

Statement Regarding Section 1498 Motion

The claims brought by Alnylam are unfounded because Moderna's COVID-19 vaccine does not infringe any valid patents. Moderna quickly responded when the pandemic struck, swiftly developing, manufacturing, and providing doses of its COVID-19 vaccine to people around the world.

At this preliminary stage of the litigation, we have moved to dismiss Alnylam's claims relating to the sale of COVID-19 vaccine doses to the U.S. Government because Alnylam has sued the wrong party in the wrong court. Under Federal law, claims against U.S. Government-contracted suppliers must proceed against the Government in the U.S. Court of Federal Claims. This law provides an important statutory protection for authorized government suppliers and played a critical role in encouraging companies, including Moderna, to step up and help the Government fight the COVID-19 pandemic.

Ultimately, however, Moderna's lipids do not resemble Alnylam's work. Any assertion that the Alnylam patent covers Moderna's COVID-19 vaccine is specious, and, as a result, Alnylam's claims will fail even if Alnylam complies with the statutory requirements and refiles in the Court of Federal Claims against the U.S. Government.

Forward Looking Statements

This statement contains forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995, as amended, including regarding: the Company's rights to its intellectual property related to its COVID-19 vaccine; litigation related to that intellectual property; and the appropriate counterparty and venue in any suit related to the infringement of intellectual property where the ultimate customer is the U.S. Government. The forward-looking statements here are neither promises nor guarantees, and you should not place undue reliance on these forward-looking statements because they involve known and unknown risks, uncertainties, and other factors, many of which are beyond Moderna's control and which could cause actual results to differ materially from those expressed or implied by these forward-looking statements. These risks, uncertainties, and other factors include those other risks and uncertainties described under the heading "Risk Factors" in Moderna's most recent Annual Report on Form 10-K filed with the U.S. Securities and Exchange Commission (SEC) and in subsequent filings made by Moderna with the SEC, which are available on the SEC's website at www.sec.gov. Except as required by law, Moderna disclaims any intention or responsibility for updating or revising any forward-looking statements contained in this press release in the event of new information, future developments or otherwise. These forward-looking statements are based on Moderna's current expectations and speak only as of the date hereof.