

We are being asked to raise the bar for an inventor to bring a lawsuit to defend his or her rights, rather than lowering the bar to allow a small business to defend itself against frivolous lawsuits.

In addition, the claim of technical correction, under that claim, this legislation proposes to remove the patent system's only independent judicial review process, section 145 of title 35. If this passes, inventors who are not satisfied with the Patent Office administrative process will have no recourse, no recourse, although this safeguard of judicial recourse has been in American law since 1836.

This isn't some antiquated process. It is an independent judicial review; and last year the Supreme Court, in *Kappos v. Hyatt*, reaffirmed the importance of having judicial review when you have people in the Patent Office who are defining the property rights of American inventors, something so important to our country.

Now, the Patent Office has requested that judicial review be done away with because it is burdensome for them to defend their actions in court on the rare occasion that this happens. So, oh, it is burdensome.

Well, the Patent Office wants to strip away the rights of Americans because it is inconvenient to the bureaucracy. Boy, here is where we have got the bureaucracy and multinational corporations working hand-in-glove.

This legislation going before the Judiciary Committee here in the House next week is consistent with the decades-long war being waged on America's independent inventors.

Here are some of the sections of that bill I have been talking about, H.R. 3309, which will be going through the Judiciary Committee next week, and how it undermines America's patent system and patent rights of the little guy and opens up power grabs by the multinational corporations, which is something we have been experiencing for the last 25 years and have had to beat back every time.

Well, here we go. Here are some provisions of this bill: H.R. 3309 creates additional information requirements, which means when you are filing a legal case for infringement it is going to cost you a lot more. There is more paperwork and thus more potential for a dismissal of the case just on a technicality.

More paperwork means higher costs, more likely to have the case thrown out on a technicality, which then increases, not decreases, the chances of small patent holders being infringed.

This bill also switches to "loser pays." And of course, "loser pays" sounds like a good idea; but when you talk about this in terms of patent rights, what we have got is these huge corporations who have got deep pockets, and if you end up having "loser pays," the little guy knows for him to actually try to have the loser pay means that this big corporation can

put massive expenses on to their defense, where you have only a smaller amount that is available, so you are then put in great disadvantage.

We are, again, making the little guy, putting them at the disadvantage of these big, multinational corporations.

H.R. 3309 adds a new dimension to this "loser pays." It allows the Court to bring others into the case involuntarily, as a plaintiff, if they have an interest in the patent they make them liable for the cost. So if you have somebody, like Milo Farnsworth, whose patent was stolen, whose idea was stolen, anybody who would invest in his lawsuit, which is what he had to do in order to take it all the way to the Supreme Court—and God bless the Supreme Court of the United States and the United States of the America, that we have a court that sided with this little guy.

But now they want to change that so the Milo Farnsworths can't get people to invest in their suit because at that point they, then, are liable for the court costs of the big corporation that is being taken on.

This is so broad that people can be made part of an infringement case, even if their interest in the patent is just legal or innocent, such as those who have licensed the patent.

This, combined with the "loser pay" provision, means that if the patent holder loses the infringement suit, anyone who has done business with him may lose or be held financially liable. What a disincentive for people to support the efforts of small inventors.

This is absurd. But yet this is what is going to be going through the Judiciary Committee next week, just like they have tried to push this on us for 25 years. And the players behind this are big, multinational corporations trying to steal the technology that has been invented by America's small inventors.

H.R. 3309 allows the courts to limit discovery until clarifying the patent and infringement claim.

What does that mean? The case will take longer and thus cost more.

The transparency of patent ownership, once filing a claim for infringement, a patent holder must, according to the provisions of this proposed legislation, provide information about all parties with an interest in the patent to the Patent Office and to the accused infringer.

As a result, we have an elimination of privacy in these business dealings. The little guy is totally exposed, as are his friends.

Here again we are trying to do everything we can, and this legislation is trying to do everything that it can to try to get people not to support the little inventor. Don't get on his side. Don't give him any strength to enforce his rights because he invented something that now some multinational corporation has stolen and wants to manufacture in China.

Once this requirement has been invoked, the patent holder must main-

tain—here it comes—the patent holder will also have to maintain a current record of information on file in the Patent Office. Thus we have, again, bureaucratic reporting requirements for these little inventors.

That, to a big corporation, means nothing. To a small inventor, it means all of his time, all of his resources. And if, indeed, they do not report—let's put it this way, if he doesn't report it right, he could lose the intellectual property rights he is trying to protect.

In addition, the patent holder would be forced to pay recordkeeping fees to maintain a current record at the Patent Office. There we have bureaucratic fees all aimed at the little guy, because the big guys can afford this. They have got people on the payroll. They have got lawyers on the payroll.

Then we have the customer suit exemption. This section appears to remove all of the current section 296 of title 35, which specifically allows—here it goes, this is really significant—this allows inventors to sue governments who infringe on their patents.

What we are talking about here is, if a government steals a person's intellectual property, it permits them to get away with it. This emasculates the right of the American inventor, American people, to hold their government accountable if the government steals their technology. This is totally contrary to American tradition.

Limits of discovery in a court case, unless the judgment determines necessary and appropriate, again, an infringer, and this is section 6 of H.R. 3309, an infringer, especially big ones like large multinational corporations, may make an infringement paper trail.

This requires a paper trail, what we are saying here, this section, that is so broad and so diverse that a plaintiff will have to ask repeatedly for discovery.

The SPEAKER pro tempore. The gentleman's time has expired.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3350, KEEP YOUR HEALTH PLAN ACT OF 2013

Mr. BURGESS (during the Special Order of Mr. ROHRBACHER), from the Committee on Rules, submitted a privileged report (Rept. No. 113-265) on the resolution (H. Res. 413) providing for consideration of the bill (H.R. 3350) to authorize health insurance issuers to continue to offer for sale current individual health insurance coverage in satisfaction of the minimum essential health insurance coverage requirement, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the Chair recognizes the