

# United States Senate

WASHINGTON, DC 20510

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,

We write regarding Ventria Bioscience, which has sought remedies in the above-referenced proceeding. Ventria is an important member of our state’s biotechnology community and has made major scientific contributions to our country.

Ventria (which also operates as InVitria) is a privately owned company that has invested many millions of dollars to develop and commercialize its novel plant-based technology. Ventria’s groundbreaking platform enables the production of important mammalian proteins (such as rHSA) at a commercial scale, without the use of blood or animal-origin components. Ventria has built this business through its entirely U.S.-based activities, which include extensive (and ongoing) investments in its facility at the University of Colorado’s Anschutz Medical Campus.<sup>1</sup>

We should protect the U.S. companies from unfair interference by well-funded foreign actors. It is our understanding that Ventria has repeatedly faced unlawful competition, with one instance even resulting in a criminal prosecution of Chinese nationals who stole the company’s proprietary rice seeds.<sup>2</sup> In the instant case, we understand that the Administrative Law Judge found that Respondent Wuhan Healthgen Biotechnology Corp.—which a former Ventria employee founded—has violated existing trade law by importing and selling rHSA products that infringe one of Ventria’s U.S. patents. We also understand that the Administrative Law Judge recommended remedial orders against Wuhan Healthgen’s defaulting distributors for failing to label the accused products as being Made in China.

Assuming the Commission upholds the violation finding, excluding Wuhan Healthgen’s infringing products would promote the U.S. public interest. First, it is critical to protect innovative American companies from unfair foreign competition, particularly in relation to China’s efforts to dominate biotechnology.<sup>3</sup> Second, we understand that Ventria—which has expanded its operations in Colorado

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<sup>1</sup> <https://invitria.com/resources/invitria-moves-to-denver-anschutz-medical-campus/>.

<sup>2</sup> <https://www.justice.gov/opa/pr/chinese-scientist-sentenced-prison-theft-engineered-rice>; <https://www.justice.gov/usao-edar/pr/chinese-nationals-charged-conspiracy-steal-rice-technology>.

<sup>3</sup> The Chinese government’s “Made in China 2025” economic strategy specifically prioritizes the life sciences industry (among others). In contrast to China, the U.S. innovation ecosystem is premised on substantial private-sector investments of capital and talent to

and Kansas—is fully able to replace the excluded products with its domestically manufactured rHSA, and that alternative products are readily available (such as traditional HSA).

Without the jurisdiction and remedies afforded by the ITC, it is difficult for companies like Ventria to identify and challenge the importation of infringing products and enforce their intellectual property rights. Moreover, this type of company—which creates good jobs and manufactures useful products here in America—is precisely the type of business that merits protection by the ITC.

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

Sincerely,



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Michael F. Bennet  
United States Senator



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John Hickenlooper  
United States Senator

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research, develop, and commercialize new technologies. Ventria has made such investments over the course of many years, only to see its market share stagnate largely as a result of unlawful competition from China.