Exhibit A

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.	)

[PROPOSED] SCHEDULING ORDER

This_____day of_____, 2022, the Court having conducted an initial

Rule 16(b) scheduling conference pursuant to Local Rule 16.1(b), and the parties having

determined after discussion that the matter cannot be resolved at this juncture by settlement,

voluntary mediation, or binding arbitration;

IT IS HEREBY ORDERED that:

1.   Rule 26(a)(l) Initial Disclosures and E-Discovery Default Standard.   Unless

otherwise agreed to by the parties, the parties shall make their initial disclosures pursuant to Federal

Rule of Civil Procedure 26(a)(l) within **ten (10) days** of the date the Court enters this Order. If they

have not already done so, the parties are to review the Court's Default Standard for Discovery,

Including Discovery of Electronically Stored Information ("ESI"), which is posted at

http://www.ded.uscourts.gov (*see* Other Resources, Default Standard for Discovery) and is

incorporated herein by reference. The parties shall meet and confer about a proposed ESI Order and

submit it to the Court within **forty-five (45) days** from the date the Court enters this Order. Until the

parties have agreed on an appropriate ESI Order or the Court has resolved a dispute concerning a

proposed ESI Order and such order is entered, the Court's Default Standard shall control. The lack

of agreement between the parties on an ESI Order shall not be used as a basis to refuse to respond to discovery requests while such order is pending.

2.   Joinder of Other Parties and Amendment of Pleadings. All motions to join other parties, and to amend or supplement the pleadings, shall be filed on or before **March 24, 2023**. Unless otherwise ordered by the Court, any motion to join a party or motion to amend the pleadings shall be made pursuant to the procedures set forth in Paragraphs 8(g) and 9.

3.   Application to Court for Protective Order. Should counsel find it will be necessary to apply to the Court for a protective order specifying terms and conditions for the disclosure of confidential information, counsel should confer and attempt to reach an agreement on a proposed form of order and submit it to the Court within **twenty-one (21) days** from the date the Court enters this Order.   Should counsel be unable to reach an agreement on a proposed form of order, counsel must follow the provisions of Paragraph 8(g) below.

Any proposed protective order must include the following paragraph:

> Other Proceedings. By entering this order and limiting the disclosure of information in this case, the Court does not intend to preclude another court from finding that information may be relevant and subject to disclosure in another case. Any person or party subject to this order who becomes subject to a motion to disclose another party's information designated "confidential" [the parties should list any other level of designation, such as "highly confidential," which may be provided for in the protective order] pursuant to this order shall promptly notify that party of the motion so that the party may have an opportunity to appear and be heard on whether that information should be disclosed.

4.   Papers Filed Under Seal. In accordance with section G of the Revised Administrative Procedures Governing Filing and Service by Electronic Means, a redacted version of any sealed document shall be filed electronically within seven (7) days of the filing of the sealed document.

5.   Courtesy Copies. The parties shall provide to the Court two (2) courtesy copies of all briefs and any other document filed in support of any briefs (*i.e.*, appendices, exhibits,

declarations, affidavits etc.). This provision also applies to papers filed under seal. All courtesy copies shall be double-sided.

6.　　ADR Process. This matter is referred to a magistrate judge to explore the possibility of alternative dispute resolution.

7.　　Disclosures. Absent agreement among the parties, and approval of the Court:

(a)　　By **July 26, 2022**, Plaintiffs shall identify the accused product(s), including accused methods and systems, and their damages model, as well as the asserted patent(s) that the accused product(s) allegedly infringe(s). Plaintiffs shall also produce the file history for each asserted patent.

(b)　　By **August 16, 2022**, Defendants shall produce core technical documents related to the accused product(s), sufficient to show how the accused product(s) work(s), including but not limited to non-publicly available operation manuals, product literature, schematics, and specifications. Defendants shall also produce sales figures for the accused product(s).

(c)　　By **September 30, 2022**, Plaintiffs shall produce an initial claim chart relating each known accused product to the asserted claims each such product allegedly infringes.

(d)　　By **November 14, 2022**, Defendants shall produce their initial invalidity contentions for each asserted claim, as well as the known related invalidating references.

(e)　　By **May 26, 2023**, Plaintiffs shall provide final infringement contentions and Defendants shall provide final invalidity contentions. The addition or substitution of asserted claims, prior art references, and/or invalidity defenses may be made only by order of the Court upon a timely showing of good cause.

8.　　Discovery. Unless otherwise ordered by the Court or agreed to by parties, the limitations on discovery set forth in the Federal Rules shall be strictly observed.

(a)　　Fact Discovery Cut Off.　All fact discovery in this case shall be initiated so

that it will be completed on or before **April 14, 2023**.

   (b) <u>Document Production.</u> Document production shall be substantially complete by **January 18, 2023**.

   (c) <u>Requests for Admission.</u> A maximum of 45 requests for admission are permitted for each side. Requests to admit the authenticity of a document shall not count toward this limit.

   (d) <u>Interrogatories.</u>

     i. A maximum of 30 interrogatories, including contention interrogatories, are permitted for each side.

     ii. The Court encourages the parties to serve and respond to contention interrogatories early in the case. In the absence of agreement among the parties, contention interrogatories, if filed, shall first be addressed by the party with the burden of proof. The adequacy of all interrogatory answers shall be judged by the level of detail each party provides (*i.e.*, the more detail a party provides, the more detail a party shall receive).

   (e) <u>Depositions.</u>

     i. <u>Limitation on Hours for Deposition Discovery.</u> Each side is limited to a total of 100 hours of taking testimony by deposition upon oral examination, including depositions of third parties. Any deposition lasting less than 4 hours will count as 4 hours against the total time of the side taking the deposition. Each deposition will be limited to seven (7) hours in length of on-the-record time except as specifically extended, by order of the Court, or otherwise agreed to by the parties. For clarity, the hour limitations described in this paragraph do not apply to depositions of expert witnesses.

     ii. <u>Location of Depositions.</u> The parties shall meet and confer regarding locations of depositions, taking into account convenience for the deponent.

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