

# EXHIBIT 1

**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 confidential,<sup>1</sup> 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 or 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 supporting documents submitted with Moderna’s Opposition to Plaintiffs’ Motion to Compel (D.I. 196) (“Moderna’s Opposition”). Specifically, Exhibits C and G contain Moderna

---

<sup>1</sup> 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 Exhibits C and G to Moderna’s Opposition 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.

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 Exhibits C and G to Moderna's Opposition which refer to, quote, summarize, or otherwise disclose Moderna's sensitive and confidential technical information. Specifically, the information on the following pages of the Exhibits disclose specific information concerning the composition of Moderna's COVID-19 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:

- Exhibit C at page 2, line 37;
- Exhibit G at page 3, lines 11, 18-19; page 4, lines 1-2.

7. The information within Exhibits C and G 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 LNPs for mRNA-based products. Because there are so few competitors in these markets, the markets are highly competitive, and any information about one of the competitors, even seemingly minor information, may prove competitively advantageous. Moderna has spent significant resources to develop its formulation and manufacturing methods, and the release of such information to the public, including Moderna's competitors, would significantly harm Moderna.

8. With respect to Moderna's formulation, Moderna considers its precise formulation, including the quantities of ingredients, a trade secret, which is not public knowledge.

9. With respect to Moderna's proprietary manufacturing process for SpikeVax, Moderna considers its process-as-a-whole a trade secret, including the steps in the process, the records of each step, and the parameters or specification for each step (such as timing, sequence, amount and kind of raw materials, temperatures, measurements, equipment used etc.). Moderna has not publicly disclosed its proprietary manufacturing process.

10. Exhibits C and G disclose many of these details, which are referenced in portions of Moderna's Opposition that Moderna proposes to redact.

11. Based on my personal knowledge and experience in the pharmaceutical business, I believe that disclosure of this information would significantly harm Moderna by revealing confidential data to its direct competitors and the public generally. If the confidential information were made public, Moderna's competitors would be able to potentially replicate Moderna's

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.