



The Honorable Laurie E. Locascio
Under Secretary of Commerce for Standards and Technology
Director, National Institute of Standards and Technology
Department of Commerce
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 (NIST-2023-0008)

Dear Under Secretary Locascio:

On behalf of the Alliance for U.S. Startups and Inventors for Jobs (USIJ), I write to respectfully request that the National Institute of Standards and Technology extend the public comment period for the recent **Request for Information Regarding the Draft Interagency Guidance Framework for Considering the Exercise of March-In Rights**.

USIJ is a coalition of over 20 startups, entrepreneurs, research organizations, inventors and venture investors – all of whom depend on stable and reliable patent protection as an essential foundation for making long term investments of capital and time to high-risk businesses developing new technologies. USIJ was formed in 2012 to address concerns that legislation, policies and practices adopted by the U.S. Congress, the Federal Judiciary and certain Federal agencies were and are placing startups and entrepreneurs at an unsustainable disadvantage relative to their larger incumbent rivals, both domestic and foreign. A disproportionately large number of strategically critical inventions are attributable to individual inventors, startups and small companies, and there is strong evidence showing that the willingness of entrepreneurs and investors to assume the high risks involved in developing new technologies that require patents is declining.

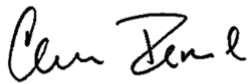
The relationship between university and federal research and the explosion of startup activity and venture investment in the United States since the inception of the Bayh-Dole Act is undeniable. The members of USIJ have seen this first-hand and have built companies based on the promise of stable and predictable patent rights that the Bayh-Dole Act enshrined. This has led to breakthroughs in critical areas including cybersecurity, semiconductors, medical devices and drug discovery. The proposed changes contained in the Interagency Guidance Framework for Considering the Exercise of March-In Rights would upend this process and devastate the

American innovation model that depends on predictable patent rights to empower entrepreneurs, incentivize investors and guard against monopoly dominance.

Given the dramatic and far-reaching impact of the proposed Guidance, and the complexity of the potential changes to the U.S. innovation ecosystem, USIJ respectfully requests that the comment period be extended by 90 days—through May 6, 2024.

We look forward to providing comments in response to the RFI, and ensuring that the views of U.S. startups, inventors, entrepreneurs, and investors are clearly understood.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Israel". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Chris Israel
Executive Director
Alliance for U.S. Startups and Inventors for Jobs