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March 2, 2021

Dear Dr. Stoffels,

Congratulations on receiving an Emergency Use Authorization for Ad26.COV2.S. We are writing to urge Johnson & Johnson to share vaccine technology widely with manufacturers around the world to help quickly ramp up global production.

A single-dose vaccine that is easy to transport can play an important role in vaccinating the world. However, J&J currently projects to produce 1 billion doses in 2021.[1] A new partnership with Merck is expected to increase capacity but details and timelines remain unclear.[2] J&J also has reportedly promised only 200 million doses for the developing world through COVAX by the end of the year.[3] Production problems have already slowed delivery.[4]

We urge you, at minimum, to meet the sharing standard set by your peers. J&J and AstraZeneca/Oxford (AZ-OX) both employ replication-defective viral vector technology.[5] But J&J has entered into a fraction of global partnerships as AZ-OX. According to UNICEF, AZ-OX have entered into manufacturing agreements with 21 partners.[6] J&J has entered into agreements with 8, including Merck.[7] More than 10 partners are producing AZ-OX drug substance.[8] Only 3 are producing J&J drug substance.[9] These differences amount to hundreds of millions of doses.

J&J should share technology, intellectual property, and know-how with the World Health Organization. The COVID-19 Technology Access Pool is a platform that would help manufacturers from around the

[1] https://www.washingtonpost.com/health/2021/03/02/merck-johnson-and-johnson-covid-vaccine-partnership/
[2] *Id.*
[3] https://www.nytimes.com/2021/01/13/health/covid-vaccine-johnson-johnson.html
[4] https://www.nytimes.com/2021/01/13/health/covid-vaccine-johnson-johnson.html
[5] J&J uses adenovirus type 26 vector and PER.C6 cell line. AZ-OX uses a modified chimpanzee virus, ChAdOx1, and HEK-293 cell line. https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7423510/
[6] https://www.unicef.org/supply/covid-19-vaccine-market-dashboard
[7] Emergent Biosolutions, Biological E, Merck, Sanofi, Catalent, Grand Asceptic, Reig Jofre, Aspen Pharma. https://docs.house.gov/meetings/IF/IF02/20210223/111226/HHRG-117-IF02-Wstate-NettlesR-20210223.PDF
[8] https://twitter.com/sandyddouglas/status/1355838719295684617
[9] Emergent Biosolutions, Biological E, and Merck. https://docs.house.gov/meetings/IF/IF02/20210223/111226/HHRG-117-IF02-Wstate-NettlesR-20210223.PDF

world quickly ramp up production.[10] A recent AP investigation found multiple manufacturers with spare capacity to produce hundreds of millions of doses.[11]

J&J has a particular obligation to share because it has benefited enormously from public funding. BARDA has awarded J&J two billion dollars for the COVID-19 vaccine to pay for research and development, and for manufacturing 100 million doses.[12] The NIH has also helped run late-stage clinical trials, and developed the stabilized spike protein technology used by Ad26.COV2.S.[13] Public support for the technology platform also extends back many years. National Institutes of Health-funded researchers played a critical role in the development of the viral vector employed by J&J.[14] NIH and BARDA helped bankroll an Ebola vaccine candidate that helped validate the platform, pouring in at least $250 million.[15]

As the head of the WHO notes, "A restrictive approach to vaccine production is . . . more likely to prolong the pandemic—which would be tantamount to medical malpractice on a global scale."[16] Ad26.COV2.S. is one of a handful of technologies that has so far demonstrated protection against concerning new variants. We urge you to choose a better path.

Sincerely,

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[10] https://www.who.int/initiatives/covid-19-technology-access-pool
[11] https://apnews.com/article/technology-europe-global-trade-coronavirus-vaccine-coronavirus-pandemic-22d92afbc3ea9ed519be007f8887bcf6
[12] https://www.medicalcountermeasures.gov/app/barda/coronavirus/COVID19.aspx
[13] https://www.citizen.org/article/leading-covid-19-vaccines-depend-on-nih-technology/
[14] https://projectreporter.nih.gov/ (noting that Harvard's Dr. Dan Barouch is a principal investigator for adenovirus-related projects that received $132.9 million in NIH funding)
[15] https://www.usaspending.gov/. HHSO100201500008C ($49.6 million so far); HHSO100201700013C ($125.3 million so far); HHSN272200800056C ($74.4 million so far).
[16] https://foreignpolicy.com/2021/02/02/vaccine-nationalism-harms-everyone-and-protects-no-one/#