

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION :
and GENEVANT SCIENCES GMBH, :
 : CIVIL ACTION
Plaintiffs, :
 :
v. :
 : NO. 22-252
MODERNA, INC. and MODERNATX, INC., :

ORDER

AND NOW, this 3rd day of April, 2024, upon consideration of the parties' Joint Claim Construction Brief (Doc. No. 170) and following a claim construction hearing, it is hereby **ORDERED** that the disputed claim terms in this case are construed as follows:

Claim Term	Court's Construction
"__ mol % of the total lipid present in the particle"	"__ mol % of the total lipid present in the particle" The recited "mol %" ranges are understood to encompass their standard variation based on the number of significant figures recited in the claim.
"a cationic lipid having a protonatable tertiary amine"	Plain and ordinary meaning, <i>i.e.</i> , a "cationic lipid having a protonatable tertiary amine."
"wherein at least 70% / at least 80% / about 90% of the mRNA in the formulation is fully encapsulated in the lipid vesicles"	"wherein at least 70% /at least 80% / about 90% of the mRNA in the formulation is fully, as distinct from partially, contained inside the lipid vesicles."

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.