

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

**STIPULATION AND [PROPOSED] ORDER REGARDING THE PARTIES’
PRODUCTION OF LOBBYING AND OTHER NON-LOBBYING DOCUMENTS**

WHEREAS, on June 10, 2024, Defendants Moderna, Inc. and ModernaTX, Inc. (collectively, “Moderna”) filed a motion to compel Plaintiffs Arbutus Biopharma Corp. and Genevant Sciences GmbH (collectively, “Plaintiffs”) and third party Roivant Sciences Ltd. to produce certain lobbying documents (D.I. 341);

WHEREAS, on June 11, 2024, Plaintiffs filed an opposition to Moderna’s motion to compel and sought production of certain of Moderna’s non-lobbying communications with the U.S. Government (D.I. 348);

WHEREAS, the Court held a discovery dispute hearing on June 13, 2024;

WHEREAS, on June 20, 2024, the Court ordered the parties to exchange lobbying documents by June 30, 2024 (D.I. 355), which was later extended after the Court granted the parties' request extend the deadline to exchange lobbying documents to July 5, 2024 (D.I. 371);

WHEREAS, on June 20, 2024, the Court ordered Moderna to produce certain non-lobbying documents by July 4, 2024 (D.I. 355);

WHEREAS, on June 27, 2024, Moderna filed a letter seeking clarification of the Court's June 20, 2024 Order as it pertains to Moderna's production of non-lobbying documents (D.I. 366);

WHEREAS, the deadline to request re-argument of the Court's June 20, 2024 Order under Delaware Local Rule 7.1.5 is July 5, 2024;

NOW THEREFORE, the parties hereby stipulate and agree, subject to the approval of the Court, that the deadline to request re-argument of the Court's June 20, 2024 Order is hereby extended to five business days following the Court's resolution of Moderna's request for clarification.

FURTHERMORE, Moderna will produce communications between Moderna and the U.S. Government concerning section 1498 and/or the Statement of Interest on July 5, 2024, but reserves all rights in the event that the Court's determination regarding common interest is later modified (*see* D.I. 366 noting Moderna's position on the June 20, 2024 Order).

FURTHERMORE, the parties agree, subject to approval of the Court, if the Court clarifies that its July 20, 2024 Order to require production of non-lobbying documents beyond communications between Moderna and the U.S. Government concerning section 1498 and/or the Statement of Interest (i.e. extending to all communications concerning this lawsuit), Moderna's

deadline to produce such communications will be extended to 5 business days after the Court's resolution of Moderna's request for clarification or re-argument, whichever is later.

SHAW KELLER LLP

/s/ Nathan R. Hoeschen

John W. Shaw (#3362)
Karen E. Keller (#4489)
Nathan R. Hoeschen (#6232)
Emily S. DiBenedetto (#6779)
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
kkeller@shawkeller.com
nhoeschen@shawkeller.com
edibenedetto@shawkeller.com

Attorneys for Plaintiffs

July 5, 2024

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Travis J. Murray

Jack B. Blumenfeld (#1014)
Brian P. Egan (#6227)
Travis J. Murray (#6882)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
began@morrisnichols.com
tmurray@morrisnichols.com

Attorneys for Defendants

SO ORDERED this _____ day of _____ 2024.

UNITED STATES DISTRICT JUDGE