

Date: February 6, 2023

To: Michaela McCrary, Ph.D.
Licensing and Patenting Manager
NCI Technology Transfer Center
Via: michaela.mccrary@nih.gov

From: James Love, KEI

RE: Prospective Grant of an Exclusive Patent License: Small Cell Lung Cancer Subtyping Using Plasma Cell-Free Nucleosomes ([88 FR 3749](#))

Our comments on the proposed license are as follows.

1. We object to the secrecy regarding the manufacturing waiver. Knowing if there will be a waiver is material to the benefits of granting a license, since the terms of the license are important.
2. We object to the NIH licensing a cancer treatment to any firm that would charge US residents more than other high income countries, and even more so when the firm is foreign.
3. The NIH should exclude from the scope of exclusivity all countries with a per capita income less than 30 percent of the USA.