

April 14, 2010

The Honorable Xavier Becerra  
United States House of Representatives  
1119 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Becerra,

We wish to express our strong support for the Genomic Research and Accessibility Act and its prohibitions on the patenting of naturally-occurring human genes.

**Proprietary rights over the most basic element of an individual's genetic identity should not be enforceable.** Our DNA is part of our common heritage. Yet patents have been issued to date covering over 20% of actual human genes and their functions. These patents include genes associated with numerous diseases, both common and rare, such as Alzheimer's disease, asthma, Breast Cancer, some forms of colon cancer, Canavan disease, hemochromatosis, some forms of muscular dystrophy, Long QT Syndrome, and many others.

**Allowing patents on natural human biology and natural human medical phenomena imposes real and severe limits on scientific research, learning and the free flow of information.** Studies have demonstrated that research has been delayed, limited, or even stopped due to concerns about gene patents. Researchers often avoid studying a patented gene to avoid the cost or difficulty of obtaining a license or over concerns that their license could be revoked. This has a chilling effect on the research necessary to better understand genetically based diseases and subsequently discover new therapies, treatments and even cures. Patent claims are especially harmful given the nature of modern genomic research, which requires intense collaboration and focuses not on one gene or gene function at a time, but rather on complex interconnections among genes and gene functions. Patents prevent this necessary research from advancing rapidly and benefitting patients.

**Gene patents have an equally harmful effect on the practice of medicine by granting exclusivity of practice to medical procedures or clinical diagnostic tests.** When laboratories are prevented from competing with and collaborating with one another through common access to natural phenomena and laws of nature, improvements in test quality slow, alternatives go undeveloped, second opinions become unavailable, and tests become unaffordable to many patients. **We must guarantee that tests are affordable and accessible to everyone** and prevent barriers to the development of the vital medical and scientific information needed to advance our collective fight against disease.

Indeed, a recently released report by the Secretary's Advisory Committee on Genetics, Health and Society (SACGHS) for the Department of Health and Human Services (HHS) entitled "Gene Patents and Licensing Practices and Their Impact on Patient Access to Genetic Tests," found that

Trends in patent law appear...to pose serious obstacles to the promise of these developments [ in genetic research and clinical practice]. Patenting has moved upstream; instead of covering only commercial products, patents can now control foundational research discoveries, claiming the purified form of genes. Fragmented ownership of these patents on genes by multiple competing entities substantially threatens clinical and research use.

The US Constitution states that patents are intended to “promote the progress of science.” By restricting choice and knowledge, the U.S. Patent and Trademark Office’s decision to allow the patenting of human genes fails to meet this requirement. We stand in strong support of the Genomic Research and Accessibility Act to ensure that scientific advances benefit public health and welfare and are readily available to every researcher and every patient who needs them.