

December 22, 2023

The Honorable Gina Raimondo
Secretary of Commerce
Washington, DC 20230

The Honorable Laurie E. Locascio
Under Secretary of Commerce for Standards and Technology
Washington, DC 20230

Re: Docket No.: 230831-0207-Request for Information Regarding the Draft Interagency Guidance Framework for Considering the Exercise of March-In Rights

Dear Secretary Raimondo and Undersecretary Locascio:

The trade associations, companies, and individuals listed below, request a reasonable extension of the comment period for Docket No.: 230831-0207, the request for information regarding the draft interagency guidance framework for considering the exercise of march-in rights (“framework”). The framework presented calls for a complex and multifaceted analysis beyond what the current 60-day window allows.

The potential changes to march-in rights could alter the landscape of intellectual property rights across all industries and have far-reaching effects on research, development, commercialization, and innovation. Given the gravity of these issues, it is crucial that all stakeholders have ample time to fully understand the proposed changes and provide thoughtful and comprehensive feedback. However, the current comment period, which spans three federal holidays, and several religious holidays, is likely to pose a challenge to such a detailed review and response.

Given the importance of this issue to America’s innovation ecosystem, we request that the comment deadline be extended by an additional 90 days to ensure that all interested parties and industries can provide meaningful input. An extension would demonstrate the Department's commitment to a thorough and inclusive review process that meets all the legal requirements of notice and comment.

Thank you for considering our request. We look forward to contributing to the discussion on this critical issue and to you granting our request for an extension.

Sincerely,

U.S. Chamber of Commerce
Judge Paul R. Michel (Ret.)
Licensing Executives Society (USA & Canada), Inc.
James Edwards, Executive Director, Conservatives for Property Rights and Patent
Policy Advisor, Eagle Forum Education & Legal Defense Fund
Alliance of Startups and Inventors for Jobs (USIJ)

PhRMA

Biotechnology Innovation Organization

The Committee for Justice

California Life Sciences

Joseph Matal, Former Acting Director, U.S. Patent and Trademark Office.

National Venture Capital Association

Joshua Kresh (in his personal capacity), Interim Executive Director, Center for
Intellectual Property x Innovation Policy (C-IP2)

Information Technology & Innovation Foundation

American Intellectual Property Law Association

Telecommunications Industry Association (TIA)

Judge Susan Braden (Ret.), Jurist-In-Residence, Center for Intellectual Property and
Innovation Policy, Scalia Law School

Small Business & Entrepreneurship Council

AUTM

Adam Mossoff, Professor of Law, Antonin Scalia Law School, George Mason University

The Bayh-Dole Coalition

Healthcare Leadership Council