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November 1, 2022

By ECF

The Honorable Mary Kay Vyskocil
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Acuitas Therapeutics Inc. v. Genevant Sciences GmbH and
Arbutus Biopharma Corp.*, Case No. 22-cv-02229-MKV

Dear Judge Vyskocil:

Pursuant to Rule 9.B of Your Honor's Individual Rules of Practice in Civil Cases, Plaintiff Acuitas Therapeutics Inc. ("Acuitas") moves to seal or redact confidential material in its Opposition to Defendants' Motion to Dismiss the First Amended Complaint and in Exhibit A to the supporting Declaration of Allison Penfield, which are filed concurrently under seal with highlights that denote redactions in conformity with the Court's Standing Order 21-mc-00013 and Section 6 of the Court's Electronic Case Filing Rules & Instructions.

In particular, the proposed sealing and redactions are narrowly tailored to keep only highly sensitive and proprietary information concerning the business relationship (*i.e.*, terms of Indemnity Obligations Under the License Agreement Between Acuitas and BioNTech) between Acuitas and non-party BioNTech confidential that if disclosed to the public will competitively disadvantage both parties. The interest of Acuitas and non-party BioNTech in maintaining the confidentiality of this information outweighs the public interest in access to

judicial documents and this Court has previously allowed redactions containing “confidential information concerning an agreement with a non-party entity.” *Refco Grp. Ltd., LLC v. Cantor Fitzgerald, L.P.*, No. 13 CIV. 1654(RA)(HBP), 2015 WL 4298572, at *5–6 (S.D.N.Y. July 15, 2015) (not published). The information Acuitas is seeking to protect is routinely protected from public disclosure by Federal Rule of Civil Procedure 26(c)(1)(G) (parties or persons can move for a protective order preventing disclosure of “commercial information”).

Acuitas’s proposed redactions are narrowly tailored and seek to protect only the non-public terms of the License Agreement between Acuitas and non-party BioNTech. No less restrictive means exist to prevent disclosure to the public. Acuitas, therefore, respectfully requests that the Court grant its motion to seal.

Respectfully submitted,

/s/ Nicholas Groombridge

Nicholas Groombridge