IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

ARBUTUS BIOPHARMA CORPORATION : and GENEVANT SCIENCES GMBH, :

: CIVIL ACTION

Plaintiffs, :

:

v. :

NO. 22-252

MODERNA, INC. and MODERNATX, INC., :

ORDER

AND NOW, this 3rd day of April, 2024, upon consideration of the parties' Joint Claim Construction Brief (Doc. No. 170) and following a claim construction hearing, it is hereby **ORDERED** that the disputed claim terms in this case are construed as follows:

| Claim Term | Court's Construction |
|---|---|
| " mol % of the total lipid present in the particle" | " mol % of the total lipid present in the particle" The recited "mol %" ranges are understood to encompass their standard variation based on the number of significant figures recited in the claim. |
| "a cationic lipid having a protonatable tertiary | Plain and ordinary meaning, i.e., a "cationic lipid |
| amine" | having a protonatable tertiary amine." |
| "wherein at least 70% / at least 80% / about 90% | "wherein at least 70% /at least 80% / about 90% |
| of the mRNA in the formulation is fully | of the mRNA in the formulation is fully, as |
| encapsulated in the lipid vesicles" | distinct from partially, contained inside the lipid |
| | vesicles." |

BY THE COURT:

<u>/s/ Mitchell S. Goldberg</u>
MITCHELL S. GOLDBERG, J.