Comment 12 Maxine C. Hart

Sir,

I would just like to inform you that I, Maxine C. Hart, agree with the opinions contained in the letter below, quoted from Dr. Steven E. Scherer, Ph.D.:

"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."

Yours sincerely,

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