

Exhibit B

From: [McLennan, Mark C.](#)
To: [Mahaffy, Shaun](#)
Cc: [Hurst, James F.](#); [Carson, Patricia A.](#); [Berl, David](#); [Fletcher, Thomas](#); [Harber, Adam](#); [Daralyn Durie](#); [Eric Wiener](#); [Kira A. Davis](#); [Wacker, Jeanna](#); [Blumenfeld, Jack](#); [Egan, Brian P.](#); [#KEModernaSpikevaxService](#); [Genevant Team](#); [John Shaw](#); [Karen Keller](#)
Subject: RE: Arbutus v. Moderna
Date: Monday, August 1, 2022 8:59:22 AM

Shaun,

Thank you for your email below and for providing "Plaintiffs' Initial Identification of Asserted Patents, Accused Products, and Damages Model." As you are undoubtedly aware, Plaintiffs cannot unilaterally circumvent the Default Standard for Discovery by serving those. Moderna will make its disclosures according to any schedule entered by the Court. Further, nothing in the Default Standard or in Judge Goldberg's Policies and Procedures requires Moderna to produce documents by August 16.

We also see no need for a Rule 26(f) conference while Moderna's motion is pending and before the Court has ordered a Rule 16 conference.

Best regards,
Mark

Mark C. McLennan

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From: Mahaffy, Shaun <SMahaffy@wc.com>
Sent: Thursday, July 28, 2022 9:32 AM
To: McLennan, Mark C. <mark.mclennan@kirkland.com>
Cc: Hurst, James F. <james.hurst@kirkland.com>; Carson, Patricia A. <patricia.carson@kirkland.com>; Berl, David <DBerl@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Harber, Adam <AHarber@wc.com>; Daralyn Durie <DDurie@durietangri.com>; Eric Wiener <EWiener@durietangri.com>; Kira A. Davis <kdavis@durietangri.com>; Wacker, Jeanna <jeanna.wacker@kirkland.com>; Blumenfeld, Jack <JBlumenfeld@morrisonichols.com>; Egan, Brian P. <began@morrisonichols.com>; #KEModernaSpikevaxService <KEModernaSpikevaxService@kirkland.com>; Genevant Team <GenevantTeam@wc.com>; John Shaw <jshaw@shawkeller.com>; Karen Keller <kkeller@shawkeller.com>
Subject: RE: Arbutus v. Moderna

Mark,

We disagree that it is appropriate for Moderna to refuse to begin the process of discussing a schedule. We therefore request again that Moderna join us in the Rule 26(f) discovery planning

conference so that the parties may begin preparing the Rule 26(f) report. Please let us know your availability this week for a Rule 26(f) conference.

Thanks,
Shaun

Shaun P. Mahaffy

Associate | Williams & Connolly LLP

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From: McLennan, Mark C. <mark.mclennan@kirkland.com>

Sent: Monday, July 25, 2022 8:36 PM

To: Mahaffy, Shaun <SMahaffy@wc.com>

Cc: Hurst, James F. <james.hurst@kirkland.com>; Carson, Patricia A. <patricia.carson@kirkland.com>; Berl, David <DBerl@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Harber, Adam <AHarber@wc.com>; Daralyn Durie <DDurie@durietangri.com>; Eric Wiener <EWiener@durietangri.com>; Kira A. Davis <kdavis@durietangri.com>; Wacker, Jeanna <jeanna.wacker@kirkland.com>; Blumenfeld, Jack <JBlumenfeld@morrisonichols.com>; Egan, Brian P. <began@morrisonichols.com>; #KEModernaSpikevaxService <KEModernaSpikevaxService@kirkland.com>

Subject: RE: Arbutus v. Moderna

Counsel,

We're in receipt of your email below attaching a draft scheduling order.

As you know, Moderna's partial motion to dismiss remains pending before the Court. The parties' briefing on Moderna's motion specifically addressed the extent to which the scope of the case, including discovery, would be narrowed should the motion be granted. Accordingly, Moderna does not agree to submit a proposed schedule at this early stage while the motion is pending.

To the extent a schedule is submitted, it should be submitted in accordance with the Rule 16 conference deadlines when those are set by the Court.

For future correspondence, please be sure to copy Jack Blumenfeld, Brian Egan, and KEModernaSpikevaxService@kirkland.com.

Regards,
Mark

Mark C. McLennan

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From: Mahaffy, Shaun <SMahaffy@wc.com>

Sent: Wednesday, July 20, 2022 3:19 PM

To: Wacker, Jeanna <jeanna.wacker@kirkland.com>

Cc: Hurst, James F. <james.hurst@kirkland.com>; Carson, Patricia A.

<patricia.carson@kirkland.com>; McLennan, Mark C. <mark.mclennan@kirkland.com>; Berl, David

<DBerl@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Harber, Adam <AHarber@wc.com>;

Daralyn Durie <DDurie@durietangri.com>; Eric Wiener <EWiener@durietangri.com>; Kira A. Davis

<kdavis@durietangri.com>

Subject: Arbutus v. Moderna

Counsel,

In view of paragraphs 2 and 4 of Judge Goldberg's Policies and Procedures guidelines regarding civil matters, Plaintiffs intend to move forward with discovery in the above case. Accordingly, please find attached a draft Scheduling Order. Please let us know by July 27 whether Defendants have any proposed edits or would like to discuss.

Thanks,

Shaun

Shaun P. Mahaffy

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