

Notwithstanding the foregoing, the Government's rights may not be exercised in such a way that would require Janssen to deliver more than 100 million Regimens under this Project Agreement.

Janssen is currently pursuing external validation of its not-for-profit calculation approach for the pricing of its Regimens to ensure it meets its commitment to make the Regimens available on a not-for-profit basis for use in the emergency pandemic, and Janssen is developing a framework under which any profit would be returned to purchasers of the Regimens. The Parties agree that the Government will benefit from the application of these procedures. This Project Agreement will not be closed out until at least one external validation is complete such that an appropriate credit can be completed if the final not-for-profit price per Regimen is determined to be less than \$10. In no case shall the price per Regimen exceed \$10.

**Table 1-1: Milestone Payment Schedule**

Milestone Number	Milestone Description	Delivery Date	Value
1	2M Regimens of Ad26.COVS2.S	On or before 1/31/2021	\$20,000,000
2	10M Regimens of Ad26.COVS2.S	On or before 2/28/2021	\$100,000,000
3	25M Regimens of Ad26.COVS2.S	On or before 3/31/2021	\$250,000,000
4	25M Regimens of Ad26.COVS2.S	On or before 4/30/2021	\$250,000,000
5	25M Regimens of Ad26.COVS2.S	On or before 5/31/2021	\$250,000,000
6	13M Regimens of Ad26.COVS2.S	On or before 6/30/2021	\$130,000,000
7	Long-term Storage of Drug Product (Option)	(b) (4), (b) (2)	\$1,650,000
<b>Total (FFP)</b>			<b>\$1,001,650,000</b>
<b>Date of Final Delivery</b>			<b>6/30/2021</b>

### Pricing Assumptions and Conditions

- 1) Short-term storage not to exceed 30 days and delivery to no more than 10 sites in the continental United States, are included in the \$10/Regimen pricing.
- 2) At the discretion of the Government, Janssen shall provide the Government with up to twelve (12) months storage of up to 100M Regimens of Ad26.COVS2.S (Milestone Number 7), (b) (4), (b) (2). The Government shall pay Janssen the full FFP amount, as identified in Table 1-1, distributed evenly across each month ordered for long-term storage capacity, with payment for each month due at the end of the applicable month. As applicable, Janssen will invoice the Government less per month for storage to the extent necessary to reflect Janssen storage vendor charges that are lower than expected for each month.