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Citation: 1 To Enhance Fairness in Compensating Owners of  
Used by the United States P.L. 104-308 110 Stat. 3814  
1996

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Fri Mar 22 12:40:52 2013

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"She put Opa-locka on the map," said state Rep. Willie Logan, another former mayor, who credited his political success to Miller. "Wherever she went, she carried the Opa-locka banner and brought resources back to the city."

Shortly after taking office in 1981, Miller pushed to bring paved streets, lights and parks to the city's long-ignored black neighborhoods. She helped bring an arts-and-cultural center to the Triangle, one of the city's roughest areas.

Most recently, Miller persuaded the Tri-county commuter Rail Authority to stop its train in Opa-locka.

Those were just her material accomplishments, Mayor Robert Ingram said.

"But her spirituality had a greater value," Ingram said. "Her aura, her ability to stand in adversity. People would hate her, but she did not return that hate. She was very helpful across cultures, and that is how she could keep getting elected."

Even in the early 1980s, when naysayers burned a cross on the City Hall lawn and insulted her at city meetings, Miller stood determined, Ingram said.

"She seemed to have some kind of mystique that just put everybody at ease and by example, got everybody working together," said Russ Marchner, executive director of the Dade League of Cities. "It made her particularly valuable in making appearances before the county commission and state committees."

In honor of Miller's longtime service, the city threw a retirement party Aug. 31. More than 200 people gathered in the rain to pay tribute. Her retirement gift: two round-trip tickets to Hawaii—a trip she was planning to take with her family.

Miller, the daughter of a tailor and a homemaker, was born in Pottstown, Pa. After her parents, James and Frances Moss, separated when she was a year old, Miller was reared by her great-aunt and uncle in Nassau.

She lived in New York briefly and married Walker Miller, a New Yorker in 1947. The couple moved to Opa-locka in 1950. Miller worked as a nurse's aide for a short time and owned Miller and Sons Grocery in Liberty City with her husband. Walker Miller died in 1989. The store, now under renovation, is being run by her children.

"She was active as a community-oriented person, a church person, and she just was a good mom," said daughter Regina Miller. "She was always there for us."

Miller is survived by daughters Regina, Gail and Alvina Miller, and Cotez Jacobs; and son Alvin Miller, who is vying to fill his mother's commission seat in the fall elections.

Funeral services are set for Oct. 12, with the time and place to be named. In lieu of flowers, please send donations to the Helen Miller Scholarship Fund, P.O. Box 1036, Opa-locka, Fla. 33054.

#### PATENT HOLDER COMPENSATION

### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FROST. Mr. Speaker, I am pleased that the provision of the bill that I had introduced and that the House passed last year—H.R. 632—has finally also been passed and returned to the House by the other body. At long last, small investors will be guaranteed fair, reasonable, and entire compensation when they are required to defend their patents rights when appropriated by the Government.

When the bill was pending in the other body, we received some questions whether the legislation was intended actually to provide full coverage of costs as it states, or whether some cap on costs might appropriately be added by the Congress as has been done in some other contexts.

The short answer is that the legislation means just what it says. It intends that all costs are to be reimbursed, with the only limitation being reasonableness, and the determination of reasonableness by a court is to be realistic, not miserly. If the patent holder's actual costs are within the realm of reason under the circumstance, they are to be fully compensated.

A patent holder whose invention is taken by the Government can obtain compensation only by bringing a case in the Court of Federal Claims under Section 1498 (a) of Title 28, United States Code. A case brought under that Section differs substantially not only from the usual cases brought in Federal courts, but also from other eminent domain cases. There is no procedure for an offer by the Government to be submitted to a patent holder for its taking of his patent rights. There is no administrative or other simple procedure for resolution of differences and settlement. There is no prominent single-issue such as valuation as in real estate condemnation cases, but instead a series of issues of unusual complexity. The patent holder must initiate a lawsuit, and must marshal professional assistance capable of establishing the validity of the patent, the infringement of the patent, and the proper valuation of the damages stemming from the infringement. Such lawsuits are exceedingly difficult and time-consuming to prepare and present to the court. They require extensive review, research, analysis, and presentation by capable professionals in the fields of law, engineering, science, accounting, and licensing. The time of such professionals is not inexpensive. Yet a patent holder has no choice but to engage such competent assistance, and to incur such costs, if he is to defend his patent right against the Government's taking.

It is our intent and our expectation that the court bear in mind these unique characteristics of Section 1498(a) lawsuits in the course of judging the reasonableness of the patent owner's costs during the investigation, preparation, liability, and accounting phases of such a case. It is also our intent and expectation that the court base its determination on a realistic view not only of the kinds of costs that it is reasonable to incur in such cases, but also of the reasonableness of the amounts of those costs. With respect to the kinds of costs that it would be reasonable to incur, apart from the costs of professional assistance, we have in mind such court costs as may be taxed under Section 1920 of 28 United States Code, as well as reasonable out-of-pocket expenses charged to the patent owner by expert witnesses and attorneys for such items as computerized research, communications, travel, hotels, and meals. With regard to the reasonableness of the amounts to be reimbursed, we note that suits under section 1498(a) are not elective ones such as prompted the Congress in the past to impose arbitrary limits on attorney's fees as in 28 United States Code, Section 2412(d)(2)(A), and on expert witnesses fees as in 28 United States Code, Section 1821(b). Thus, the touchstone for the court is simply a realistic appraisal of what is reason-

able under the circumstances. Certainly, when a small patent holder's economic survival may be threatened by the cost of responding to an unwelcome governmental taking, the concerned patent holder cannot be limited to bargain-basement professional assistance if he is to receive "just" compensation as required by the Constitution. In such a situation, as well as in less dire circumstances, the intended test of reasonableness of professional fees actually incurred by the patent holder is whether they are within the range commonly charged by competent professionals in the same locality, in cases of similar complexity and similar importance to the patent holder.

In short, we intend that the Court of Federal Claims at last be empowered to do complete justice in such cases, and we believe that complete justice requires realism and practicality in the assessment of the reasonableness of the patent holder's costs.

#### TRIBUTE TO TEHAMA COUNTY SUPERVISOR BILL FLOURNOY

### HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. FAZIO of California. Mr. Speaker, it is with a great deal of sadness that I rise today to announce the passing of Bill Floumoy of Tehama County, CA, who died on September 5, 1996, at the age of 75.

Bill was a member of the Red Bluff Elks Lodge No. 1250, a member of the Tehama County Cattlemen's Association and the California Cattlemen's Association, a member of the Woolgrowers Association, a member of the Tehama County Fair Board, and a member of the Flood Control Board.

Bill's 24 years of service as a Tehama County Supervisor was the longest tenure of any supervisor in recent years. He served his community with distinction in a variety of ways for many years. I extend my sympathy to his surviving family members while expressing my appreciation and the appreciation of every citizen of Tehama County for his life of service.

#### CONGRATULATING HARVARD STREET NEIGHBORHOOD HEALTH CENTER

### HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 4, 1996

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise on this occasion to compliment, encourage, and bring national attention to a successful grass roots health care initiative that started in my district at Harvard Street Neighborhood Health Center and has been implemented throughout the great Commonwealth of Massachusetts. This unique health care program is called Men of Color Health Care Initiative.

This initiative, among other things, is an outgrowth of the fact that the population the program serves tends not to seek out or utilize the medical services available to them. The need for this type of program becomes even more urgent, considering the fact that this

