From: Andrew Oliver
Sent: Tuesday, 21 September 2021 11:42 am
To: Smith, Paul
Cc: MSD; Josh Wiles
Subject: RE: Molnupiravir Briefing

Hi Paul,

We would be happy to have a quick catchup to discuss timelines and processes to assist your planning. Some options would be:

Today somewhere between 1.30 and 3pm
Tomorrow 9 or 10am

Regards,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington
DDI: [redacted] | P: +64 4 460 4990 | www.pharmac.govt.nz

From: Smith, Paul <[redacted]>
Sent: Monday, 20 September 2021 5:09 pm
To: Andrew Oliver <[redacted]>
Cc: MSD <[redacted]>; Josh Wiles <[redacted]>
Subject: RE: Molnupiravir Briefing

Proprietary

Hi Andrew
Following on from this e-mail, myself and [redacted] have a few questions regarding timelines and processes Pharmac is planning to follow. This may help us next week in our briefing. [redacted] and Me could arrange a quick catch up with you Tuesday or Weds this week to ask you a few questions.
Let me know if that would work?
Thank you
Paul

From: Smith, Paul
Sent: Monday, 20 September 2021 4:36 PM
To: Andrew Oliver <[redacted]>
Cc: [redacted] <[redacted]>; Josh Wiles <[redacted]>
Subject: RE: Molnupiravir Briefing

Proprietary

Hi Andrew
Thank you for the quick follow up.

In a briefing we will my have myself, [redacted] and regional access lead (all based in Auckland) and a medical lead that will be from either Australia or Asia. So I will just check with you who is available and revert with a couple of date/time options.

Thank you

Paul

From: Andrew Oliver <Withheld under section 9(2)(a)>
Sent: Monday, 20 September 2021 3:55 PM
To: Smith, Paul <Withheld under section>
Cc: [redacted] <Withheld under section>; Josh Wiles <Withheld under section 9(2)>
Subject: RE: Molnupiravir Briefing

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Paul,

Thank you for touching base about molnupiravir and for the mini-update on global developments.

Thank you also for the offer on a briefing on molnupiravir – I would very much like to discuss this further, and can also provide some updates on the approach we are now taking with COVID-19 therapeutics. I would suggest a meeting next week, perhaps Tues, Wed or Thurs. I'm guessing there will some time zone management required, so perhaps you might suggest some suitable times on those days so we can coordinate something suitable. A this stage, just a fairly high level update on molnupiravir would be ok – it's place in treatment, MOA, and proposed commercial/regulatory approach for NZ.

Kind regards,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

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DDI: Wit W Wit With | P: +64 4 460 4990 | www.pharmac.govt.nz

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From: Smith, Paul <Withheld under section>
Sent: Monday, 20 September 2021 10:54 am
To: Andrew Oliver <Withheld under section 9(2)(a)>
Cc: MSD <Withheld under section>
Subject: Molnupiravir Briefing

Proprietary

Hi Andrew

The potential role of COVID antiviral agents in New Zealand

I note that Dr Ashley Bloomfield commented on the potential role of Antivirals and MABs in his lunchtime briefing a couple of times. He also indicated that the MOH and PHARMAC were reviewing the

landscape of current and future products. MSD has been trialling the anti-viral Molnupiravir in a number of potential settings and doses. Much of the data around this has yet to be published but we expect the interim results of two phase three trials to available withing the next month or so.

You may be aware, it was reported (1, 2) that Australia's Therapeutic Goods Administration (TGA) had granted provisional determination to Merck Sharp & Dohme (MSD) in relation to this oral antiviral monotherapy for the treatment of COVID-19 in adults. Provisional determination is the first formal step in the process for registering and bringing this medicine to Australia.

Several other countries are also considering the future role of these agents in managing the ongoing effects of the pandemic, including the United States which in June announced that it had procured 1.7 million courses of the antiviral treatment pending emergency use authorisation, which we anticipate being granted by the end 2021. Our agreement with the US Government entitles the United States to further supply should this be required. It is important to note that while we are scaling-up our manufacturing facilities to produce this medicine, global supply will be limited for the foreseeable future. I can also let you know that, apart from the Australian news, there is one other country in our APAC region that has signed a supply agreement.

While it is good to see public acknowledgement of the potential role of antivirals in managing COVID-19 in this country, it is critical that New Zealand signal its intention to seek supply. It would be very useful to know if PHARMAC and Medsafe are wishing to follow the usual procurement process or whether there is any other process at play for urgent supply.

Andrew, I would be very happy to arrange a briefing for you on our oral antiviral, its mechanism of action, and potential use in New Zealand. Please let me know if this would be helpful.

I look forward to hearing from you and I have copied in [redacted] who is leading this.

Nga mihi

Paul Smith
Managing Director, New Zealand
MSD

A. Level 3, 123 Carlton Gore Rd, Newmarket, Auckland 1023
M. [redacted]

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INVENTING FOR LIFE

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your system.

From: Smith, Paul <[redacted]>
Sent: Monday, 27 September 2021 9:37 am
To: Josh Wiles; Andrew Oliver
Cc: MSD
Subject: RE: Molnupiravir Briefing

Proprietary

Perfect and thank you. If you send through the invite, I will forward it on to the local team. That seemed to work last time
I think we will only need one hour
Thank you
Paul

From: Josh Wiles <[redacted]>
Sent: Monday, 27 September 2021 8:27 AM
To: Smith, Paul <[redacted]>; Andrew Oliver <[redacted]>
Cc: [redacted] <[redacted]>
Subject: RE: Molnupiravir Briefing

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Paul,

Thank you for following up on this.

Wednesday 29 September from 1-3pm works well from our end, I will confirm later today whether a medical representative will be attending from our end.

Please let me know if you would like me to send through a Microsoft Teams meeting.

Many thanks,

Josh

From: Smith, Paul <[redacted]>
Sent: Monday, 27 September 2021 8:33 am
To: Andrew Oliver <[redacted]>
Cc: MSD <[redacted]>; Josh Wiles <[redacted]>
Subject: RE: Molnupiravir Briefing

Proprietary

Morning Andrew
Just following up from our catch up last week.
Do you have a time/date yet for our meeting planned for tomorrow or Wednesday?
Thanks
Paul

From: Smith, Paul
Sent: Tuesday, 21 September 2021 3:17 PM
To: 'Andrew Oliver' <Withheld under section 9(2)(a)>
Cc: [redacted] <Withheld under section>; 'Josh Wiles' <Withheld under section 9(2)>
Subject: RE: Molnupiravir Briefing

Proprietary

Hi Andrew
As a follow up, I can confirm we will have our medical lead based in Asia present. He will be 5 hours behind (clocks change this weekend), so best would be either:

Tuesday 28th any time from 1.30pm to 4pm.
Weds 29th 1-3pm

It would be good to have a one hour booking if possible.

Also, will you have a medical team representative?

Thank you
Paul

From: Smith, Paul
Sent: Monday, 20 September 2021 4:36 PM
To: Andrew Oliver <Withheld under section 9(2)(a)>
Cc: [redacted] <Withheld under section>; Josh Wiles <Withheld under section 9(2)>
Subject: RE: Molnupiravir Briefing

Proprietary

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Thank you for the quick follow up.
In a briefing we will my have myself, [redacted] and regional access lead (all based in Auckland) and a medical lead that will be from either Australia or Asia. So I will just check with you who is available and revert with a couple of date/time options.

Thank you

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Sent: Monday, 20 September 2021 3:55 PM
To: Smith, Paul <Withheld under section>
Cc: [redacted] <Withheld under section>; Josh Wiles <Withheld under section 9(2)>
Subject: RE: Molnupiravir Briefing

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Hi Paul,

Thank you for touching base about molnupiravir and for the mini-update on global developments.

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Kind regards,
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Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

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From: Smith, Paul <Withheld under section >
Sent: Monday, 20 September 2021 10:54 am
To: Andrew Oliver <Withheld under section 9(2)(a) >
Cc: MSD <Withheld under section >
Subject: Molnupiravir Briefing

Proprietary

Hi Andrew

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I note that Dr Ashley Bloomfield commented on the potential role of Antivirals and MABs in his lunchtime briefing a couple of times. He also indicated that the MOH and PHARMAC were reviewing the landscape of current and future products. MSD has been trialling the anti-viral Molnupiravir in a number of potential settings and doses. Much of the data around this has yet to be published but we expect the interim results of two phase three trials to available withing the next month or so.

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I look forward to hearing from you and I have copied in [redacted] who is leading this.

Nga mihi

Paul Smith
Managing Director, New Zealand
MSD

A. Level 3, 123 Carlton Gore Rd, Newmarket, Auckland 1023
M. [redacted]


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your system.

From: Andrew Oliver
Sent: Tuesday, 12 October 2021 8:27 pm
To: Andrew Oliver
Subject: 2021-09-22 File note of meeting with MSD re molnupiravir planning

2021-09-22 File note of meeting with MSD re molnupiravir planning
MSD: Paul Smith, [redacted]. Pharmac: Andrew Oliver, Josh Wiles

The upcoming molnupiravir briefing meeting was discussed. Pharmac to confirm preferences for date and time options. Attendees from MSD will be PS, [redacted], Medical Lead and Asia Pacific Procurement. MSD would like to get an understanding of Pharmac's role with COVID-19 therapeutics and the timelines involved.
AO provided an update on Pharmac's Therapeutics work, noting that a much more streamlined approach than usual would be used. Commercial discussions and clinical advice workstreams can be run in parallel. It would not be necessary for MSD to submit a formal funding application to start consideration of molnupiravir. In addition, Pharmac is willing to enter into commercial discussions prior to MSD's Medsafe application.
AO asked MSD to make contact with Medsafe as soon as possible to start scoping out the best regulatory submission approach.
AO asked how MSD has set up global supply chain management for molnupiravir. [redacted] outlined that [redacted] thinks it is likely there would be pre-arranged contracts through to the end of 2022. Countries should request reasonable quantities for delivery, eg have 2 monthly drop shipments, but the actual quantities could be adjusted if necessary, for example in the case of stock not being used as quickly as forecast. Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)
PS noted that molnupiravir is a 5 day course, oral treatment. The Phase 3 trial reached 50% recruitment in the last couple of weeks, so it is expected that some interim data would be available soon. It is used for mild to moderate disease in the community, for those who have been infected for a short time. Withheld under section 9(2)(b)(ii)
[redacted] noted that the local regulatory team has approval to start engaging with Medsafe.

From: Andrew Oliver
Sent: Tuesday, 12 October 2021 9:24 pm
To: Andrew Oliver
Subject: 2021-09-29 File note of MSD molnupiravir clinical development update and commercial plan
Attachments: Molnupiravir clinical program update_Pharmac_20210922_v2.pptx

2021-09-29 File note of MSD molnupiravir clinical development update and commercial plan

MSD: Paul Smith, [redacted]
Pharmac: Andrew Oliver, Josh Wiles

Introductions. PS noted that MSD had representatives online from Commercial, Regulatory, Market Access and Medical.
[redacted] gave a presentation covering phase 2 results and the design of the phase 3 MOVe-OUT study (treatment), followed by the study design of the MOVE-AHEAD study (prevention). The slides were provided after the meeting (attached).
[redacted] noted molnupiravir is an oral antiviral which is a prodrug of a small molecule ribonucleoside. It pairs up with guanosine in RNA and stops the virus replicating, creating a "viral error catastrophe". It is active against the Delta variant.
Phase 2 results: molnupiravir reduced the incidence of hospitalisation and death through day 29, particularly in subgroups with risk factors.
In the phase 2 component of MOVe-OUT, treatment with all doses of MOV was generally well-tolerated during 5-day treatment period and follow-up period, with AE rates comparable to placebo
No adverse safety signals and no dose-limiting toxicity were observed at the highest dose (800 mg)
No meaningful abnormalities in hematological, pancreatic, or hepatic parameters were observed as a function of either dose or treatment
MK-4482-002 Phase 3 Study Design Overview:
Patient population: Initial onset of signs/symptoms attributable to COVID 19 and lab confirmed SARS-CoV 2 infection with sample collection **≤ 5 days** prior to randomization
Mild or Moderate COVID-19
All participants must have **at least 1 characteristic or underlying medical condition** associated with an **increased risk of severe illness**
~50% of participants must be >60 years of age
Primary end points: **Hospitalization or death through Day 29**
Adverse events
Adverse events leading to discontinuation of study intervention
Regulatory
PS noted the expected timing of data availability – the aim for the MOVe-OUT study is to complete it as soon as possible. The clinical trials website notes completion is due early November 2021. PS noted that MSD is meeting with Medsafe tomorrow. Regulatory noted that MSD is looking forward to discussion with Medsafe and will update Pharmac following that discussion. Asked if Pharmac can support priority evaluation for the application. AO noted that it would be possible, but suggested MSD discusses with Medsafe first to determine if Pharmac support would be needed.
Commercial approach
PS noted that in terms of the supply side, it is in the public domain that MSD is manufacturing 10 million courses between now and the end of the year. Withheld under section 9(2)(b)(ii) and 9(2) Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i) PS is happy to share updates as they become public, but they are still confidential at this time. He expects demand to increase when data becomes available publicly in November. PS recommends moving quickly to lock in supply before the November announcements.
Contracting process
PS outlined that MSD has a standard contract template for use with countries. Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i) Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i) Withheld under section 9(2)
AB noted that different countries have different paths. Plan to submit to FDA in Q4 2021 based on interim data, seeking EUA late in Q4. Plan to manufacture at risk in 2021 for shipping in 2022. Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i) These will be supplied to all countries. The reason is that the product is still investigational and it will increase manufacturing packing capacity. Withheld under section 9(2)(ba)(i)
The proposed process for discussion is to agree a Term Sheet with the principle terms, including price, volume and delivery schedule. Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)

Withh The full agreement would follow. The agreement would be conditional on milestones, usually regulatory approval.
Withheld under section 9(2)(b)(ii) and .
AO agreed that this process would be acceptable to Pharmac, and in fact was similar to that used for COVID-19 vaccines.
LL noted that MSD has a funding submission that it could pull together quite quickly. AO noted that key content would include clinical trial data so Pharmac's clinical advisors could review and comment on the strenght and quality of the data, as well as advise on which patients would benefit most from treatment. Any data or modelling MSD has to support forecasting would also be useful.
Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)
Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)
AO noted that Pharmac would be interested in looking at the model if it could be made available.
LL noted that MSD see that there are 3 work streams to complete – data submission, term sheet and contracting, forecasting.
Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)
Withheld under
Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)
AO noted that NZ would be interested in ensuring it could support Pacific countries, as has been done for COVID vaccines. The Realm countries are particularly important, but would also like to have the ability to supply some other Pacific countries as well.
AB noted that MSD had planned to supply the Pacific through 8 licenced Indian producers who would be manufacturing Merck specified molnupiravir. MSD has licenced them for 104 low income countries, but Merck does not set the price for them.

Next steps

MSD to provide the draft term sheet by Monday 4 Oct.
MSD to provide the CDA in the next day or so, then the clinical data.
Pharmac to propose back a date to meet next week.
MSD to send the model through.
MSD to provide a volume licence list of Pacific countries by Monday.
MSD will provide an update on its discussions with Medsafe on Monday.

From: Smith, Paul <[redacted]>
Sent: Thursday, 30 September 2021 6:59 pm
To: Andrew Oliver; Josh Wiles
Cc: Francis Lawes; MSD
Subject: Mutual confidentiality agreement
Attachments: MSD NZ and PHAMAC Mutual CDA Sept 21 .pdf

Proprietary

Dear Andrew and Josh
Thank you so much for your time yesterday in what was a productive meeting. One of the first actions for me to undertake was to send you a mutual confidentiality agreement which is attached. This will allow us, when signed, to share additional data and files with you.
I plan to send you a number of updates on Monday, so if this were signed and returned by then it would be helpful
Thank you in advance

Nga mihi

Paul Smith
Managing Director, New Zealand
MSD

A. Level 3, 123 Carlton Gore Rd, Newmarket, Auckland 1023
M. [redacted]


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From: Smith, Paul <[redacted]>
Sent: Monday, 4 October 2021 8:08 am
To: Andrew Oliver
Cc: MSD; Brown, Alister; Josh Wiles
Subject: RE: Molnupiravir Update

Proprietary

Hi Andrew
Thanks for your note and the early results and trial stopping took me by surprise but, as discussed, the speed of commitment has been known for a while and may accelerate now.
I will move the meeting to 12pm. We have been working over the weekend with the USA on the terms sheet and should have that ready to share at the meeting.
I look forward to speaking later
Paul

From: Andrew Oliver <[redacted]>
Sent: Sunday, 3 October 2021 5:50 PM
To: Smith, Paul <[redacted]>
Cc: [redacted] <[redacted]>; Brown, Alister <[redacted]>; Josh Wiles <[redacted]>
Subject: RE: Molnupiravir Update

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Paul,
Thank you for the update – certainly moving along a bit faster than indicated on Wednesday!

Agreed that a verbal update on Monday would be useful to understand timelines etc. Josh and I are tied up until 12 on Monday – would it be possible to talk at 12?

The CDA is currently with our legal team, but I'll see if we can get this expedited for Monday.

Regards,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

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DDI: [redacted] | P: +64 4 460 4990 | www.pharmac.govt.nz

From: Smith, Paul <[redacted]>
Sent: Saturday, 2 October 2021 9:17 am
To: Andrew Oliver <[redacted]>; Josh Wiles <[redacted]>
Cc: MSD <[redacted]>; Brown, Alister <[redacted]>
Subject: Molnupiravir Update
Importance: High

Proprietary

Dear Andrew and Josh
You may have heard the news released last night and linked below in Newshub (Reuters) that the Molnupiravir study data was released much earlier than expected and the trial recommended to be stopped based on the encouraging results. As discussed at our meeting last week, more than 50% of supply has been contracted and I would be surprised if this were not to rise to 100% in the next few days.

https://www.newshub.co.nz/home/world/2021/10/coronavirus-game-changing-oral-pill-molnupiravir-reduces-covid-19-hospitalisations-by-half-in-trial.html

It would be good to connect on Monday morning so we can give you a verbal update and timeline estimates as we see them.

I will send you an invite for 30 mins and hope this works.

Thank you
Paul Smith
MSD

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From: Josh Wiles
Sent: Monday, 4 October 2021 10:26 am
To: Smith, Paul; Andrew Oliver
Cc: MSD; Brown, Alister
Subject: RE: Molnupiravir Supply to New Zealand
Attachments: 4 October 2021 Signed Mutual Confidentiality Agreement Pharmac and MSD.pdf

Good morning Paul,

Thanks for the update. Ahead of our conversation this afternoon, please find attached a signed copy of the Mutual Confidentiality Agreement between Pharmac and MSD.

Kind regards,

Josh Wiles

From: Smith, Paul <[redacted]>
Sent: Monday, 4 October 2021 10:21 am
To: Andrew Oliver <[redacted]>; Josh Wiles <[redacted]>
Cc: MSD <[redacted]>; Brown, Alister <[redacted]>; Smith, Paul <[redacted]>
Subject: Molnupiravir Supply to New Zealand

Proprietary

Dear Andrew and Josh

Thank you again for your time on Wednesday last week and follow up today.
We agreed a number of follow up actions which are either actioned or I have updates on below.

MSD to provide:

1. **Post Medsafe news**: We met virtually with Medsafe on the 30th September. The meeting included senior regional/local regulatory teams and senior regional medical team from MSD. We presented Molnupiravir to Medsafe and they indicated two filing routes – priority review or the abridged pathway. Additionally, we discussed the acceptable dossiers for an abridged process. We will have further meetings with them as timelines and data crystalise. Lastly, we have sent Medsafe our public release of the positive trial announcement which I also attach.
2. **Submission to PHARMAC**: We aim to have this with you via e-mail by Weds 6th October this week
3. **Confirmation of which countries in the region are covered by MSDs voluntary licence (VL):** The following countries **are** covered by the VL: [redacted] Some countries are **not** covered: [redacted]
4. **Molnupiravir terms sheet**: This is attached
5. **Clinical data we presented**: I will forward this when the NDA is completed
6. **Non-disclosure agreement (NDA)**: we sent this through on the 1st October and you have indicated it is with your internal legal team thank you
7. **Epidemiology modelling details**: We cannot provide the raw model, but we can present it and provide a hard copy of outputs. We can do this when we meet today

PHARMAC to revert with:

1. A date to meet again this week: for MSD to present any new clinical and epidemiology data and further discuss the term sheet. You indicated Weds 6th may work and I can be available any time

that day

2. Signed copy of the Non-disclosure agreement

I look forward to speaking later today and hearing from you regarding a meeting time and date and again thank you.

Nga mihi

Paul Smith

Managing Director, New Zealand

MSD

A. Level 3, 123 Carlton Gore Rd, Newmarket, Auckland 1023

M. Wi W Wi Wit


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From: Smith, Paul <[redacted]>
Sent: Thursday, 7 October 2021 7:24 am
To: Andrew Oliver; Josh Wiles
Cc: MSD; Brown, Alister
Subject: RE: Molnupiravir Supply to New Zealand
Attachments: NZL DRAFT SPA Terms Sheet 30 September 2021 v3 .docx

Proprietary

Hi Andrew
I received overnight an updated terms sheet which I attach. I cannot see any material changes, just some typos and clarifications made.
As attached with thanks
Paul

From: Andrew Oliver <[redacted]>
Sent: Wednesday, 6 October 2021 5:25 PM
To: Smith, Paul <[redacted]>; Josh Wiles <[redacted]>
Cc: [redacted] <[redacted]>; Brown, Alister <[redacted]>
Subject: RE: Molnupiravir Supply to New Zealand

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Paul,
Thank you for following up on provisioning stock for NZ. We will review the revised term sheet and let you know if we need to discuss anythign further tomorrow.

Regards,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

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From: Smith, Paul <[redacted]>
Sent: Wednesday, 6 October 2021 5:21 pm
To: Andrew Oliver <[redacted]>; Josh Wiles <[redacted]>
Cc: MSD <[redacted]>; Brown, Alister <[redacted]>
Subject: RE: Molnupiravir Supply to New Zealand

Proprietary

Hi Andrew
Thank you for the call with Sarah just now
[redacted] Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)
Regarding the three commitments from MSD at the moment, I have the following updates:

1. We have worked on the Terms sheet regarding your comments below and attach them with tracked changes so you can review them. I hope they address the issues below well enough to move forward to signing the terms sheet and then work through some of the details in the contract stage. Please see attached. You may wish to have a meeting of lawyers tomorrow if anything needs to be discussed further.
2. We indicated we would try to write a clinical submission for you to be part of your medical review committee by today and that is also attached
3. We have a call tonight with the epi modelers and will revert to you with that feedback tomorrow

Also, as discussed Singapore announced today and here is a link to that as promised: Singapore inks deal for antiviral pill to treat Covid-19 and its variants, Singapore News & Top Stories - The Straits Times

Thank you for your constant dialogue on this matter

Paul Smith

From: Andrew Oliver <Withheld under section 9(2)(a)>
Sent: Tuesday, 5 October 2021 8:55 PM
To: Smith, Paul <Withheld under section>; Josh Wiles <Withheld under section 9(2)>
Cc: [redacted] <Withheld under section>; Brown, Alister <Withheld under section>
Subject: RE: Molnupiravir Supply to New Zealand

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Paul,

Thank you for sending through the Draft Term Sheet New Zealand – Supply and Purchase for Molnupiravir (**Term Sheet**), which Pharmac has now reviewed.

Pharmac is broadly comfortable with the content of the Term Sheet, and we only have a handful of points to raise with you (noting as well that the volume details and the expiry date of the definitive supply and purchase agreement (**Agreement**) are still to be confirmed Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i) Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i).

1. **Pharmac as counterparty**: The first key point that we wish to raise is that various of the commitments in the Term Sheet are expressed to be in the name of the "Government", which is defined as "the Government of New Zealand as represented by the Pharmaceutical Management Agency". In turn, Pharmac is the specified signatory and therefore the proposed counterparty to the Term Sheet. We note that Pharmac would be entering into this Term Sheet (and the Agreement) in its own name and capacity as a Crown entity, which is not strictly the same as the Government of New Zealand or the Crown.

   We wish to ensure it is understood that there are certain other branches of government that will be undertaking activities covered by this agreement. This would include district health boards (likely to be involved in the distribution, administration and any recall of the Product) and Medsafe (which, as you know, is the independent regulator that will deal with reviewing and approving the marketing authorisation).

   Accordingly, while Pharmac is entering into this Term Sheet in its own capacity there are some matters where it may not be directly the party undertaking a relevant activity described in the Term Sheet. However, so long as it is understood that this is the position Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i), then these are matters that can be more precisely reflected in the Agreement.

2. Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i) Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i) Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)

3. **Supply/donations to Realm countries and Pacific Island neighbours:** One further matter to note relates to New Zealand's ability to supply the Product to the territories within the Realm of With

Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)
Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)

Subject to confirming that we are aligned in regard to Pharmac entering into this Term Sheet in its own capacity in order to secure supply for the New Zealand Government, we expect we will be able to proceed quickly to signing the Term Sheet so that we can progress to negotiation of the Agreement and pick up points of detail in that context.

Kind regards,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington
DDI: Wit W Wit With | P: +64 4 460 4990 | www.pharmac.govt.nz

---

From: Smith, Paul <Withheld under section>
Sent: Tuesday, 5 October 2021 3:18 pm
To: Andrew Oliver <Withheld under section 9(2)(a)>; Josh Wiles <Withheld under section 9(2)>
Cc: MSD <Withheld under section>; Brown, Alister <Withheld under section>
Subject: RE: Molnupiravir Supply to New Zealand

Proprietary

HI Andrew and Josh
One correction from my statement below, I meant to say courses instead of doses. That is 300,000 patients treated
Thanks
Paul

From: Smith, Paul
Sent: Tuesday, 5 October 2021 8:34 AM
To: Andrew Oliver <Withheld under section 9(2)(a)>; Josh Wiles <Withheld under section 9(2)>
Cc: [redacted] <Withheld under section>; Brown, Alister <Withheld under section>
Subject: RE: Molnupiravir Supply to New Zealand

Proprietary

https://www.smh.com.au/politics/federal/australia-buys-covid-treatment-pills-ahead-of-approval-for-new-medicine-20211004-p58x2n.html

Morning Josh and Andrew
Overnight you may have seen the news that Australia has ordered 300,000 doses of Molnupiravir.
I will keep you updated to other country announcements as I am able

Thank you
Paul

From: Andrew Oliver
Sent: Tuesday, 5 October 2021 3:32 pm
To: Smith, Paul; Josh Wiles
Cc: MSD; Brown, Alister
Subject: RE: Molnupiravir Supply to New Zealand

Thanks Paul,
I hadn't noticed you said doses instead of courses. Had already seen this in the media this morning.
Regards,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington
DDI: [redacted] | P: +64 4 460 4990 | www.pharmac.govt.nz

From: Smith, Paul <[redacted]>
Sent: Tuesday, 5 October 2021 3:18 pm
To: Andrew Oliver <[redacted]>; Josh Wiles <[redacted]>
Cc: MSD <[redacted]>; Brown, Alister <alister_brown@merck.com>
Subject: RE: Molnupiravir Supply to New Zealand

Proprietary

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Thanks
Paul

From: Smith, Paul
Sent: Tuesday, 5 October 2021 8:34 AM
To: Andrew Oliver <[redacted]>; Josh Wiles <[redacted]>
Cc: [redacted] <[redacted]>; Brown, Alister <alister_brown@merck.com>
Subject: RE: Molnupiravir Supply to New Zealand

Proprietary

https://www.smh.com.au/politics/federal/australia-buys-covid-treatment-pills-ahead-of-approval-for-new-medicine-20211004-p58x2n.html

Morning Josh and Andrew
Overnight you may have seen the news that Australia has ordered 300,000 doses of Molnupiravir.
I will keep you updated to other country announcements as I am able

Thank you

From: Smith, Paul
Sent: Monday, 4 October 2021 5:55 PM
To: Andrew Oliver < Withheld under section 9(2)(a) >; Josh Wiles < Withheld under section 9(2) >
Cc: [redacted] < Withheld under section >; Brown, Alister < Withheld under section >
Subject: RE: Molnupiravir Supply to New Zealand

Proprietary

HI Andrew and Josh
Further to my note below. We do have some additional data that we can share on the Phase 3 trial. It is not a full data set yet and much of it was covered in the public announcement, but there may be some areas that add extra insights and you we may be able to answer your questions.
Please let me know if you would like us to present this data. If so the same colleague [redacted] will present so an afternoon meeting would work better

Thank you
Paul

From: Smith, Paul
Sent: Monday, 4 October 2021 1:47 PM
To: 'Andrew Oliver' < Withheld under section 9(2)(a) >; 'Josh Wiles' < Withheld under section 9(2) >
Cc: [redacted] < Withheld under section >; Brown, Alister < Withheld under section >
Subject: RE: Molnupiravir Supply to New Zealand

Proprietary

Hi Andrew and Josh
Thank you for the call today in what was a productive meeting.
As discussed the next actions are:
MSD to provide:

- The slides of the epi modelling which are attached. Also, we would be happy to go through the model live with your health economist if desired.
- The slides presented at the clinical review last week which was prior to the Friday night read out.
- I will seek to obtain further clinical data as quickly as possible

As discussed this is my number one priority at the moment and I can drop anything to answer your questions. I look forward to catching up later in the week.

Thank you
Paul

From: Smith, Paul
Sent: Monday, 4 October 2021 10:21 AM
To: Andrew Oliver < Withheld under section 9(2)(a) >; Josh Wiles < Withheld under section 9(2) >
Cc: [redacted] < Withheld under section >; Brown, Alister < Withheld under section >; Smith, Paul < Withheld under section >
Subject: Molnupiravir Supply to New Zealand

Proprietary

Dear Andrew and Josh

Thank you again for your time on Wednesday last week and follow up today.
We agreed a number of follow up actions which are either actioned or I have updates on below.

MSD to provide:

1. **Post Medsafe news**: We met virtually with Medsafe on the 30th September. The meeting included senior regional/local regulatory teams and senior regional medical team from MSD. We presented Molnupiravir to Medsafe and they indicated two filing routes – priority review or the abridged pathway. Additionally, we discussed the acceptable dossiers for an abridged process. We will have further meetings with them as timelines and data crystalise. Lastly, we have sent Medsafe our public release of the positive trial announcement which I also attach.
2. **Submission to PHARMAC**: We aim to have this with you via e-mail by Weds 6th October this week
3. **Confirmation of which countries in the region are covered by MSDs voluntary licence (VL):** The following countries **are** covered by the VL: Withheld under section . Some countries are **not** covered: Withheld under section 9(2)
4. **Molnupiravir terms sheet**: This is attached
5. **Clinical data we presented**: I will forward this when the NDA is completed
6. **Non-disclosure agreement (NDA)**: we sent this through on the 1st October and you have indicated it is with your internal legal team thank you
7. **Epidemiology modelling details**: We cannot provide the raw model, but we can present it and provide a hard copy of outputs. We can do this when we meet today

PHARMAC to revert with:

1. A date to meet again this week: for MSD to present any new clinical and epidemiology data and further discuss the term sheet. You indicated Weds 6th may work and I can be available any time that day
2. Signed copy of the Non-disclosure agreement

I look forward to speaking later today and hearing from you regarding a meeting time and date and again thank you.

Nga mihi

Paul Smith

Managing Director, New Zealand
MSD

A. Level 3, 123 Carlton Gore Rd, Newmarket, Auckland 1023
M. Wi W Wi Wit

MSD
INVENTING FOR LIFE

Follow us on Twitter #FightCancerNZ

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News Release

FOR IMMEDIATE RELEASE

Media Contacts: Melissa Moody Withheld under

Patrick Ryan Withheld under

Ridgeback Media Contact: Chrissy Carvalho Withheld under

Investor Contacts: Peter Dannenbaum Withheld under

Raychel Kruper Withheld under

MSD and Ridgeback's Investigational Oral Antiviral Molnupiravir Reduced the Risk of Hospitalization or Death by Approximately 50 Percent Compared to Placebo for Patients with Mild or Moderate COVID-19 in Positive Interim Analysis of Phase 3 Study

At the Interim Analysis, 7.3 Percent of Patients Who Received Molnupiravir Were Hospitalized Through Day 29, Compared With 14.1 Percent of Placebo-Treated Patients Who were Hospitalized or Died

MSD Plans to Seek Emergency Use Authorization in the U.S. as Soon as Possible and to Submit Applications to Regulatory Agencies Worldwide

If Authorized, Molnupiravir Could be the First Oral Antiviral Medicine for COVID-19

KENILWORTH, N.J., and MIAMI, Oct. 1, 2021 – MSD (NYSE: MRK), known as Merck in the United States and Canada, and Ridgeback Biotherapeutics today announced that molnupiravir (MK-4482, EIDD-2801), an investigational oral antiviral medicine, significantly reduced the risk of hospitalization or death at a planned interim analysis of the Phase 3 MOVe-OUT trial in at risk, non-hospitalized adult patients with mild-to-moderate COVID-19 At the interim analysis, molnupiravir reduced the risk of hospitalization or death by approximately 50%; 7.3% of patients who received molnupiravir were either hospitalized or died through Day 29 following randomization

(28/385), compared with 14.1% of placebo-treated patients (53/377); p=0 0012 Through Day 29, no deaths were reported in patients who received molnupiravir, as compared to 8 deaths in patients who received placebo. At the recommendation of an independent Data Monitoring Committee and in consultation with the U.S. Food and Drug Administration (FDA), recruitment into the study is being stopped early due to these positive results. MSD plans to submit an application for Emergency Use Authorization (EUA) to the U S FDA as soon as possible based on these findings and plans to submit marketing applications to other regulatory bodies worldwide

"More tools and treatments are urgently needed to fight the COVID-19 pandemic, which has become a leading cause of death and continues to profoundly affect patients, families, and societies and strain health care systems all around the world. With these compelling results, we are optimistic that molnupiravir can become an important medicine as part of the global efforts to fight the pandemic and will add to MSD's unique legacy of bringing forward breakthroughs in infectious diseases when they are needed most Consistent with MSD's unwavering commitment to save and improve lives, we will continue to work with regulatory agencies on our applications and do everything we can to bring molnupiravir to patients as quickly as possible," said Robert M. Davis, chief executive officer and president, MSD. "On behalf of all of us at MSD, I thank our network of clinical investigators and patients for their essential contributions to the development of molnupiravir."

"With the virus continuing to circulate widely, and because therapeutic options currently available are infused and/or require access to a healthcare facility, antiviral treatments that can be taken at home to keep people with COVID-19 out of the hospital are critically needed," said Wendy Holman, chief executive officer of Ridgeback Biotherapeutics. "We are very encouraged by the results from the interim analysis and hope molnupiravir, if authorized for use, can make a profound impact in controlling the pandemic. Our partnership with MSD is critical to ensuring rapid global access if this medicine is approved, and we appreciate the collaborative effort to reach this important stage of development "

About the Results of the Planned Interim Analysis

The planned interim analysis evaluated data from 775 patients who were initially enrolled in the Phase 3 MOVe-OUT trial on or prior to Aug 5, 2021 At the time of the decision to stop recruitment based on the compelling interim efficacy results, the trial was approaching full recruitment of the Phase 3 sample size of 1,550 patients, with more than 90% of the intended sample size already enrolled.

Eligibility criteria required that all patients had laboratory-confirmed mild-to-moderate COVID-19, with symptom onset within 5 days of study randomization All patients were required to have at least one risk factor associated with poor disease outcome at study entry Molnupiravir reduced the risk of hospitalization and/or death across all key subgroups; efficacy was not affected by timing of symptom onset or underlying risk factor. Additionally, based on the participants with available viral sequencing data (approximately 40% of participants), molnupiravir demonstrated consistent efficacy across viral variants Gamma, Delta, and Mu.

The incidence of any adverse event was comparable in the molnupiravir and placebo groups (35% and 40%, respectively). Similarly, the incidence of drug-related adverse events was also comparable (12% and 11%, respectively). Fewer subjects discontinued study therapy due to an adverse event in the molnupiravir group (1.3%) compared to the placebo group (3.4%).

About MSD Efforts to Enable Access to Molnupiravir, if it is Granted EUA or Approval

In anticipation of the results from MOVe-OUT, Merck has been producing molnupiravir at risk MSD expects to produce 10 million courses of treatment by the end of 2021, with more doses expected to be produced in 2022

MSD has entered into supply and purchase agreements for molnupiravir with other governments worldwide, pending regulatory authorization, and is currently in discussions with other governments.

MSD is committed to providing timely access to molnupiravir globally, if it is authorized or approved, and plans to implement a tiered pricing approach based on World Bank country income criteria to reflect countries' relative ability to finance their health response to the pandemic.

As part of its commitment to widespread global access, MSD previously announced that the company has entered into non-exclusive voluntary licensing agreements for molnupiravir with established generic manufacturers to accelerate availability of molnupiravir in more than 100 low- and middle-income countries (LMICs) following approvals or emergency authorization by local regulatory agencies.

More About the MOVe-OUT Study

The MOVe-OUT trial (MK-4482-002) (NCT04575597) was a global Phase 3, randomized, placebo-controlled, double-blind, multi-site study of non-hospitalized adult patients with laboratory-confirmed mild to moderate COVID-19, at least one risk factor associated with poor disease outcomes, and symptom onset within five days prior to randomization The primary efficacy objective of MOVe-OUT is to evaluate the efficacy of molnupiravir compared to placebo as assessed by the percentage of participants who are hospitalized and/or die from the time of randomization through Day 29.

The Phase 3 portion of the MOVe-OUT trial was conducted globally, including in more than 170 planned sites in countries including Argentina, Brazil, Canada, Chile, Colombia, Egypt, France, Germany, Guatemala, Israel, Italy, Japan, Mexico, Philippines, Poland, Russia, South Africa, Spain, Sweden, Taiwan, Ukraine, the United Kingdom and the United States For further information about the MOVe-OUT trial, please visit clinicaltrials.gov

The most common risk factors for poor disease outcome included obesity, older age (≥60 years), diabetes mellitus, and heart disease. To date, the Delta, Gamma, and Mu variants have accounted for nearly 80% of the evaluable cases in the trial. Recruitment in Latin America, Europe, and Africa accounted for 55%, 23% and 15% of the study population, respectively.

About Molnupiravir

Molnupiravir (MK-4482/EIDD-2801) is an investigational, orally administered form of a potent ribonucleoside analog that inhibits the replication of SARS-CoV-2, the causative agent of COVID-19. Molnupiravir has been shown to be active in several preclinical models of SARS-CoV-2, including for prophylaxis, treatment, and prevention

of transmission Additionally, pre-clinical and clinical data have shown molnupiravir to be active against the most common SARS-CoV-2 variants Molnupiravir was invented at Drug Innovations at Emory (DRIVE), LLC, a not-for-profit biotechnology company wholly owned by Emory University, and is being developed by MSD in collaboration with Ridgeback Biotherapeutics. Ridgeback received an upfront payment from MSD and also is eligible to receive contingent payments dependent upon the achievement of certain developmental and regulatory approval milestones Any profits from the collaboration will be split between the partners equally Since licensed by Ridgeback, all funds used for the development of molnupiravir have been provided by MSD and by Wayne and Wendy Holman of Ridgeback

Molnupiravir is also being evaluated for post-exposure prophylaxis in MOVe-AHEAD, a global, multicenter, randomized, double-blind, placebo-controlled Phase 3 study, which is evaluating the efficacy and safety of molnupiravir in preventing the spread of COVID-19 within households. For more information, please visit http://merckcovidresearch com

About Ridgeback Biotherapeutics

Headquartered in Miami, Florida, Ridgeback Biotherapeutics LP is a biotechnology company focused on emerging infectious diseases Ridgeback markets Ebanga™ for the treatment of Ebola and has a late-stage development pipeline which includes molnupiravir for the treatment of COVID-19 Development of molnupiravir is entirely funded by Ridgeback Biotherapeutics and MSD. All equity capital in Ridgeback Biotherapeutics, LP originated from Wayne and Wendy Holman, who are committed to investing in and supporting medical technologies that will save lives. The team at Ridgeback is dedicated to working toward finding life-saving and life-changing solutions for patients and diseases that need champions

About MSD

For over 130 years, MSD has been inventing for life, bringing forward medicines and vaccines for many of the world's most challenging diseases in pursuit of our mission to save and improve lives. MSD is a trade name of Merck & Co., Inc., with headquarters in Kenilworth, N.J., U S.A We demonstrate our commitment to patients and population health by increasing access

to health care through far-reaching policies, programs and partnerships. Today, MSD continues to be at the forefront of research to prevent and treat diseases that threaten people and animals including cancer, infectious diseases such as HIV and Ebola, and emerging animal diseases — as we aspire to be the premier research-intensive biopharmaceutical company in the world. For more information, visit www msd.com and connect with us on Twitter, LinkedIn and YouTube.

Forward-Looking Statement of Merck & Co., Inc., Kenilworth, N.J., USA

This news release of Merck & Co , Inc , Kenilworth, N J , USA (the "company") includes "forward-looking statements" within the meaning of the safe harbor provisions of the U.S. Private Securities Litigation Reform Act of 1995 These statements are based upon the current beliefs and expectations of the company's management and are subject to significant risks and uncertainties. There can be no guarantees with respect to pipeline products that the products will receive the necessary regulatory approvals or that they will prove to be commercially successful. If underlying assumptions prove inaccurate or risks or uncertainties materialize, actual results may differ materially from those set forth in the forward-looking statements.

Risks and uncertainties include but are not limited to, general industry conditions and competition; general economic factors, including interest rate and currency exchange rate fluctuations; the impact of the global outbreak of novel coronavirus disease (COVID-19); the impact of pharmaceutical industry regulation and health care legislation in the United States and internationally; global trends toward health care cost containment; technological advances, new products and patents attained by competitors; challenges inherent in new product development, including obtaining regulatory approval; the company's ability to accurately predict future market conditions; manufacturing difficulties or delays; financial instability of international economies and sovereign risk; dependence on the effectiveness of the company's patents and other protections for innovative products; and the exposure to litigation, including patent litigation, and/or regulatory actions.

The company undertakes no obligation to publicly update any forward-looking statement, whether as a result of new information, future events or otherwise Additional factors that could cause results to differ materially from those described in the forward-looking statements can be found in the company's 2020 Annual Report on Form 10-K and the company's other filings with the Securities and Exchange Commission (SEC) available at the SEC's Internet site (www sec gov)

###

From: Brown, Alister <[redacted]>
Sent: Friday, 8 October 2021 2:46 pm
To: Andrew Oliver; Smith, Paul; Josh Wiles
Cc: MSD; Diab, Georgina
Subject: [Confidential] RE: Confidential RE: Confidential RE: Confidential RE: Molnupiravir Supply to New Zealand - [redacted]

Confidential

Hi Andrew,
Apologies and thanks for picking those up. We will send you a clean copy shortly.
Regards
Alister

From: Andrew Oliver <[redacted]>
Sent: Friday, 8 October 2021 2:34 PM
To: Brown, Alister <[redacted]>; Smith, Paul <[redacted]>; Josh Wiles <[redacted]>
Cc: [redacted] <[redacted]>; Diab, Georgina <[redacted]>
Subject: RE: Confidential RE: Confidential RE: Confidential RE: Molnupiravir Supply to New Zealand - [redacted]

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Alister,
On final review, legal noticed a couple of apparently incorrect references and a piece of stray text (marked up in the attached).

Could you please check. We are happy to make those changes if you agree, or you can send back the amended version if you prefer.

Thanks,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington
DDI: [redacted] | P: +64 4 460 4990 | www.pharmac.govt.nz

From: Andrew Oliver
Sent: Friday, 8 October 2021 1:43 pm
To: Brown, Alister <[redacted]>; Smith, Paul <[redacted]>; Josh Wiles <[redacted]>
Cc: MSD <[redacted]>; Diab, Georgina <[redacted]>
Subject: RE: Confidential RE: Confidential RE: Confidential RE: Molnupiravir Supply to New Zealand - [redacted]

Excellent, will do.

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington

From: Brown, Alister <Withheld under section>
Sent: Friday, 8 October 2021 3:31 pm
To: Andrew Oliver; Smith, Paul; Josh Wiles
Cc: MSD; Diab, Georgina
Subject: [Confidential] RE: Confidential RE: Confidential RE: Confidential RE: Molnupiravir Supply to New Zealand - Withheld under
Attachments: NZL FINAL SPA Terms Sheet 8 October v3.docx

Confidential

Hi Andrew,

We have corrected the reference in the Payment section. The 'stray text' in clause 12 (e) in the version you sent attached to your email below did not appear in the version we sent to you, so not sure how that appeared.

However, a clean version with the reference correction is attached.

Regards
Alister

From: Andrew Oliver <Withheld under section 9(2)(a)>
Sent: Friday, 8 October 2021 2:34 PM
To: Brown, Alister <Withheld under section>; Smith, Paul <Withheld under section>; Josh Wiles <Withheld under section 9(2)>
Cc: [redacted] <Withheld under section>; Diab, Georgina <Withheld under
Subject: RE: Confidential RE: Confidential RE: Confidential RE: Molnupiravir Supply to New Zealand - Withheld under

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Thanks,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington
DDI: Wit W Wit With | P: +64 4 460 4990 | www.pharmac.govt.nz

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From: Andrew Oliver
Sent: Friday, 8 October 2021 1:43 pm
To: Brown, Alister <Withheld under section>; Smith, Paul <Withheld under section>; Josh Wiles <Withheld under section 9(2)>
Cc: MSD <Withheld under section>; Diab, Georgina <Withheld under
Subject: RE: Confidential RE: Confidential RE: Confidential RE: Molnupiravir Supply to New Zealand - Withheld under

Excellent, will do.

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington
DDI: Wit W Wit With | P: +64 4 460 4990 | www.pharmac.govt.nz

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From: Brown, Alister <Withheld under section >
Sent: Friday, 8 October 2021 1:41 pm
To: Andrew Oliver <Withheld under section 9(2)(a) >; Smith, Paul <Withheld under section >; Josh Wiles <Withheld under section 9(2) >
Cc: MSD <Withheld under section >; Diab, Georgina <Withheld under >
Subject: Confidential RE: Confidential RE: Confidential RE: Molnupiravir Supply to New Zealand - Withheld under

Confidential

Hi Andrew,
If you could sign first then forward to us we should be able to turn it around today.
Regards
Alister

From: Andrew Oliver <Withheld under section 9(2)(a) >
Sent: Friday, 8 October 2021 1:39 PM
To: Brown, Alister <Withheld under section >; Smith, Paul <Withheld under section >; Josh Wiles <Withheld under section 9(2) >
Cc: [redacted] <Withheld under section >; Diab, Georgina <Withheld under >
Subject: RE: Confidential RE: Confidential RE: Molnupiravir Supply to New Zealand - Withheld under

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Alister,

Thank you for confirming that and updating the agreement.

How would you like to proceed with execution? We need to give the agreement a final once over, then should we proceed to execute it and forward to you? Or would you prefer to sign first? I estimate we would be ready for sign off about 4pm.

Thanks,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington
DDI: Wit W Wit With | P: +64 4 460 4990 | www.pharmac.govt.nz

From: Brown, Alister <[redacted]>
Sent: Friday, 8 October 2021 1:20 pm
To: Andrew Oliver <[redacted]>; Smith, Paul <[redacted]>; Josh Wiles <[redacted]>
Cc: MSD <[redacted]>; Diab, Georgina <[redacted]>
Subject: Confidential RE: Confidential RE: Molnupiravir Supply to New Zealand - [redacted]

Confidential

Hi Andrew,

The latest change is acceptable to us and the updated Term Sheet is attached to reflect this edit.

Regards
Alister

From: Andrew Oliver <[redacted]>
Sent: Friday, 8 October 2021 12:58 PM
To: Brown, Alister <[redacted]>; Smith, Paul <[redacted]>; Josh Wiles <[redacted]>
Cc: [redacted] <[redacted]>
Subject: RE: Confidential RE: Molnupiravir Supply to New Zealand - [redacted]

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Alister,

Our legal team have advised the addition of some words (in red below).

[redacted] Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)
Withheld under section 9(2)(b)(ii) and 9(2)(ba)(i)
Withheld under section 9(2)

Kind regards,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington
DDI: [redacted] | P: +64 4 460 4990 | www.pharmac.govt.nz

From: Brown, Alister <[redacted]>
Sent: Friday, 8 October 2021 12:23 pm
To: Andrew Oliver <[redacted]>; Smith, Paul <[redacted]>; Josh Wiles <[redacted]>
Cc: MSD <[redacted]>
Subject: Confidential RE: Molnupiravir Supply to New Zealand - [redacted]

Confidential

Hi Andrew and Josh,

We have reviewed your proposed language with our lawyers and have added sub-clause 8 (j) to incorporate this change. Note that we have added the words "prior to execution of the Agreement" to the end of the last sentence ("Agreement" being the Definitive Supply and Purchase Agreement).

We trust this is acceptable to PHARMAC and appreciate your prompt actions on this to date.

Regards
Alister

From: Andrew Oliver < Withheld under section 9(2)(a) >
Sent: Friday, 8 October 2021 11:19 AM
To: Smith, Paul < Withheld under section >; Josh Wiles < Withheld under section 9(2) >
Cc: [redacted] < Withheld under section >; Brown, Alister < Withheld under section >
Subject: RE: Molnupiravir Supply to New Zealand - Withheld under

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Paul and Alister,
Thank you for your time on the call this morning.
You will have seen I've put Craig in contact with Jane in our comms team.

Following up on the discussion about Withheld under in the term sheet, our legal team propose the following wording to be added (noting the definition of Government is, effectively, Pharmac):

"The Parties acknowledge that the Government (specifically Pharmac, as a separate Crown Entity), Withheld under section on behalf of the New Zealand Crown. The Government will pursue the necessary statutory processes under the Public Finance Act 1989 and/or the Crown Entities Act 2004 to fulfil the intentions Withheld under section 9(2)(b)(ii) and ."

I look forward to your feedback on this suggestion. Happy to discuss or clarify further.

Regards,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington
DDI: Wit W Wit With | P: +64 4 460 4990 | www.pharmac.govt.nz

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From: Andrew Oliver
Sent: Friday, 8 October 2021 9:10 am
To: Smith, Paul < Withheld under section >; Josh Wiles < Withheld under section 9(2) >
Cc: MSD < Withheld under section >; Brown, Alister < Withheld under section >
Subject: RE: Molnupiravir Supply to New Zealand

Hi Paul,

Please see that attached draft of the term sheet. We have accepted all the last changes sent through by MSD and have marked up the requested quantities and delivery schedule.

We can discuss next steps to finalise this when we meet shortly.

Kind regards,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

Pharmac | Te Pātaka Whaioranga | PO Box 10 254 | Level 9, 40 Mercer Street, Wellington
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From: Smith, Paul <[redacted]>
Sent: Friday, 8 October 2021 8:56 am
To: Andrew Oliver <[redacted]>; Josh Wiles <[redacted]>
Cc: MSD <[redacted]>; Brown, Alister <[redacted]>
Subject: RE: Molnupiravir Supply to New Zealand

Proprietary

HI Andrew
Thank for the note and I will move the meeting forward to 9.30 am
I hope that works
Paul

From: Andrew Oliver <[redacted]>
Sent: Friday, 8 October 2021 8:44 AM
To: Smith, Paul <[redacted]>; Josh Wiles <[redacted]>
Cc: [redacted] <[redacted]>; Brown, Alister <[redacted]>
Subject: RE: Molnupiravir Supply to New Zealand

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Paul,
Thanks for setting this up. If you are free, I would be keen to talk as soon as possible this morning. There is quite a lot to get organised today as we would anticipate having the agreement signed today and media releases ready to go.

Let me know how you are placed.

Thanks,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

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From: Smith, Paul < Withheld under section >
Sent: Friday, 8 October 2021 7:32 am
To: Andrew Oliver < Withheld under section 9(2)(a) >; Josh Wiles < Withheld under section 9(2) >
Cc: MSD < Withheld under section >; Brown, Alister < Withheld under section >
Subject: RE: Molnupiravir Supply to New Zealand

Proprietary

HI Andrew
There have been a few communications today that you may be across. It would be worth connecting this morning first thing and I will send you an invitation.
The meeting to cover:

1. Our intelligence
2. The data we have provided to Pharmac and outstanding questions you may have
3. The next steps on any contract and timelines:
    a. Volumes
    b. Timelines
    c. Withheld

Thank you
Paul

From: Andrew Oliver < Withheld under section 9(2)(a) >
Sent: Wednesday, 6 October 2021 5:25 PM
To: Smith, Paul < Withheld under section >; Josh Wiles < Withheld under section 9(2) >
Cc: Leydon, Linda < Withheld under section >; Brown, Alister < Withheld under section >
Subject: RE: Molnupiravir Supply to New Zealand

EXTERNAL EMAIL – Use caution with any links or file attachments.
Hi Paul,
Thank you for following up on provisioning stock for NZ. We will review the revised term sheet and let you know if we need to discuss anything further tomorrow.

Regards,
Andrew

Andrew Oliver | Senior Therapeutic Group Manager/Team Leader

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DDI: Wit W Wit With | P: +64 4 460 4990 | www.pharmac.govt.nz

From: Smith, Paul <[redacted]>
Sent: Monday, 11 October 2021 1:10 pm
To: Sarah Fitt
Subject: Molnupiravir Agreement

Proprietary

Hi Sarah
I was thinking over the weekend about the many meetings with your team we have had over the last 10 days and the speed of teamwork across both MSD and PHARMAC. Andrew Oliver has been a terrific help in working urgently and I am pleased we managed to secure volumes for New Zealand. I also appreciate your legal, comms and also your involvement in this.

Thank you

Paul Smith