

May 9, 2022

The Honorable Jason E. Kearns  
Chairman  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436

*Re: Certain Plant-Derived Recombinant Human Serum Albumins (“rHSA”) and Products  
Containing Same, Inv. No. 337-TA-1238*

Dear Chairman Kearns and Commissioners:

The Coalition for a Prosperous America (CPA) respectfully submits these comments in relation to the above-referenced proceeding, in response to the Commission’s notice of April 8, 2022. CPA is a nonprofit, nonpartisan organization that represents the interests of domestic producers across the country engaged in agricultural production, agribusiness and many manufacturing supply chains. We are concerned about foreign intellectual property theft, offshoring of industry, and the decline of the quality of jobs in the U.S. due to the loss of supply chains.

America’s well-being is based upon growing our country’s productive capacity and quality employment. Our country can provide good jobs for workers, affordable products for consumers, opportunities for farms and manufacturers and a clean environment, without compromising our national sovereignty or security. CPA’s mission is an America that wins the global competition for good jobs and industries through innovative strategies that grow industry and agriculture, protect national security, and achieve broadly shared prosperity.

In light of the values and objectives outlined above, the CPA takes a keen interest in ITC proceedings such as this one. Ventria Bioscience Inc. is an innovative, entrepreneurial company based in Colorado and Kansas. It is a recognized leader in the field of plant-based expression of recombinant proteins, including rHSA. Ventria’s operations—conducted exclusively in the United States—include research and development, laboratory work, rice breeding, farming, and manufacturing. In addition, all of the company’s vendors are based in the United States. Thus, Ventria is advancing scientific progress while supporting good-paying American jobs.

Through its groundbreaking innovations, Ventria has created socially valuable products. However, Ventria’s success has been inhibited by infringement and economic espionage, with one instance even resulting in a high-profile criminal prosecution of individuals who stole the company’s proprietary

rice seeds.<sup>1</sup> We are aware that, in the instant case, the Administrative Law Judge found that Respondent Wuhan Healthgen Biotechnology Corp.—which we understand was founded by a former Ventria employee—has violated Section 337 by importing and selling rHSA products that infringe one of Ventria’s U.S. patents.<sup>2</sup>

It is crucial to protect innovative American companies from unfair foreign competition. This is especially true where, as here, the unfair competition dovetails with broader policy concerns relating to China, a country which is declared our adversary by both the Biden Administration and leaders of the Republican party. Biotechnology is a crucial component of the modern U.S. economy, and the intersection of biotechnology and agribusiness—at which this case squarely sits—is a key focus of the Chinese Communist Party.<sup>3</sup> Individuals and companies affiliated with, or influenced by, the Chinese Communist Party have specifically targeted rice-seed technology, including from Ventria.<sup>4</sup>

In contrast to China, the U.S. innovation ecosystem is built on substantial private-sector investments of capital and talent to research, develop, and commercialize new technologies. Ventria has made such investments over the course of many years, building a niche sector within the life sciences industry only to have its success hampered by unlawful, state-sponsored competition from China. It is well known that China seeks to displace the United States as the world leader in critical technologies; the ITC’s remedial authority, therefore, stands as a bulwark against this threat.

The Commission should not deny or weaken a remedy to an American company on account of any unfounded suggestion that the United States needs the continued importation of infringing (and potentially unsafe) biologic products from Wuhan, China. Only lawful products should be sold here, and the U.S. has the ability to make them. There are no countervailing public interest reasons to deny strong relief that prevents Wuhan Healthgen from profiting from its wrongdoing. Ventria should be provided the opportunity to replace the excluded products with its domestically manufactured rHSA.

---

<sup>1</sup> See <https://www.justice.gov/opa/pr/chinese-scientist-sentenced-prison-theft-engineered-rice>.

<sup>2</sup> We further understand that Wuhan Healthgen’s distributors were found in default, and that the Administrative Law Judge also recommended remedial orders against those entities in relation to failure to label the accused products as being Made in China.

<sup>3</sup> See <https://www.agweb.com/news/business/technology/while-america-slept-china-stole-farm>.

<sup>4</sup> See <https://www.npr.org/sections/thesalt/2017/06/08/531771780/spies-in-the-field-as-farming-goes-high-tech-espionage-threat-grows>. Moreover, the Respondent in this case, Wuhan Healthgen, was founded by a former Ventria employee who is part of the Chinese government’s Thousand Talents Plan, which has been used to systematically misappropriate American technology. See <https://www.recombinant-hsa.com/sale-8750596-no-fragments-polymers-hsa-cell-culture-keep-stem-cell-undifferentiation-protein-powder-hsa.html>. See also <https://www.hsgac.senate.gov/imo/media/doc/2019-11-18%20PSI%20Staff%20Report%20-%20China's%20Talent%20Recruitment%20Plans.pdf>.

Further, we believe that ample alternative products also exist. In sum, the U.S. public interest will be served by the issuance of remedial relief for Ventria.

Thank you for considering this submission. Please feel free to contact us with any questions.

Respectfully,

A handwritten signature in blue ink that reads "Michael C. Stumo". The signature is written in a cursive style with a prominent flourish at the end.

Michael Stumo, CEO  
Coalition for a Prosperous America