

Paul was a man who embraced life and who enjoyed a good adventure. Friends of Paul Korber have said he was a positive person who was always looking for ways to improve himself, whether it was learning a foreign language or staying physically fit.

But besides being a hero and an athlete, Paul Korber was a success at one of life's biggest challenges—he was a single father. After Paul's wife, Cindy, died of cancer three years ago, Paul was faced with raising his son, Barrett, on his own. Paul and Barrett were very close, taking camping trips, bike riding and fishing together. Paul always found time for his young son, even helping out at Barrett's school.

Paul Korber was a great father, an outstanding athlete, and a hero. His bravery and selflessness will always be remembered with gratefulness by the many lives he saved and with fondness by the many lives he touched.

THE "UNITED STATES PATENT
AND TRADEMARK OFFICE AU-
THORIZATION ACT, FY 1999"

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. COBLE. Mr. Speaker, today I am pleased to introduce the "United States Patent and Trademark Office Authorization Act for Fiscal Year 1999," which contains the first actual decrease ever in patent user fees for our nation's inventors.

The introduction of this legislation follows a hearing the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary held last month in exercise of its oversight responsibilities concerning the operations of the U.S. Patent and Trademark Office ("PTO"). The Subcommittee heard testimony from witnesses representing the Administration, PTO users, and PTO employee unions. This hearing covered the PTO's budget, including how its fee revenues are collected and spent, the expiration of the patent surcharge fee, the diversion of PTO funds to other government agencies, and other relevant issues.

The Administration announced that in light of the lapsing of Section 10101 of the Omnibus Budget Reconciliation Act of 1990 ("OBRA"), the patent fees established under subsections 41(a) and (b) of title 35 of the U.S. Code would revert to their pre-OBRA level. It was stated that, unless adjusted, the fee would fall \$131,526,000 short of the amount the PTO needs to execute the program recommended by the President in his FY 1999 budget. To compensation for this reduction in fees revenues, Assistant Secretary of Commerce and Commissioner of Patents and Trademarks Bruce Lehman stated that an increase was needed in the base patent fees in an amount equal to the reduction in revenue which result from the lapsing of the surcharge authority.

While I and other Members of the Subcommittee are very supportive of ensuring that the PTO is adequately funded to provide the services requested by patent and trademark applicants, the Administration's request received by the Subcommittee would actually raise \$50 million more than the amount the President stated in his budget the PTO will

need in FY 1999. Commissioner Lehman explained that this revenue, along with \$66 million from FY 1998, would be used to fund other government agencies and programs. This continuing diversion of PTO fee revenues was strongly opposed by inventors and the trademark community, who pay for patent and trademark applications to fund only the services they receive from the PTO.

The Patent and Trademark Office is 100 percent funded through the payment of application and user fees. Taxpayer support for the operations of the Office was eliminated in 1990 with the passage of OBRA. OBRA imposed an massive fee increase (referred to as a "surcharge") on America's inventors and industry in order to replace taxpayer support the Office was then receiving. The revenues generated by this surcharge were placed into a surcharge account. The PTO was required to request of the Appropriations Committee that they be allowed to use the revenues in the surcharge account to support the portion of its operations these revenues represented. It was anticipated in 1990 that Congress would routinely grant the PTO permission to use the surcharge revenue since it was generated originally from fees paid by users of the patent and trademark systems to support only the cost of those systems.

Unfortunately, the user fees paid into the surcharge account became a target of opportunity to fund other, unrelated, taxpayer-funded government programs. The temptation to use the surcharge, and thus a significant portion of the operating budget of the PTO, was proven to be increasingly irresistible, to the detriment and sound functioning of our nation's patent and trademark systems. Beginning with a diversion of \$8 million in 1992, Congress increasingly redirected a larger share of the surcharge revenue, reaching a record level of \$54 million in FY 1997. In total, over the past seven fiscal years, over \$142 million has been diverted from the PTO to other agencies and programs.

Mr. Speaker, the time has come for Congress to stop diverting the fees of inventors and trademark applicants to fund other taxpayer-funded government programs. Accordingly, in the United States Patent and Trademark Office Authorization Act, FY 1999, I am proposing a schedule of fees that would recover only the amount of money which the Administration has stated it needs to execute the program recommended by the President for the PTO in FY 1999 and FY 2000. This legislation not only fully funds the stated needs of the PTO, it will provide a real decrease in fees paid by patent applicants—the first actual decrease in fees in at least the last fifty years, indeed, perhaps since the patent system was established in 1790.

The decrease in fees provided by this legislation will provide tangible assistance to America's inventors, while ensuring that they get their monies worth, especially since their creativity and ingenuity are so crucial to the welfare of our nation.

I urge my colleagues to join me in authorizing one of our country's most important agencies in a manner that responds fully to both the stated needs of the Office and its users.

TRIBUTE TO BILLY SULLIVAN

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 23, 1998

Mr. KENNEDY, of Massachusetts. Mr. Speaker, I always thought Billy Sullivan was immortal. And in a way, he was—always larger than life, always a giant in the eyes of our family, and in the eyes of everyone he met.

We miss him very much. We know what an immense loss this is to Mary, to his children Chuck, Billy, Patrick, Jean, Kathleen, and Nancy, to his sisters Tess and Eleanor, to the grandchildren, to the extended family he loved so much, and to all of us as well. Billy Sullivan was a great man who accomplished a great deal in his life. But he could not have risen as high and never gone as far without the enduring love and sustaining support of that beautiful, wonderful Sullivan family.

He was Irish to the core, and it seems obvious that God wanted Billy in Heaven for St. Patrick's Day.

We loved Billy for the little things—the endless, last-minute envelopes in response to our sudden calls, because we all had friends who just had to be at the Patriots game on Sunday.

We know the special place of the Jimmy Fund in Billy's heart and soul. We know how much it meant to him—and we in turn often thought of it as the Billy Fund.

To countless New Englanders, Billy Sullivan was the greatest Patriot of all, and the man who brought pro football to Boston. We'll never forget that bright figure will the map of Ireland on his face pacing up and down the sideline in whichever stadium he happened to be calling home that day.

As a teenager, I remember Billy drenched in Harvard Stadium as the Dolphins played the Patriots in a New England monsoon, the end zone completely under water. I remember cheering for Jim Nance as Billy's great running back set a rushing record in a playoff in Fenway Park.

He meant the world to our family. The Billy Sullivan I remember most was the oil company president who welcomed me with open arms and offered his support and advice when I came to him a quarter century ago with a half-baked plan to help the poor and elderly heat their homes during the winter months.

My Dad used to say, "Some people see things as they are and say why, I dream things that never were and say why not?" That's the way I think of Billy Sullivan, too.

In an industry full of good old boys who didn't particularly want to help a young fellow with a different idea about oil, Billy welcomed me into his office and told me the story of his own impossible dream.

No matter how many defeats he had suffered in life, he always came back, again and again and again. And that trademark smile made you believe that he loved every minute of it—because he knew, if he tried once more, he would finally achieve the happy ending he knew was out there. You could never walk out of Billy's office without believing your own highest dream was possible, too. There could never have been a Citizens Energy Corporation without Billy Sullivan.

I know that Michael felt that way, too, and now they're together in Heaven.