

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 respectfully submit these comments in support of the remedies sought by Complainant Ventria Bioscience, Inc. in the above-referenced proceeding. Ventria is an entrepreneurial, privately owned company based in Junction City, Kansas. Through its groundbreaking scientific innovations, Ventria has created socially valuable products that help advance the U.S. public interest. However, Ventria's success has been inhibited by repeated unfair competition stemming from China.

Ventria is a recognized leader in the field of plant-based expression of recombinant proteins, including rHSA. Ventria has invested enormous resources in not only developing this technology, but also in establishing the industry and achieving commercial acceptance of the resulting products. Ventria has built its business through its entirely U.S. activities, which include extensive 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.

Ventria has faced repeated infringement and economic espionage from China, with one instance even resulting in a high-profile criminal prosecution of individuals who stole the company's proprietary rice seeds.¹ In the instant case, we understand 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.²

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 U.S. policy concerns relating to China.³ To that end, we emphasize that biotechnology is a crucial component of the modern

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

² 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.

³ See "The Threat Posed by the Chinese Government and the Chinese Communist Party to the Economic and National Security of the United States," Speech by FBI Director Christopher Wray, July 7, 2020,

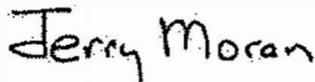
U.S. economy, and that the intersection of biotechnology and agribusiness—at which this case squarely sits—is a key economic and geopolitical focus of the Chinese Communist Party. Individuals and companies affiliated with the Chinese Communist Party have specifically targeted rice-seed technology, including from Ventria.⁴

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. 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 an important bulwark against this threat.

This case epitomizes why Congress gave the ITC unique powers in regulating unfair trade practices. And we understand that Ventria is fully prepared to replace the excluded products with its domestically manufactured rHSA, and that ample alternative products 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,



Jerry Moran
United States Senator



Roger Marshall, M.D.
United States Senator

available at <https://www.fbi.gov/news/speeches/the-threat-posed-by-the-chinese-government-and-the-chinese-communist-party-to-the-economic-and-national-security-of-the-united-states>.

⁴ See <https://www.agweb.com/news/business/technology/while-america-slept-china-stole-farm>. Moreover, Ventria's adversary and the Respondent in this case, Wuhan Healthgen, was founded by a former Ventria employee, Daichang Yang, who is part of the Chinese government's Thousand Talents Plan, a program used to systematically misappropriate American technology. See <https://www.recombinant-hsa.com/safe-8750596-no-fragments-polymers-hsa-cell-culture-keep-stem-cell-undifferentiation-protein-powder-hsa.html>.