

Moderna Sues Pfizer and BioNTech for Allegedly Copying mRNA Technology Used in COVID Vaccine



Moderna on Aug. 26 announced it had filed a lawsuit against Pfizer and BioNTech for allegedly infringing upon patents Moderna filed between 2010 and 2016 for its mRNA technology.

“Today [Moderna is] filing patent infringement lawsuits against Pfizer and BioNTech in the United States District Court for the District of Massachusetts and the Regional Court of Düsseldorf in Germany,” the company said in a [press release](#).

“This groundbreaking technology was critical to the development of Moderna’s own mRNA COVID-19 vaccine, Spikevax. Pfizer and BioNTech copied this technology, without Moderna’s permission, to make Comirnaty.”

Both the Moderna and Pfizer’s COVID-19 vaccines are [built on](#)

[messenger RNA](#) (mRNA) technology and use key elements that Moderna scientists developed, including the same coronavirus protein encoding, according to [the 39-page lawsuit](#).

“When COVID-19 emerged, neither Pfizer nor BioNTech had Moderna’s level of experience with developing mRNA vaccines for infectious diseases, and they knowingly followed Moderna’s lead in developing their own vaccine,” said Dr. Robert Malone in an [article on Substack](#).

Malone wrote:

“First, Pfizer and BioNTech took four different vaccine candidates into clinical testing, which included options that would have steered clear of Moderna’s innovative path. Pfizer and BioNTech, however, ultimately decided to proceed with a vaccine that has the same exact mRNA chemical modification to its vaccine as Spikevax. Moderna scientists began developing this chemical modification that avoids provoking an undesirable immune response when mRNA is introduced into the body in 2010 and were the first to validate it in human trials in 2015.

“Second, and again despite having many different options, Pfizer and BioNTech copied Moderna’s approach to encode for the full-length spike protein in a lipid nanoparticle formulation for a coronavirus. Moderna scientists developed this approach when they created a vaccine for the coronavirus that causes Middle East Respiratory Syndrome (MERS) years before COVID-19 first emerged.”

Moderna said it was suing Pfizer and BioNTech to protect the innovative mRNA technology platform they “pioneered, invested billions of dollars in creating and patented during the decade preceding the COVID-19 pandemic,” said CEO Stéphane Bancel.

Moderna says it is only suing over patent infringement from March 8 due to the company’s promise it would not assert its

patents because of the severity of the COVID-19 pandemic. Moderna is also not requesting damages for Pfizer sales where the U.S. government (i.e. the taxpayers) would be financially responsible, or for sales to 92 poor countries.

The company said it would consider selling licenses if they were requested, but neither Pfizer nor BioNTech have requested a license, according to the suit.

“BioNTech’s work is original, and we will vigorously defend against all allegations of patent infringement,” BioNTech [said in a statement](#).

According to the lawsuit, Pfizer CEO Albert Bourla admitted in 2020 during a conference the company’s mRNA vaccine was using an antigen “which is, I think, the same like the [one] Moderna is using.”