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Salk and Vical Documents relating to mRNA Vaccines and Transfection



Whiteboard written by Robert of work and responsibilities, Vical 1989.

DOCUMENTS FROM THE SALK (1987 AND 1988) AND VICAL 1989+

A. Correspondence from Robert Malone while at the Salk to Phil Felgner at Syntex in which the nature of the data is laid out, what work has been done by Robert, and potential applications including the "Mark Kindy" countersigned disclosure. Dr. Felgner at this point had already tried to replicate Robert's work unsuccessfully and Robert was trying to help him duplicate the

work. These letters were written in 1988, before Vical was a company.

(/web/20210525124157/https://www.rwmalonemd.com/s/Salk-Letters-Malone-Disclosures-Felgner.pdf)

Note the emphasis in the communication even at this early stage concerning the importance of capping and the 5' and 3' untranslated sequences. Of course this is mirrored in the present by the recent pre-print from Curevac concerning their second generation COVID vaccine, Also note the references to in-vivo transfection and RNA as a drug; written in January 1988! All of this is the basis for the Vical patents and some of this data was put directly into the Vical patents. This is the correspondence, where Robert essentially lays out millions of dollars in licensing and revenue ideas. These ideas were to be protected by the Salk and at the time, Vical didn't even exist as a company.

(/web/20210525124157/https://www.rwmalonemd.com/s/Salk-Letters-Malone-Disclosures-Felgner.pdf)

Instead, after Vical was formed, Vical/Felgner stole these ideas and never licensed the technology from the Salk - as they had originally promised to Dr. Malone. Vical literally stole millions of dollars from Dr. Malone and claimed credit for the discoveries that Dr. Malone had made while at the Salk Institute.

(/web/20210525124157/https://www.rwmalonemd.com/s/Salk-Letters-Malone-Disclosures-Felgner.pdf)

B. Xenopus RNA Transfection 1988 Malone Salk Data.

(/web/20210525124157/https://www.rwmalonemd.com/s/Embryo-Data-Salk-198820210517_08283540.pdf)

C. "Chick in a cup" RNA transgenic disclosure -Salk 1988.

D. mRNA Transfection of Cultured Euk Cell - data from 1988 at Salk, written up for Vical 1989

E. Cationic Lipid-Mediated RNA and DNA patent application, 1988 submitted by the Salk institute to the USPTO. Primary author: Robert Malone. This patent application and all disclosures were later abandoned by the Salk, without informing Robert. This is shown on the Salk counsel cover letter signed in 1991, where it is not mentioned that this patent had already

been abandoned. This occurred after Dr. Verma became a consultant of Vical. The ideas and research of this Salk patent application were the foundation of the Vical patents, with a priority date of 3/21/1989. Three months after Robert left the Salk – and Robert was the ONLY person at Vical at that time, formally working on this project. Vical promised Robert they would license the patent from the Salk – but instead, the Salk abandoned those applications, literally worth millions of dollars at the time (based on the sale of the Vical patents to Merck, which were licensed for \$30 million USD). Then Salk abandoned this patent application and all other disclosures submitted by Robert. There was a clear quid-pro-quo between Vical and Dr. Inder Verma for this work to be abandoned by the Salk. At the time, the Salk Institute was widely known as “Verma’s Institute.”

(/web/20210525124157/https://www.rwmalonemd.com/s/B-Cationic-Lipid-Mediated-RNA-and-DNA-patent-1988-Salk-Malon.pdf)

NOTE the filing date for the Salk patent is 3/21/89 - that same as the filing dates for the Vical patent(s), which is also 3/21/89. This shows clear communication with the Salk and Vical early in the process. And a clear intent to defraud Robert Malone, as Dr. Inder Verma -full professor of Vical and paid consultant to Vical dropped the Salk patent without the Salk informing Robert. With is clearly against the law, according to the Bayh-Dole Act.

When Robert enquired about the patent again - a few years later, he was told that the lawyer who wrote the patent had retired and the records had been “lost.”

F. The paper that Dan St Louis was writing in 1988. Because of this research, Robert had the idea of mRNA vaccination. Note that Dr. Malone was acknowledged in the paper.

This research involved a disk infused with a recombinant retrovirus containing human factor IX cDNA that was grafted under the epidermis. There was a loss of immunoreactive human factor IX protein in the mouse serum, is not due to graft rejection. Dr. Malone spent hours with medical tests and came up with the hypothesis that antibodies

were being made against the protein. Ergo: the mouse serum contains anti-human factor IX antibodies, which react with the protein. This was basically the research that sparked Robert's idea for mRNA vaccination.

I can remember sitting on the floor in our apartment and the ideas of mRNA vaccination pouring out of Robert in early 1988.

(<https://web.archive.org/web/20210525124157/https://www.ncbi.nlm.nih.gov/pmc/articles/PMC280161/?page=5>) At that point, Robert was so upset with Dr. Verma and Salk, he chose not to disclose his ideas to them.

Here is the paper, with Robert acknowledged -published in 1988.

St Louis D, Verma IM. An alternative approach to somatic cell gene therapy. *Proc Natl Acad Sci U S A*. 1988 May;85(9):3150-4. doi: 10.1073/pnas.85.9.3150. PMID: 3283738; PMCID: PMC280161.

(<https://web.archive.org/web/20210525124157/https://www.ncbi.nlm.nih.gov/pmc/articles/PMC280161/?page=5>)

G. May 1989, Internal Vical document: Intellectual property meeting agenda showing Salk/Malone/Verma ownership of DNA/RNA Transfection and Vaccination technologies. Minutes of a discussion of a deal to be worked out between the Salk and Vical. Instead, Verma became a consultant advisor to Vical and the patent application and disclosures at Vical were dropped without the Salk informing Robert after Robert had resigned from Vical. So, according to this document, Martha Demsky, Alex Barkas, Doug Richman, Dennis Carson and Karl Hostettler are specifically named for being involved in this strategy to deny Robert his share in licensing fees and recognition for his work. (</web/20210525124157/https://www.rwmalonemd.com/s/C-Intellectual-property-meeting-showing-SalkMaloneVerma-ownershMay1989.pdf>) (Editor's note: I, Jill Malone, would personally love to see evidence from any of these people denying this occurred).

Note: this decision to not license the Vical technology that Robert had invented there and stone-wall Dr. Malone yield Vical about 12 million dollars and Univ of WI (WARF) about 4

million dollars profit. Analysis upon request. During this time, Dr. Malone and his family were literally starving, as he finished Medical school.

H. Letter from Dr. Robert Malone to Vical dated 2001. This letter details research done at the Salk prior to his employment at Vical. In the end, the CEO refused to meet with Robert. ([/web/20210525124157/https://www.rwmalonemd.com/s/D-Letter-to-Vical-CEO-200120210313.pdf](https://www.rwmalonemd.com/s/D-Letter-to-Vical-CEO-200120210313.pdf))

I. Attachments relating to discovery Malone Salk and Vical – These include letters to Felgner from the Robert at the Salk in Jan 1988, whereby Felgner was trying to duplicate Robert's results – to provide quality control – with Robert sending him samples. Patent Disclosures (signed by a witness) from the Salk in 1988. This set of documents also includes patent disclosures from Vical, for work done at the Salk where Phil put himself as an inventor – instead of as a witness. ([/web/20210525124157/https://www.rwmalonemd.com/s/H-Attachments-relating-to-discovery-Malone-Salk-and-Vical.pdf](https://www.rwmalonemd.com/s/H-Attachments-relating-to-discovery-Malone-Salk-and-Vical.pdf))

J. Lab book pages – One of Dr. Robert Malone's lab book from the Salk ([/web/20210525124157/https://www.rwmalonemd.com/s/I-Lab-book-pages-Malones-lab-book-from-the-Salk.pdf](https://www.rwmalonemd.com/s/I-Lab-book-pages-Malones-lab-book-from-the-Salk.pdf))

K. A novel approach to study packaging of retroviral RNA by RNA transfection (Abstract). RW Malone, P. Felgner, I. Verma. RNA Tumor Viruses, May 17-18, 1988. Cold Spring Harbor ([/web/20210525124157/https://www.rwmalonemd.com/s/J-A-Novel-Approach-to-Study-Packagng-Ret-RNA-by-RNA-Tran-Malone-ColdSpringHarborpdf.pdf](https://www.rwmalonemd.com/s/J-A-Novel-Approach-to-Study-Packagng-Ret-RNA-by-RNA-Tran-Malone-ColdSpringHarborpdf.pdf))

L. mRNA Transfect of Cultured Euk Cell embryos Focus Article 1989 -research from Salk 1988 ([/web/20210525124157/https://www.rwmalonemd.com/s/K-Focus-mRNA-Transfect-of-Cultured-Euk-Cell-embryos-1989-Data-198820210212.pdf](https://www.rwmalonemd.com/s/K-Focus-mRNA-Transfect-of-Cultured-Euk-Cell-embryos-1989-Data-198820210212.pdf))

M. Cationic liposome-mediated RNA transfection by R W Malone, P L Felgner, and I M Verma. Molecular Biology and Virology Laboratory, Salk Institute, San Diego, CA 92138.

PNAS August 1, 1989 86 (16) 6077-6081;

<https://doi.org/10.1073/pnas.86.16.6077>

(<https://web.archive.org/web/20210525124157/https://doi.org/10.1073/pnas.86.16.6077>)

N. Patent Disclosures and Application Mix of Salk/Vical

(</web/20210525124157/https://www.rwmalonemd.com/s/P-Patent-disclosures-application-not-complete-1988-1989-abstracts.pdf>): not a complete set of documents.

Circular RNA disclosure for stability and translatability of RNA, 1989.

O. Expression of Liposomally Delivered Polynucleotide

Sequence a mammal. The First of ten patents, which incorporate both ideas and data from the Salk. All ten patents have a priority Date March 1989. The Priority date is less than three months after Robert left the Salk and started at Vical for all of the Vical patents.

(</web/20210525124157/https://www.rwmalonemd.com/s/M-Expression-of-Liposomally-Delivered-Polynuc-Seqin-a-mammal.pdf>)

P. The write-up of the synthesis/final analysis of the mRNA to be sent to Wolff for the first mammalian experiment (Robert having already proven the concept in frog embryos, while at the Salk - data above).

(</web/20210525124157/https://www.rwmalonemd.com/s/Combined-Figure-initial-mRNA-delivery-discoveries-flat.jpg>)

Example of instructions Malone to Wolf for experimental design. This data clearly showing the intellectual driver for these experiments being Robert, with Wolff doing the vivisection work.

(</web/20210525124157/https://www.rwmalonemd.com/s/N-Analysis-of-Transfection-Conditions-Instructions-Malone-to-Wolf20210212.pdf>)

Q. Patent disclosures 2/2/89 (two months after Robert started Vical), Other patent disclosures from June 1989 (note how Dr. Felgner added his name ON TOP of Robert's – after they were submitted), Salk disclosures with Rob as only inventor and

abstracts.

(/web/20210525124157/https://www.rwmalonemd.com/s/P-Patent-disclosures-application-not-complete-1988-1989-abstracts.pdf)

R. Original order and authors on the Vical patents (Felgner, Malone, Wolff, Carson).

T. Robert's resignation letter to Vical, stating the Dr. Felgner was taking credit for his ideas.

(/web/20210525124157/https://www.rwmalonemd.com/s/Malone-Vical-Resignation-letter20210218.jpg)

S. Robert's letter begging UCSD for re-instatement back into the PhD Program in summer 1989 (he left with a 4.0 GPA, GREs off the charts and just had a PNAS paper published and Science paper being written). He left UCSD with a master's after being diagnosed with severe PTSD from harassment. UCSD refused his request...

(/web/20210525124157/https://www.rwmalonemd.com/s/Letter-to-UCSD-asking-for-re-instatement-denied-1989.pdf)

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