SHAW KELLER LLP  
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  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Nathan R. Hoeschen, hereby certify that on March 16, 2023, this document was served on the persons listed below in the manner indicated:

**BY EMAIL:**

Jack B. Blumenfeld  
Brian P. Egan  
MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@morrisonichols.com  
began@morrisonichols.com

James F. Hurst  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
(312) 862-2000  
james.hurst@kirkland.com

Patricia A. Carson, Ph.D.  
Jeanna M. Wacker  
Mark C. McLennan  
Nancy Kaye Horstman  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022  
(212) 446-4800  
patricia.carson@kirkland.com  
jeanna.wacker@kirkland.com  
mark.mclennan@kirkland.com  
kaye.horstman@kirkland.com

/s/ Nathan R. Hoeschen  
John W. Shaw (No. 3362)  
Karen E. Keller (No. 4489)  
Nathan R. Hoeschen (No. 6232)  
SHAW KELLER LLP  
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  
*Attorneys for Plaintiffs*