

December 21, 2023

The Honorable Gina Raimondo
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, DC 20230

Dear Secretary Raimondo,

On behalf of the Bayh-Dole Coalition, I am writing to request a 90-day extension of the comment period on the *Draft Interagency Guidance Framework for Considering the Exercise of March-In Rights*.

The Bayh-Dole Coalition is a diverse group of innovation-oriented organizations and individuals committed to celebrating and protecting the Bayh-Dole Act. Many of our members have grave concerns about the draft march-in framework published in December 2023. We worry that a rushed comment process could result in serious policy missteps. More time to solicit public input surely would not harm anyone, and could ultimately help minimize any harmful unintended consequences.

As I'm sure you know, the Bayh-Dole Act has underpinned the U.S. innovation system for over four decades. No law has done more to advance U.S. leadership in a variety of high-tech, highly competitive sectors. Since its passage, Bayh-Dole has been responsible for nearly \$2 trillion in economic output, has supported over 6 million jobs, and has contributed to the formation of over 17,000 startups. The Bayh-Dole system fundamentally transformed the university research landscape. Revenue from tech licensing deals has helped academic institutions fund new scientific breakthroughs and build state-of-the-art research facilities.

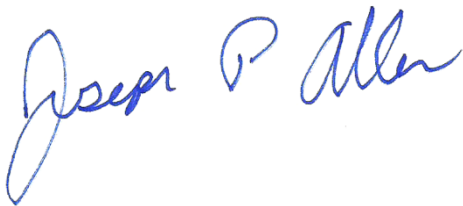
If finalized, the draft framework would jeopardize future economic and scientific gains. Allowing the government to march in based on a product's price would ruin a system that has worked well for over 40 years. Promising federally funded research will likely languish if the government can forcibly relicense patents simply because of price. Small companies —

which account for around 70% of university patent licenses — could face enormous difficulties attracting venture capital investment because of the new framework.

Extending the current comment period by 90 days would allow our members sufficient time to formulate a thoughtful response to this new guidance, including suggested improvements. A government-wide policy like this could impact many patent-intensive industries — not just life sciences. It is critical that we hear from all relevant stakeholders before any policy is finalized.

We respectfully ask that you respond to this extension request expeditiously. Please do not hesitate to contact us with any questions.

Sincerely,
Joseph P. Allen

A handwritten signature in blue ink that reads "Joseph P. Allen". The signature is written in a cursive style with a large, looping initial "J".

Executive Director
Bayh-Dole Coalition

CC:
Director Laurie E. Locascio, National Institute of Standards and Technology