

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.)	
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MODERNA, INC. and MODERNATX, INC.,)	
)	
Counterclaim-Plaintiffs,)	
)	
v.)	
)	
ARBUTUS BIOPHARMA CORPORATION)	
and GENEVANT SCIENCES GmbH,)	
)	
Counterclaim-Defendants.)	

STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME

WHEREAS, the parties wish to avoid burdening the Court with a series of motions to seal in support of various recent and forthcoming sealed filings and have conferred on the instant Stipulation to allow for the filing of a single omnibus motion to seal the various submissions outlined below;

WHEREAS, Plaintiffs Arbutus Biopharma Corporation and Genevant Sciences GmbH (“Plaintiffs”) filed their Letter Brief in Support of Plaintiffs’ Motion for Leave to Amend Complaint and the exhibits thereto (collectively, “Plaintiffs’ Motion to Amend”) under seal on April 17, 2024 (D.I. 278);

WHEREAS, pursuant to the Stipulation and Order Regarding Sealed Filings (D.I. 155) and the Stipulation and Order (D.I. 282), the deadline to file a motion to seal as to Plaintiffs’ Motion to Amend is presently April 29, 2024;

WHEREAS, pursuant to the Stipulation and Order Regarding Sealed Filings (D.I. 155) and the Stipulation and Order (D.I. 289) the deadline for Moderna to file its response to Plaintiffs' Motion to Amend is presently April 26, 2024, but may be subject to further extension between the parties in an effort to resolve certain disputes, which would dictate the timing to file a motion to seal as to Moderna's response to Plaintiffs' Motion to Amend;

WHEREAS, Plaintiffs filed their Letter Brief in Support of Plaintiffs' Motion to Compel and the exhibits thereto (collectively, "Plaintiffs' Motion to Compel Bancel Documents") under seal on April 23, 2024 (D.I. 285);

WHEREAS, pursuant to the Stipulation and Order Regarding Sealed Filings (D.I. 155), the deadline for Moderna to file its response to Plaintiffs' Motion to Compel Bancel Documents is presently April 29, 2024;

WHEREAS, pursuant to the Stipulation and Order Regarding Sealed Filings (D.I. 155), the deadline to file a motion to seal to Plaintiffs' Motion to Compel Bancel Documents is April 26, 2024, and the deadline to file a motion to seal Moderna's response to Plaintiffs' Motion to Compel Bancel Documents is May 2, 2024;

WHEREAS, pursuant to the Stipulation and Order Regarding Sealed Filings (D.I. 155) and the Stipulation and Order to Extend Time (D.I. 280), Plaintiffs filed their Motion to Compel Regarding 30(b)(6) Topics and exhibits thereto (collectively, "Plaintiffs' 30(b)(6) Motion to Compel") under seal on April 24, 2024 (D.I. 287);

WHEREAS, pursuant to the Stipulation and Order Regarding Sealed Filings (D.I. 155), the deadline for Moderna to file its response to Plaintiffs' 30(b)(6) Motion to Compel is presently May 1, 2024;

WHEREAS, pursuant to the Stipulation and Order Regarding Sealed Filings (D.I. 155), the deadline to file a motion to seal to Plaintiff's 30(b)(6) Motion to Compel is April 29, 2024 and the deadline to file a motion to seal Moderna's response to Plaintiffs' 30(b)(6) Motion to Compel is May 6, 2024;

WHEREAS, to minimize the burden on the Court and to allow sufficient time for the parties to coordinate and prepare redactions and declarations in support of any motion to seal, the parties have agreed, subject to the Court's approval, to the filing of one omnibus motion to seal any of the letter briefs, and their respective exhibits, associated with: (1) Plaintiffs' Motion to Amend (including the amended complaint (D.I. 278, Ex. N); (2) Plaintiffs' Motion to Compel Bancel Documents; and (3) Plaintiffs' 30(b)(6) Motion to Compel¹.

NOW THEREFORE, the parties stipulate and agree, subject to the approval of the Court, that the deadlines to file a motion to seal the letter briefs associated with (1) Plaintiffs' Motion to Amend; (2) Plaintiffs' Motion to Compel Bancel Documents; and (3) Plaintiffs' 30(b)(6) Motion to Compel shall be extended until May 14, 2024, on which date the parties shall file a single omnibus motion to seal the aforementioned submissions.

IT IS FURTHER ORDERED, that if the Court grants Plaintiffs' Motion to Amend, the Amended Complaint shall be filed under seal and Moderna shall file any motion to seal within three (3) business days from the date it is docketed. If no motion to seal is required, Moderna shall notify the Court that the Amended Complaint can be unsealed.

¹ The United States government may also move to seal third-party confidential material in one or more of the letter briefs, and their exhibits, filed in connection with these motions.

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SO ORDERED this _____ day of _____, 2024.

UNITED STATES DISTRICT JUDGE