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GOVERNOR LAURA KELLY

May 9, 2022

The Honorable Lisa Barton
Secretary
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 Secretary Barton and Commissioners,

In accordance with the Commission's notice of April 8, 2022, in the above-referenced proceeding, I respectfully submit these comments regarding the relief sought by Ventria Bioscience, Inc. Based in Junction City, Kansas, Ventria is an important member of our state's biotechnology community. Ventria's products and scientific contributions are valuable to the U.S. economy and society at-large.

Ventria has invested many millions of dollars to develop and commercialize its novel recombinant protein technology. Ventria's groundbreaking platform enables the production of important mammalian proteins at a commercial scale, without the use of blood or animal-origin components. Ventria has built this business through its entirely U.S.-based workforce, which performs extensive research and development, laboratory work, rice breeding, farming, and manufacturing the company's proprietary rHSA products. In addition, Ventria has prioritized attracting and hiring talent here in the Heartland, and it works collaboratively with notable U.S. research institutions and global health initiatives.

Biotechnology is a critical component of the modern U.S. economy, particularly here in Kansas.¹ Our state is proud of homegrown businesses like Ventria, and we have attracted biotechnology companies from around the globe. Moreover, the intersection of biotechnology and agribusiness—at which the instant ITC case squarely sits—involves sensitive, proprietary technologies crucial to the success of companies in this sector.

It is therefore important to protect the U.S. biotechnology industry from unfair interference by foreign actors. Ventria has repeatedly faced unlawful competition, with one instance even resulting in a criminal prosecution of individuals who stole the company's proprietary rice seeds.² In the instant

¹ See <https://www.kansascommerce.gov/industry/bioscience/>. See also https://themercury.com/news/biotech-company-to-hire-500-for-650m-manhattan-project/article_7744f981-efe9-526d-9e22-fbd0ba902a46.html.

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

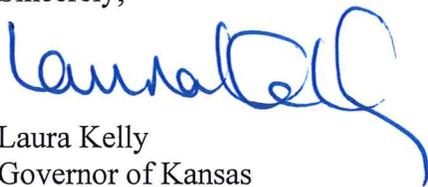
case, I understand the Administrative Law Judge found that Respondent Wuhan Healthgen Biotechnology Corp.—which was founded by a former Ventria employee—has violated Section 337 by importing and selling rHSA products that infringe one of Ventria’s U.S. patents. I also understand that the Administrative Law Judge recommended remedial orders against Wuhan Healthgen’s defaulting distributors, partly in relation to their failure 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. It is critical to protect innovative American companies from unfair foreign competition, especially in sensitive sectors such as biotechnology. Further, I understand that Ventria—which has expanded its Kansas manufacturing facility—is fully able to replace the excluded products with its domestically produced rHSA, and that alternative products are readily available (such as traditional HSA).

Innovative companies like Ventria—which create good jobs and manufacture useful, proprietary products here in America—are precisely the types of businesses that merit protection by U.S. authorities.

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

Sincerely,



Laura Kelly
Governor of Kansas