

EXTENSIONS OF REMARKS

AMERICA INVENTS ACT

SPEECH OF

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1249) to amend title 35, United States Code, to provide for patent reform:

Mr. SMITH of Texas. Madam Chair, H.R. 1249 makes a significant change to the system by which patents are filed and granted in the United States. Moving to a first-inventor-to-file system will modernize and harmonize our patent system with our international trading partners. In so doing, we recognize that we are also modifying other parts of our patent system as part of this change.

One key part of the transition that has already been recognized by the House Judiciary Committee is the necessary inclusion of prior user rights under the new first-inventor-to-file system. The inclusion of prior user rights is essential to ensure that those who have invented and used a technology but choose not to disclose that technology—generally to ensure that they not disclose their trade secrets to foreign competitors—are provided a defense against someone who later patents the technology. Even as we make this make this change, we recognize that uncertainty remains as to the appropriate scope of the prior-user-rights defense and how best to provide protections for America's most innovative companies.

H.R. 1249 takes steps to explore these issues, including requiring an important PTO study of prior user rights and whether we should expand the defense created by the America Invents Act. One important area of focus will be how we protect those who make substantial investments in the development and preparation of proprietary technologies. For example, in the semiconductor industry, the design of a state of the art processor takes roughly three years from the high-level specification to the production of the first silicon, at a cost of billions of dollars. Inventions such as these, which are present throughout our economy, should be protected. I should also note that parties who commercialize a product will still be able to assert a defense of prior art invalidation. Upon release of the forthcoming PTO report, we may introduce legislation that implements its conclusions and refines the nature and scope of the prior-user rights defense. This will ensure that our most innovative companies who hold many of the keys to U.S. economic competitiveness are

provided sufficient prior user right protections to put them on an even competitive field internationally.

REMEMBERING THE LIFE AND LEGACY OF PHOTOJOURNALIST BRIAN LANKER

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2011

Mr. DeFAZIO. Mr. Speaker, I rise today to remember the life and legacy of Pulitzer Prize-winning photojournalist Brian Lanker. Ten days after being diagnosed with terminal pancreatic cancer, Brian passed away with his family at his side.

Brian was a remarkable photographer and an even better friend. In 1970, Brian shot a groundbreaking feature on the Lamaze technique for natural child birth, which at the time was unusual. Brian followed expectant mother Lynda Coburn through the birth of her second child. The feature culminated with a powerful photo of the ecstatic mother with her newborn daughter Jacki just after birth. This iconic photo earned Brian the 1973 Pulitzer Prize.

But Brian won an even greater prize. He found Lynda, his soul mate. Brian and Lynda were married in 1974 and together they built a loving family with their children Julie, Jacki, and Dustin.

In 1974, Brian and his family moved to Eugene, Oregon to take a position with the Register Guard. Brian's passion for the craft was unmatched and his incredible work at the Register-Guard earned him a Newspaper Photographer of the Year award.

Brian left the Register-Guard to work as a freelance photographer. His breathtaking photographs have been featured in national publications like National Geographic, Life Magazine, and Sports Illustrated.

He collaborated with poet Maya Angelou on two books: "I Dream a World," his portraits of black women of achievement; and "Shall We Dance," a photographic documentary of dance in America. The books were Brian's proudest achievements. The book "I Dream a World" set attendance records at Corcoran Gallery of Art in Washington, D.C. Now in its 14th printing, the book shared with readers the stories of these incredible women who forever changed the course of history. Brian attributed the book's success not to his work, but rather to the women.

But Brian had an uncanny ability to capture an image that revealed these stories. And throughout his career, his work moved people.

Two of Brian's children, who had separately planned weddings for later in the year, chose

to get married at Brian's bedside so he could share in their celebration. He passed away not long after. He is survived by Lynda Lanker and their children Julie, Jacki, and Dustin.

Carl Davaz, who is the deputy managing director of photography at the Register-Guard, reflected on his final visit with Brian in a New York Times remembrance piece. At that visit Brian simply told Carl, "There's just so much left to do."

I agree. Brian—there was just so much left for you to do. You will forever be missed. Thank you for sharing your gift with us.

LIMITING USE OF FUNDS FOR ARMED FORCES IN LIBYA

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2011

Mr. PAUL. Mr. Speaker, I rise to oppose this legislation, which masquerades as a limitation of funds for the President's illegal war on Libya, but is in fact an authorization for that very war. According to H.R. 2278, the U.S. military cannot be involved in NATO's actions in Libya, with four important exceptions. If this passes, for the first time the President would be authorized to use U.S. armed forces to engage in search and rescue; intelligence, surveillance, and reconnaissance; aerial refueling; and operational planning against Libya. Currently, absent an authorization or declaration of war, these activities are illegal. So instead of ending the war against Libya, this bill would legalize nearly everything the President is currently doing there.

That the war in Libya can be ended by expanding it and providing the President a legal excuse to continue makes no sense. If this bill fails, the entirety of what the President is doing in Libya would remain illegal.

Additionally, it should not really be necessary to prohibit the use of funds for U.S. military attacks on Libya because those funds are already prohibited by the Constitution. Absent Congressional action to allow U.S. force against Libya, any such force is illegal, meaning the expenditure of funds for such activities is prohibited. I will, however, support any straight and clean prohibition of funds such as the anticipated amendments to the upcoming Defense Appropriations bill.

I urge my colleagues to reject this stealth attempt to authorize the Libya war and sincerely hope that the House will soon get serious about our Constitutional obligations and authority.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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