

Comment 14

Jim Huber

From: Jim Huber [jhuber@bcm.tmc.edu]
Sent: Tuesday, March 21, 2000 6:24 PM
To: mark.nagumo@uspto.gov
Subject: re: call for public comments on the Revised Utility Examination Guidelines

To the Commissioner of Patents and Trademarks, March 21, 2000

In response to the call for public comments on the Revised Utility Examination Guidelines, I personally believe the proposed rules are an improvement on the status quo, but may not go far enough toward protection of access to raw nucleotide sequence. While recognizing that intellectual property rights are central to the investment in and development of the biotechnology and pharmaceutical industries, it is the applications derived from the raw nucleotide sequence that are both marketable and benefit the public health. Raw nucleotide sequence consists of information bundles that in and of itself provide little benefit, do not constitute an invention, are not difficult to generate or clone, particularly in light of recent genomic sequencing, and generally do not meet the utility requirement under Article 35 of the U.S. Code. Nonetheless, as part of the publicly funded effort to sequence the human genome, I understand how valuable the sequence data is. To limit patentability and therefore utility requirements to applications brings maximum benefit to both academic researchers and industry in terms of insuring unfettered access to the cornerstone knowledge necessary to advance biomedical research and therapeutics. Finally, and perhaps more controversially, I believe that at least human genomic sequence goes to the core of what it means to be human and no individual or corporation should control or have ownership of something so basic. These opinions are solely my own. I would not presume to speak for the Human Genome Sequencing Center, the Department of Molecular and Human Genetics, or Baylor College of Medicine.

Yours sincerely,

Jim Huber
Human Genome Sequencing Center
Dept. of Molecular and Human Genetics
Baylor College of Medicine
One Baylor Plaza, Rm. N1419
Houston, TX 77030
Ph. 713-798-6539
Fax 713-798-5741
jhuber@bcm.tmc.edu