

National Institutes of Health statement to Axios

“NIAID scientists created stabilized coronavirus spike proteins for the development of vaccines against coronaviruses, including SARS-CoV-2. Recognizing the importance of these novel immunogens, NIAID has sought patents to preserve the government’s rights to these inventions and to provide incentive for commercial partners to invest the capital and resources needed to advance their development, commercialization, and public use as vaccines.

“NIAID has adopted a non-exclusive licensing approach for these patent rights in order to allow multiple vaccine developers to utilize these immunogens in their proprietary vaccine platforms. The mRNA vaccine candidate resulting from NIAID’s collaboration with Moderna, embodied in the material transferred to UNC, is an example of this approach: the stabilized spike protein developed by NIAID investigators is expressed from Moderna’s proprietary mRNA vaccine platform. Responsibility for obtaining regulatory approval of the mRNA vaccine candidate, a product produced and formulated by Moderna, rests with Moderna.

“Federal employees listed as inventors on these patent applications assigned their rights to the US government. Accordingly, should the USPTO and other national patent authorities grant the patents, the US government will hold ownership interest in the patents.

“Provisional patent application 62/972,886 is pending in the USPTO. Since it is a provisional patent application its contents are not available to the public in accordance with 35 U.S.C. 122.”