

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.)

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

MODERNA, INC. and MODERNATX, INC.,)

Counterclaim-Plaintiffs,)

v.)

ARBUTUS BIOPHARMA CORPORATION)
and GENEVANT SCIENCES GmbH,)

Counterclaim-Defendants.)

**DECLARATION OF PETER WOJCIECHOWSKI
IN SUPPORT OF THE PARTIES' JOINT MOTION TO SEAL**

I, Peter Wojciechowski, hereby declare as follows:

1. I am CMC Knowledge Management Lead at ModernaTX, Inc. (hereinafter, “Moderna”). In this role, I am familiar with Moderna’s technical research and development information. I am familiar with the fact that Moderna maintains this information as confidential¹, and I am familiar with the extensive efforts Moderna takes to protect its confidential information. I have personal knowledge of the facts stated in this declaration of have become aware of such facts through my role at Moderna. If called upon to testify, I could and would competently testify thereto.

2. I write this declaration in support of Moderna’s request to avoid disclosure of sensitive and confidential information on the public record. I discuss below how and why Moderna keeps certain technical information confidential, and the serious harm that would result to Moderna from disclosure of this information to Moderna’s competitors.

3. I understand this case relates to Moderna’s COVID-19 Vaccine, known as mRNA-1273 or “SpikeVax.” SpikeVax is comprised of messenger RNA (mRNA) which is encased in lipid nanoparticles (LNPs). Moderna’s proprietary LNP is comprised of four lipid components including SM-102, cholesterol, phospholipid, and PEGDMG-2000.

4. I have been provided and have reviewed the information that Moderna proposes to redact from Moderna’s Opposition to Plaintiffs’ Motion to Compel Samples (D.I. 183) (“Moderna’s Opposition”), as well as supporting documents submitted with Moderna’s Opposition. Specifically, Moderna’s Opposition and Exhibits 4-6, 14-15, 19-23, and 25-26

¹ I understand that the Protective Order in this case (D.I. 91) includes two categories of Protected Material: “Confidential” and “Highly Confidential – Outside Counsel’s Eyes Only.” I understand that Moderna’s Opposition and Exhibits include both categories of Protected Material. For the purposes of this declaration, I have used the term “confidential” to cover both categories, neither of which should be disclosed to the public for the reasons explained herein.

thereto contain Moderna confidential information. These documents reflect Moderna confidential technical and business information regarding Moderna's COVID-19 vaccine.

5. It is critical to Moderna that the Court maintain under seal Moderna's confidential information. Moderna has always taken extensive measures to maintain the confidentiality of its technical information, including by implementing procedures that restrict access to sensitive information even within Moderna. Employees have confidentiality obligations as part of their employment and are provided guidance regarding how to treat sensitive information. Specifically, confidential Moderna information is not to be disclosed outside of Moderna except under confidentiality agreement and when necessary. Documents containing such information may be marked as confidential or otherwise indicate they contain restricted or sensitive information. Internal to Moderna, employee access to commercially sensitive and trade secret information is often restricted on a need-to know basis, as determined by a person's group or role on a project. Moderna has been extremely concerned about the protection of its confidential information during this litigation and has been very careful to always protect this information.

6. Moderna's proposed redactions seek to seal portions of Moderna's Opposition and Exhibits 4-6, 14-15, 19-23, and 25-26 thereto, which refer to, quote, summarize, or otherwise disclose Moderna's sensitive and confidential technical information. Specifically, the information on the following pages of Moderna's Opposition and Exhibits disclose specific information concerning the composition of Moderna's COVID-10 Vaccine and Moderna's proprietary and trade secret manufacturing methods for its COVID-19 Vaccine including steps in the manufacturing process and parameters for those steps:

- Moderna's Opposition at page 1, lines 9-10; page 2, lines 14, 16; page 3, lines 16-17, 23;

- Exhibit 4 at page 14, lines 20-28; page 15, lines 1-9, 14-16; page 17, lines 7, 9-10; page 18, lines 5-6, 8-11; page 19, lines 7-11, 13-15, 20-21; page 20, lines 1, 25-26; page 21, lines 1, 4-5, 10-15, 17-24; page 22, lines 1-3, 8-10; page 23, lines 23, 26-27; page 24, lines 22-23; page 25, lines 5-6, 8, 10-11; page 26, lines 7, 9, 11, 17-18, 20-22, 24; page 27, lines 1, 4, 8-9, 16-22, 25; page 28, lines 5, 7-15, 17, 23; page 29, line 1; page 30, lines 4, 7-8, 11-12, 14, 17, 20-21; page 31, lines 7-12, 14-15, 20-26; page 32, lines 1-3, 7-18, 22, 26-28, 31; page 52, lines 15-23; page 53, lines 1-4; page 54, lines 22-23; page 55, lines 1-2;
- Exhibit 5 at page 3, lines 11-17, 25, 38-41; page 4, lines 4-7, 14, 20-22;
- Exhibit 6 (confidential Certificate of Analysis);
- Exhibit 14 at page 2, lines 14-16; page 9, lines 13-21; page 10, lines 1-17; Exhibit A (confidential specification);
- Exhibit 15 at chart Paragraph 4(c) Charts;
- Exhibit 19 at page 4, lines 31-40; page 7, lines 14-15; page 8, lines 14-16, 23-24;
- Exhibit 20 at page 3, lines 16-22, 37-40; page 4, lines 36-43; page 5, lines 5-10, 24-33;
- Exhibit 21 at page 1, lines 13-22; page 2, lines 5-6; page 4, lines 4, 10, 23; page 5, lines 4-20;
- Exhibit 22 at page 1, lines 28-30; page 4, line 13-17;
- Exhibit 23 at page 1, lines 33-35;
- Exhibit 25 at page 2, lines 11-14, 18-25; page 3, lines 3-5, 8-11; and
- Exhibit 26 at page 1, lines 23-29; page 2, lines 25-31.

7. The information within Moderna's Opposition and Exhibits 4-6, 14-15, 19-23, and 25-26 thereto that Moderna proposes redacting is confidential and sensitive information that Moderna does not disclose publicly, which it wishes to remain confidential. There is significant competition between established vaccine suppliers, including suppliers with mRNA-based vaccines. Additionally, there are companies considering entering the vaccine market and companies developing mRNA-based vaccines and therapeutics for other diseases or developing lipid nanoparticles for mRNA-based products. Because there are so few competitors in these

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