



February 5, 2024

To whom it may concern:

The Indiana Health Industry Forum (IHIF) is the life sciences trade association for companies in the state of Indiana. IHIF represents over 200 innovative, large and small biopharmaceutical and medical device manufacturers. I am writing to express our deep concerns with the proposed utilization of march-in rights by government agencies, particularly when predicated on pricing considerations. This proposal directly contradicts the spirit and intent of the Bayh-Dole legislation that has allowed biomedical innovation to flourish in Indiana and the U.S..

The life sciences industry is characterized by substantial research and development costs, long development timelines, and high risks. Early-stage federal funding is critical to the development of many biomedical advancements but without the collaboration with private capital and large industry partners, many drugs and devices would never see the light of day. Granting march-in rights would undermine the incentive for private entities to take on the financial risks associated with bringing new drugs, therapies, and medical devices to market.

When companies fear that their intellectual property rights could be jeopardized by government intervention, it will discourage private-sector investment in research and development. The uncertainty surrounding the potential use of march-in rights may deter companies from engaging in collaborative research projects with academic institutions or licensing their discoveries, further hindering the transfer of scientific advancements into commercial applications. This, in turn, will undermine America's global leadership position in bioscience.

Indiana's life sciences industry has a \$77 billion economic impact statewide and employs more than 65,000 Hoosiers, making Indiana one of the top states in the nation for drug development and productivity. Our three Tier 1 research universities (Indiana University, Purdue University, and the University of Notre Dame) collaborate closely with federal agencies to advance scientific discoveries. Programs like the Small Business Innovation and Research (SBIR) and Small Business Technology Transfer (STTR) grants that help prove and develop concepts are key drivers of our innovation ecosystem. The use of march-in rights could stifle innovation and hinder the development of new and groundbreaking technologies. It would threaten thousands of jobs and put continued growth in this industry at risk.

Ultimately, patients stand to lose the most, as reduced investment into critical new therapies means a more restricted industry, less capable of taking risks and making the investments necessary to address specific health needs of the population.

It is crucial to strike a balance between promoting access to important medical innovations and maintaining a supportive environment for private-sector investment in life sciences research and development. I respectfully urge you to carefully consider the potential consequences of invoking march-in rights under the Bayh-Dole Act and to explore alternative measures that can address concerns about accessibility without compromising the innovation ecosystem.

Thank you,

Kristin Jones
President and CEO
Indiana Health Industry Forum