

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ACUITAS THERAPEUTICS INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 1:22-cv-02229-MKV
)	
GENEVANT SCIENCES GMBH, and)	
ARBUTUS BIOPHARMA CORP.,)	
)	
Defendants.)	
)	

**DECLARATION OF ALLISON PENFIELD IN SUPPORT OF
PLAINTIFF ACUITAS THERAPEUTICS INC.’S OPPOSITION TO
DEFENDANTS’ MOTION TO DISMISS THE FIRST AMENDED COMPLAINT**

I, Allison Penfield, declare:

1. I am an attorney associated with Paul, Weiss, Rifkind, Wharton & Garrison LLP and counsel for Plaintiff Acuitas Therapeutics Inc. (“Acuitas”) in this case. I make this Declaration in support of Acuitas’s Opposition to Defendants’ Motion to Dismiss the First Amended Complaint.

2. Attached as Exhibit A is a redacted version of a true and correct copy of the Non-Exclusive License Agreement by and between Acuitas Therapeutics, Inc. and BioNTech RNA Pharmaceuticals GmbH, dated April 7, 2020.

3. Attached as Exhibit B is a true and correct copy of the Complaint for Patent Infringement that Defendants filed against Moderna, Inc. and ModernaTX, Inc. on February 28, 2022, in the United States District Court for the District of Delaware (Case No. 1:22-cv-00252-UNA).

I declare under penalty of perjury that the foregoing is true and correct. Executed on
November 1, 2022 in New York, New York.

/s/ Allison Penfield
Allison Penfield