

From: Fauci, Anthony (NIH/NIAID) [E]
Sent: Fri, 14 Feb 2020 03:20:06 +0000
To: Embry, Alan (NIH/NIAID) [E]
Cc: Conrad, Patricia (NIH/NIAID) [E]
Subject: RE: Institutional request for information

Thanks, Alan.

From: Embry, Alan (NIH/NIAID) [E] (b) (6)
Sent: Thursday, February 13, 2020 10:18 PM
To: Fauci, Anthony (NIH/NIAID) [E] (b) (6); Fried, Linda P.
(b) (6); Redfield, Robert R. (CDC/OD) (b) (6)
Cc: Conrad, Patricia (NIH/NIAID) [E] (b) (6); Goldman, Lee
(b) (6); Booth, Jane (b) (6); Katznelson, Ira I.
(b) (6); Marston, Hilary (NIH/NIAID) [E] (b) (6); Eisinger, Robert
(NIH/NIAID) [E] (b) (6)
Subject: RE: Institutional request for information

Dear Dr. Fried,

Answers to your questions are below.

1. Is the CDC or NIH overseeing the distribution of the live virus in the U.S.?

There is an interagency working group convened by the Assistant Secretary for Preparedness and Response overseeing samples, and NIH and CDC are central to this. Virus is being deposited in BEI Resources (a NIAID contract resource) for characterization, growth and distribution. The WA isolate is available now and a Hong Kong isolate may be added soon.

2. Will you be the sole source of distribution in the U.S., or will institutions be permitted to obtain it directly from other sources?

Assuming appropriate permits are in place, there is no limitation on an institution obtaining samples directly from BEI or other sources. In a public health emergency, the U.S. government seeks to make isolates available under a Simple Letter Agreement that does not impose IP restrictions on academics or developers (see attached language).

3. If it can be obtained from other sources, what sources will be permitted? For example, the China or Hong Kong CDC or University of Hong Kong?

Assuming appropriate permits and safety controls, there is no limitation on from where samples can be obtained. However, there may be intellectual property restrictions from some sources and your technology transfer office would need to negotiate if requested directly.

4. If you are to be the sole source, when would you expect to have a process for considering requests?

BEI resources already has a process for sharing in place and is currently sharing the viral isolate obtained from the first Washington case. NIAID anticipates that other viral isolates will be obtained soon, and BEI is committed to making those available to the scientific community as soon as