

Insights: Publications

Kilpatrick Client Success | Kilpatrick's Patent Prosecution Expertise Plays Key Role in Record-Breaking Covid Vaccine Settlement

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On March 3, 2026, Kilpatrick clients **Genevant Sciences GmbH** and **Arbutus Biopharma Corp.** announced a [\\$2.25 billion global settlement](#) of global patent litigation initiated against Moderna for the unauthorized use of Genevant/Arbutus's patented groundbreaking lipid nanoparticle (LNP) delivery technology in its COVID-19 vaccines, including Spikevax®. Genevant is the exclusive licensee of Arbutus's LNP patent portfolio and a leading nucleic acid delivery company.

The U.S. infringement case involved four US patents directed to LNP formulations for the delivery of nucleic acid molecules such as mRNA that were prosecuted by Kilpatrick partner **Joe C. Hao, Ph.D.**, who also drafted three of the four patents. As part of the settlement Moderna consented to the entry of a judgment of infringement and of no invalidity on the four asserted patents.

Moderna will pay Genevant and Arbutus \$950 million upfront. An additional \$1.3 billion payment is contingent upon a favorable resolution of Moderna's limited appeal on the question of whether its government-contractor immunity defense bars the infringement claims as to certain vaccine doses. If the \$1.3 billion payment is realized, the settlement will be the largest disclosed patent settlement paid in the pharmaceutical industry and the second largest in any industry.

While Kilpatrick did not handle the litigation, the record-breaking settlement would not have been possible without the efforts of Kilpatrick's exceptional patent prosecution team.

Related People



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