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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,

I respectfully submit these comments in support of the remedies sought by Complainant Ventria Bioscience, Inc. in the above-referenced proceeding. Ventria is an important member of our state’s life sciences community and has made major scientific contributions that are valuable to the U.S. economy and society at-large. In the instant case, Ventria seeks relief from pervasively harmful conduct stemming from China.

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 state-of-the-art facility at the University of Colorado’s Anschutz Medical Campus.¹

It is crucial to protect the U.S. biotechnology industry from unfair interference by well-funded foreign actors. Ventria has repeatedly faced unlawful competition from China, with one instance even resulting in a criminal prosecution of researchers who stole the company’s proprietary rice seeds.² In the instant case, I understand that 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

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

² See, e.g., <https://www.justice.gov/opa/pr/chinese-scientist-sentenced-prison-theft-engineered-rice>.

Wuhan Healthgen's defaulting distributors, partly in relation to violations of the Lanham Act for failing to label the accused products as being Made in China.

Exclusion of the infringing products from the U.S. market 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 through nefarious conduct.³ Second, I understand that Ventria—which has expanded its operations in Colorado 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. As such, I respectfully ask that you afford Ventria the remedial relief it needs.

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

Sincerely,



Jared Polis
Governor
State of Colorado

³ In contrast to China, the U.S. innovation ecosystem is premised 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, only to see its market share stagnate as a result of systemically unlawful, state-sponsored competition from China.