

EXTENSIONS OF REMARKS

HONORING DR. FRANK MELOY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 5, 2013

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the work of Dr. Frank Meloy and the positive impact he's had in Altoona and Logan Township in Blair County, Pennsylvania as both a professional educator and a dedicated public servant.

Dr. Meloy is a retired administrator with the Altoona Area School District. During his 42 year tenure with the district, he rose from the ranks of Special Education Teacher to Assistant Superintendent—a position he held for twenty years.

Dr. Meloy received his Bachelor of Science degree from Indiana University of Pennsylvania, a Master of Education degree from Pennsylvania State University and a Doctor of Education from Temple University.

In addition to his esteemed career in education, Dr. Meloy has been an elected Supervisor in Logan Township since 1996. At the end of his current term in 2013, he will have served eighteen continuous years on the Township Board of Supervisors—the majority of those years as Chairman.

Under Dr. Meloy's fiscal leadership, tax rates in Logan Township have remained among the lowest in the county, and he has saved his municipality thousands of dollars by refinancing several bond issues. He has been extremely instrumental in transforming the Township's system of fire protection into a modern, well-equipped and cost-effective unit. Dr. Meloy also has been the Township's representative on numerous committees and boards during his term, and has been recognized for his active volunteerism by several community organizations including the PA Homeless Children's Initiative, the Blair Bedford Central Labor Council AFL-CIO, and the Kiwanis Club of Altoona.

Dr. Meloy will be honored on December 12, 2013 at his last official meeting as a Township Supervisor. I congratulate him on this recognition, and thank him for his distinguished careers in education and public service.

PROVIDING FOR CONSIDERATION OF H.R. 3309, INNOVATION ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 1105, SMALL BUSINESS CAPITAL ACCESS AND JOB PRESERVATION ACT

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 4, 2013

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Judiciary Committee, I rise to speak on the rule governing debate for H.R.

3309, and about innovation in America—the great job creator. H.R. 3309 is a bill before its time as the America Invents Act was signed into law barely two years ago. Many of the major provisions of this landmark legislation which many on the Judiciary Committee and in this body voted for have not even been put into practice.

It is well documented that our innovation ecosystem—founded on patents—drives economic growth and job creation in the United States. From the hustle and bustle of downtown Houston, Silicon Valley, Chicago, New York, and even here in Washington, DC, Americans want to keep our cherished system as strong as possible. For the future of our economy, we cannot risk jeopardizing it. And while the AIA was unquestionably pro-innovator legislation, its post-grant challenge provisions also unquestionably shifted the balance of rights toward implementers and away from patent holders. The question is—just how much has that balance shifted?

Mr. Speaker, H.R. 3309 contains a provision that concerns me greatly. Section 3 of the bill directs a court to award attorney fees and costs to prevailing party in patent infringement cases.

This provision, commonly called “Loser Pays,” is prevalent in England but has heretofore been unknown to the American legal system. And for good reason. Loser pays laws ensure that only the wealthiest members of society or large corporations can afford to undertake a civil action and also unnecessarily punishes individuals with serious and meritorious claims for seeking access to justice. Loser pays policies fail to recognize that a person or a business can have a legally legitimate dispute regarding fact and law, and yet still ultimately lose the case. Loser pays policy sets a dangerous precedent and may prevent individuals from pursuing even the most meritorious civil liability claims.

If “loser pays” is implemented it could be a roadblock for people pursuing whistleblower, consumer mortgage, employment discrimination and other civil rights cases. The real losers under a “loser pays” system in patent cases is the individual inventor and small businesses seeking to vindicate their constitutional right to the exclusive use of the discoveries and inventions.

Mr. Speaker, we should proceed with caution and engage in a deliberative process that takes the time to rehash and listen to all stakeholders.

Many small innovators—today's Priceline.coms, Yahoo's, Google's, Facebook's, Eli Lilly's, Twitter's, akin to yesteryears Edisons—have not had time to make their views heard.

I thank the Rules Committee for making in my amendment that modifies the Manager's Amendment to ensure that more small businesses are protected by providing that the customer stay exception applies to all small businesses with annual revenues under \$25 million.

A number of the provisions in this bill may be well-intentioned, but they have undesirable

consequences for the patent system as a whole. They have the potential to undermine the enforceability of all patent rights, no matter how valuable the patent, and thus potentially incentivize infringement.

That is why I offered three amendments in the Judiciary Committee and three in the Rules Committee yesterday.

My first amendment would have modified section 9(a) of the bill to preserve the right of an applicant to file a civil action to obtain a patent in district court “upon a showing of good cause or where justice so requires.” I offered this amendment in response to information I received during my discussion with stakeholders, including the Chief Judge of the Federal Circuit, which hears all patent claims.

I thank the Committee also for making in my amendment which requires the PTO Director, in consultation with other relevant agencies, and interested parties, to conduct a study to examine the economic impact of the litigation reforms contained in the bill (sections 3, 4, and 5 of this Act) on the ability of individuals and small businesses owned by women, veterans, and minorities to assert, secure, and vindicate the constitutionally guaranteed exclusive right to inventions and discoveries by such individuals and small business. This amendment supplements and improves the bill, which requires PTO to conduct 4 studies and submit reports to Congress. The required studies are:

I also joined with Ranking Member Conyers of the Judiciary Committee on an amendment that strikes Section 3(b) which requires that courts reward attorney's fees and expenses to the prevailing party. I urge Members to support this amendment as well.

Mr. Speaker, innovation is the engine that drives our economy. Let us not act rashly in passing legislation that will harm the ability or lessen the incentive of innovators to make the discoveries and create the products that will power our economy in the 21st century.

HONORING GREEN GROVE M.B. CHURCH

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 5, 2013

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable and historical church, Green Grove M.B. Church.

Green Grove M.B. Church is one of the oldest churches in Belzoni, Mississippi. The 11th Mississippi Freedom Trail marker was unveiled at the church because of Rev. George Lee. Rev. Lee was an early participant in the Civil Rights Movement. Also, Rev. Lee was a vice president of the Regional Council of Negro Leadership, a co-founder of the Belzoni branch of the NAACP, and a powerful public speaker.

In 1955, Rev. Lee addressed a crowd of 10,000 people that gathered for a voter registration rally in Mound Bayou, Mississippi.

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