



National Institutes of Health
Bethesda, Maryland 20892
www.nih.gov

November 22, 2021

Peter Maybarduk
Public Citizen Health Research Group
1600 20th Street, NW
Washington, DC 20009

Dear Mr. Maybarduk:

Thank you for your letter dated November 2, 2021 to Dr. Francis Collins, Director, National Institutes of Health (NIH), regarding the failure of Moderna to name NIH scientists as co-inventors of its pending patent claims to the SARS-CoV-2 vaccine known as mRNA-1273. As the NIH Special Advisor for Technology Transfer, I am pleased to respond on behalf of NIH.

NIH appreciates your commitment to the fight against the COVID-19 pandemic, including support for the proper inventorship and ownership of patents claiming vaccines against the coronavirus. NIH asserted in discussions with Moderna more than a year ago that three NIH scientists were co-inventors of the mRNA-1273 patent claims, not just methods of use, and should be named as such.

Dr. Collins stated recently in an interview, "But we are not done. Clearly this is something that legal authorities are going to have to figure out." Hopefully, NIH and Moderna will be able to figure this out soon so that they can turn their attention to the management of the patents in a manner that leads to improved health outcomes world-wide.

Thank you for your continued efforts to communicate matters of public health interest, especially during this critical time.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Rohrbaugh".

Mark L. Rohrbaugh, PhD, JD
Special Advisor for Technology Transfer