

well. The number of new applications that are projected over the next several years is staggering. Technology will continue to get more complicated. And the demands of managing such a sizable organization will be rigorous. To keep pace will take bold new measures to improve efficiency and effectiveness of almost every aspect of PTO operations. That may entail cooperative efforts with other patent offices around the world to find ways to share search results. It may entail establishing a program of deferred examination to give applicants an opportunity to fully evaluate the need for patent protection before the office is called upon to conduct any examination. My point here is not to suggest specific initiatives. It is not my place to tell the PTO how it should operate. I only cite these as examples of the kinds of things the new leadership of the PTO will need to seek out if it is to avoid getting buried in the avalanche of new applications looming on the horizon.

I know the PTO has engaged in a vigorous effort to hire and train new examiners. I have been privileged to speak at a graduation ceremony for an impressive class of new examiners from the PTO's new patent academy. But that's only half of the equation. It serves no real purpose to hire new examiners if an equal number of examiners—especially experienced examiners—resign. The PTO will need to go back to basics and creatively apply a new version of the Three R's we all learned as kids. The rule for how to treat examiners couldn't be simpler: Respect, Reward, and Retain. In this regard, it may be time for the PTO to develop new standards of examiner performance that mirror the standards of attorney performance used by law firms and corporate law departments. Just as attorney performance is not measured by billable hours alone, examiner performance measured principally by the number of disposals may not be the best approach. Counting disposals may be a raw indicator of performance but does not recognize the judgment, thoroughness, and legal skills provided by first-rate examiners and expected by the public.

Other patent offices around the world are involved not only in giving birth to patents but in assessing questions of validity raised over the life of a patent. That may explain why examiners in many countries are treated differently than U.S. examiners. It is not that U.S. examiners are less competent or any less dedicated. Far from it. But if the primary role of an examiner is limited to *ex parte* matters that end on the day the patent issues, there will understandably be a different interest on the part of the public in what examiners do and who they are than if they played an essential role in the determination of validity challenges throughout the life of the patent. One way U.S. examiners would have a greater opportunity to be recognized in much the same way as their counterparts in other countries is if the new leadership at the PTO decides to energize the current reexamination system to make it the attractive alternative to litigation it was originally intended to be. This would require a much expanded corps of experienced reexamination examiners and the implementation of streamlined procedures to accelerate the processing of all reexamination applications.

While it is evident that the PTO will face unprecedented challenges in the years ahead, the leaders and examiners I know are capable, dedicated, and clearly up to the task. I have every confidence that the PTO will meet the challenges ahead and will continue to be a model for the rest of the world.

Many have said that this is the golden age of intellectual property. In the years to come, we can expect to see significant ad-

vances in energy technology, green technology, nanotechnology, and a host of other things. The need for effective protection for the discoveries of tomorrow's scientists, engineers, and researchers will be greater than ever before. And the changing legal landscape and the pace of technological progress will present us all with new and difficult challenges. The challenges ahead are many, but we are all fortunate to have the chance to enjoy the opportunities and to confront the challenges the golden age of IP offers to each of us.

I have enjoyed being with you and thank you for your attention.

#### VERMONT'S 12TH ANNUAL WOMEN'S ECONOMIC OPPORTUNITY CONFERENCE

Mr. LEAHY. Mr. President, today I would like to share with my friends in the Senate a great story of personal triumph and success as told by Vermont Supreme Court Associate Justice Marilyn Skoglund, the keynote speaker for Vermont's 12th Annual Women's Economic Opportunity Conference.

Marilyn forged her own remarkable path to success. She received her bachelor's degree in fine arts from Southern Illinois University, and after moving to Vermont, passed the bar exam on her first try all while raising her 7-year-old daughter. Marilyn continued to rise through the ranks of the Vermont Office of the Attorney General where she served as both chief of the civil law division and chief of the public protection division before her appointment in 1994 to the district court, and subsequently the Vermont Supreme Court in 1997. In addition to her accomplishments, Marcelle and I admired Marilyn's candidness as she walked us through her journey. She offered more than 300 Vermont women a very honest and inspirational perspective on the realities of balancing both a career and a family.

Marcelle and I have hosted the Vermont Women's Economic Opportunity Conference for 12 years, and we look forward to attending each year because we consider it one of the most important events in which we take part. Though our economy may be facing difficult challenges, this year's conference, and Marilyn's story, showed that adversity can be overcome and met with great success—especially by motivated and talented women of all ages.

Vermont's economic future depends on the countless talented women who drive it. According to the Vermont Center for Women's Business Studies, women-owned firms generate an impressive \$1.5 billion annually and currently employ more than 35,000 Vermonters. In 2006, approximately 39 percent of all Vermont businesses were owned, or partially owned, by women. Even though the number of Vermont women-owned businesses is on the rise, we must continue working to encourage greater growth.

Mr. President, I ask unanimous consent that Justice Skoglund's speech,

written for Vermont's 12th annual Women's Economic Opportunity Conference, detailing her journey to success, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SENATOR LEAHY'S 12TH WOMEN'S ECONOMIC OPPORTUNITY CONFERENCE

I begin with a disclaimer. In Senator Leahy's letter, asking me to be the keynote speaker, he wrote as follows: "We invite you to share your compelling personal experiences of how you molded your successful career path to the Vermont Supreme Court, all the while raising two daughters as a single mother."

I was of course so excited to learn that Senator Leahy knew my name. And, that he thought I had done a good job of balancing a career and a family. But, after skipping around the kitchen a bit, I settled down. Sen. Leahy did not really know what those compelling personal experiences were. Perhaps he was lured into inviting me because a staff member had heard rumors that my "successful career path" was pretty funny. Someday I will be old enough to know better than to discuss my past in public just because I was so flattered someone of Sen. Leahy's stature asked, but, here I am. Ready to reveal. I accept Sen. Leahy's invitation to share my compelling, maybe, but more accurately, my ridiculous, oddball, clueless, experiences of how I managed to crawl my way into the best job on the planet, all the while dragging two innocent, courageous daughters along in my wake. The journey through the thicket of experiences was not always pleasant, and mistakes were made. Truth is; I may have nothing to offer to this audience. This is an economic conference. I am not an economist. I am not a psychologist. So, if you all just want to go get coffee and skip the gory details, I will understand.

To begin, how does one grade "success" in balancing work and family? I am a justice on the Vermont Supreme Court. I have a good reputation as a jurist. I was a very good lawyer. I have no arrest record. So far so good. I raised one daughter, let's call her Martha, who is an ObGyn doctor delivering babies in New Hampshire. She seems very content and satisfied with her life. She just got married to a wonderful man on August 30th. Most important indicia of success: She loves me. I raised another daughter; I will call her Ruby, who is working on a Ph.D. in clinical psychology. She is currently very annoyed at how hard life is, but feels good about her work. She loves me. This sounds great! By the way, I have changed their names to protect their privacy. They each bear their father's last names, as do I, so hopefully, I have shielded them from any further embarrassment from their mother, at least for today.

Because, while they may be well adjusted women, the truth is, they adjusted to what their mother put them through. And, if "successfully balancing" includes a solid marriage, I am not your girl. Two creative, interesting, unique men, neither ever bored me. I love them to this day, I danced with each at Martha's wedding, but it did not work out.

In addition to my inadequacies standing up here before you, I would also point out that everyone in this audience is clearly way ahead of where I was when I wandered into adulthood. Obviously, you are all women with a high degree of confidence in yourselves and your ideas, ambitions, and goals. You are at an economic conference, for heaven's sake. You have given some thought to your life. At the beginning of my meandering

road to the Supreme Court, I had little concept of who I was and had not considered who I wanted to be.

To begin, my parents were the Swedish equivalent of Ozzie and Harriet. I was raised in a nice middle class home in a nice mid-western suburb. There literally was a white picket fence around the yard. And, a little dog. My mother wore a dress every day of her life, so she did her house work looking like Donna Reed. By the time I came along, my father was working in a steel plant and Mom had stopped being a hair dresser to raise two kids. There were no drugs in my school. My father's biggest complaint about me was that my bangs were too long. It was an idyllic childhood. Just like on T.V. So I assumed everyone pretty much lived like I did. Father made enough so I could go to college. Back in those olden days, in-state tuition at SIU was \$97 a semester. And, I had part time jobs to help pay my expenses. After four years, I got married, continued going to school and working part time, because it was cheap and it was fun. Finally, after seven years in college, I decided to graduate, mainly because I was pregnant and did not know how long it would be until I could get back to going to classes. That should give you some idea of how totally clueless I was about the changes a child brings to a life.

The baby was great, but then things quickly stopped being cheap and fun. There is something about the arrival of a child, and one parent not working, that causes money problems. My husband was working, but not getting paid much. I was not working (day care didn't exist in southern Illinois). And, there came a time when I had to apply for food stamps. Three months of food stamps. We were two middle class kids and we thought this was shameful, so of course, we never told our folks and we couldn't ask them for money for the same reason. But, of course, we weren't middle class kids anymore—we were young parents with very little money, renting a grimy little house with giant slugs in the basement.

I'll cut this gruesome chapter short. In 1973 we moved to Vermont, my husband got laid off and then, after eleven years of marriage, he left. The reasons are not important. By now my daughter was in first grade, and I was working a part-time job for very little money. Those seven years in college? I walked out with a degree in fine arts—sculpture. See, I didn't go to college with an actual career in mind. I expected to become my mom, making lunches, and ironing in my pearls. My father always said, if a woman has to work outside the home, it should be in one of the helping professions: teaching or nursing. Things were not working out. What would Donna Reed do? I pondered.

I decided to be a lawyer. Now, I do admit to having a selective memory about some things. I do not remember my first husband asking me to marry him and I have no recollection of why I thought I could become a lawyer. Law school wasn't an option—there was no money for tuition and besides, I had to work.

I got a job working as a paralegal, law clerk at the attorney general's office and participating in that marvelous Vermont jewel, the four year reading clerkship. This path to the bar required me to apprentice myself for four years to a lawyer, and if I passed the bar exam, I was a real lawyer. I began work in the AG's office at a salary of \$7,000 a year, which quickly went up to \$12,000. Here's an interesting fact: I had to borrow a dress for the job interview at the attorney general's office. Now, at the time I knew I didn't have any money, but I never thought I was poor. I was doing all right.

But if you ask my daughter, Martha, you'd get a different picture. While I was working

all day every day in Montpelier, she was walking half a mile home from the school bus stop to the adorable tiny three-room, un-insulated cottage in the country with the only source of heat being a wood burning furnace in the cellar. Walking home to a cold, empty house. But, the good news was that I rented this cottage from Walter Smith. I am pleased to have this opportunity to pay tribute to my very own personal version of welfare: Walter Smith. Walter was a beloved dairy farmer in Plainfield, about 68 years old when I met him, who was my landlord for eleven years and my friend for twenty. He died several years back. I loved him.

So, at the age of eight, Martha was expected to stoke the furnace when she got home. Sometimes, Walter would come over to help her. But most times he could not. And, you know, I did not agonize over this. Donna Reed and June Cleaver would be horrified, but I had to work. It was that simple. Walter, who by then had become my surrogate father, had the hired hands bring over truck loads of free split wood—an early version of “fuel assistance.” I could dip raw milk from the bulk tank for free. My very own WIC program. He'd give me meat when he butchered a cow whose milking days were over. Very, very chewy, but free. Free eggs if I fought the hens for them, and maple syrup. He would give me bushels of tomatoes and I would put them up and give him half. If my cupboard was really bare, Martha and I could always wander over to the farm house where Walter had cases and cases of chicken noodle soup, which he ate every day with mayonnaise sandwiches. He was my food shelf. Once, when Martha was about ten, I sent her to school with a coconut and a hammer for snack as I hadn't had time to grocery shop. Walter had given me the coconut as a joke, asking me what kind of turkey I thought had laid the brown hairy thing? The teacher sent a note home thanking me for providing an interesting project for the class. I thought that was nice.

See, I was not poor. I had Walter. And, there was a certain satisfaction about supporting myself and my child.

But, I was also in love. Madly and passionately in love with the law. The law is amazing. It is the infrastructure of society. Sensible, mostly. Logical, usually. Enduring. It adapts to changing mores and technologies, but only slightly faster than the movement of the earth's tectonic plates. How did the founding father's accept the constitution to deal with the development of cyber-space and artificial insemination? Heavy stuff. I love it. I had decided to go into law thinking I liked writing, words, and arguing. I hadn't expected to discover that it felt like ginger ale poured over my brain. This is how I can describe the joy, excitement, and the thrill of learning and understanding the basis of the rules that manage our civilized life.

If you have a passion, if you find your passion, you are a very lucky person. And, I had found my passion while Martha was stoking the furnace.

But, here is an amazing fact: children have their own memories, and their own perceptions about life. When she was in high school, unbeknownst to me, Martha applied for a Horatio Alger Scholarship, given to kids who have endured hardship and managed to be successful students in spite of it. And, she got one. When she told me about this wonderful thing, I was so proud and delighted. Eventually it dawned on me to ask in perfect ignorance: “What was your hardship?”

“You,” she answered. She had written about those days when she came home to an empty cold house and had to face the cellar and the furnace alone and cold. I have never read her winning essay. I am not that strong.

So, eventually, I connected again with an interesting, creative, blah, blah, blah man and Ruby came along. At this time I am a lawyer in the civil law division of the AG office. Yes, I had passed the bar. Ruby started day care at six months of age. And, having found what I was supposed to be doing with my life, I wanted to keep working. Oh the guilt. Her father was on the road most of the time, and 2½ years after Ruby was born, that road did not pass by our house any more.

One day, the call came from the day care that Ruby was sick and I needed to pick her up. Naturally, I was scheduled to prosecute a physician before the Board of Medical Practice that day. I had prepared the case for months. Witnesses had answered subpoenas to appear. No other attorney in the office knew the case. What I knew was that just outside the hearing room in the Secretary of State's office was a couch. So, I went and got Ruby, swung by the house for a blanket and pillow and a juice box, and put her to bed in the hall of the Secretary of State's office.

I know that bundling up a sick little girl in a hallway will not win me any parenting awards. But, helpful, understanding people working at the office kept an eye on Ruby while she slept. Ruby, too, adjusted to me.

But, being a mom with a profession that really requires adherence to a schedule also had benefits. My first oral argument before the Vermont Supreme Court was scheduled. I was a nervous wreck. “Got to get plenty of sleep the night before so I'm sharp.”

Instead Martha got the flu and we spent most of the night with me holding her hair while she drove the porcelain bus. As soon as Walter was done milking, I trundled Martha over to his house, told him I would be back in two hours, and went to Montpelier to the hearing. Being worried about Martha put the argument into a manageable perspective—I just did the job then ran home to be a mom.

Eventually, after 17 years at the Attorney General's office, I applied to be a trial judge. I made it past the Judicial Nominating board and my name was sent to Governor Dean for consideration. Then, I got worried. Martha was 21 by then, but Ruby was only 8 and I knew I'd be away from home for long hours every day. I was scared so I withdrew my name from consideration. When I told my daughters what I had done, the outcry was loud. Ruby was really insulted and said she'd be fine. Martha said she would help out. They convinced me it could work. I called back the Governor's office and said I had changed my mind. When I had my interview with the Governor, I explained how my concerns for my children had caused me to chicken out. He understood and appointed me as a judge.

And, it was hard. On me, and on Ruby. I got home late and left early. I was at least an hour away if she got sick or hurt. There was one year when I was family court judge in Washington county—where we live. Ruby was in sixth grade when a big eighth grade boy approached and asked, “Is your mom a judge?”

She admitted I was.

“She sent me to juvenile hall,” he said.

“I'm sorry,” said little Ruby nervously.

“Oh, that's all right, I screwed up.” He reassured her. “She's the one with black nail polish, right?”

Finding herself in the familiar territory of mortification by her mother's behavior, Ruby admitted, “Yeah, that's her.”

I used to wear something odd on juvenile day to relax the kids, and this boy noticed. Of course Ruby was pretty much always embarrassed by me. Now I am on the Supreme Court, but what did Ruby say when she heard about the appointment at the age of twelve? “Oh no, now you'll be home all the time!”

What did I learn that I can offer to you? I tried to think of an inspirational saying or

two, but could not. I do get a lot of catalogs. One particularly annoying one is chock full of heart warming sayings like, "Life isn't about waiting for the storm to pass. It's about learning to dance in the rain." Oh please. Storms are scary, rain is cold and wet, and one can get muddy. Let's get real. Life is hard, get over it.

Number 1: Take help that is offered. Would I have survived without Walter Smith's care and kindness? I do not know. And I am glad I did not have to find out.

Number 2: If you do not have a snack, send a coconut. In other words, be flexible. When it came time to study for the bar examination, I was on my own. I made little 3x5 filing cards on all the subjects and set them around the house so that whatever I was doing, I could incorporate a little study. Some areas of law are governed by certain factors that you just have to remember. Over the kitchen sink I placed the filing card that listed the elements of a secured transaction. Next to the toilet I posted the card that laid out the parts of a bulk sale. I read them over and over and over. And, poor Martha endured one pizza after another because I did not cook much while I studied.

Number 3: Pity parties are a waste of time, and a breeding ground for excuses. In other words, if your circumstances are not the most conducive to success, try anyway.

Would I have liked to go to law school? Of course. Could I? No. So what! Here's my favorite true example of making due with what you have available. I watch the Canadian television coverage of the summer Olympic games because it is so much better than that of the U.S. coverage. They celebrate individual athletes' "personal bests" rather than the medal counts. And, they covered really weird events that I had never heard of, like dory racing. I thought it was very cool. They did a background piece on Jerad Connaghten, an athlete training for the 200 meters in track and field. He was from somewhere in Canada that had no running track. So he and his coach improvised. To train for strength they did sand starts taking off in deep sand on the sea shore. They set up their own practice course. At the end of a dirt road was a little cottage and that cottage marked 200 meters. The little mulberry tree was 50 meters out and the larger mulberry tree was the 150 meters mark. Competing against the world's best, Jerad made it through the preliminary heats to the finals of the 200 meter event. I was so impressed. Work with what you've got. Excuses weigh you down.

Number 4: Do not insult your children by thinking life is too hard for them. In other words, children are resilient. What might appear to have been my heartless expectation of little Martha's abilities to care for herself at a very young age may have been influenced by my maternal grandmother, Olga. All four of my grandparents were born in Sweden. Olga was the daughter of a farm family the Dahlbergs—with too many children to feed. First the Dahlbergs sent their oldest daughter Margaret over to live with relatives in Chicago, the Larsons. Margaret died within months of her arrival of diphtheria. Then the Dahlbergs put there next daughter, my grandma Olga, on the boat all alone at the age of 12 and sent her to live with the Dahlbergs. Throughout my life, whenever I thought life was too hard and I was scared, I thought of my grandma traveling alone across the ocean to the family where her older sister had died. How did she do that? What were her nightmares? My grandmother was sweet, and kind, and patient, and loving. Her early years did no apparent damage. I know I could have done better by Martha. I wish I could have done better by Martha. I did the best I could and that is my only consolation.

Number 5: Play dough is far more important than doing the dishes. Get your priorities straight. I was blessed with a job I loved, and then had the added joy of coming home, forgetting about the law, and playing with my daughters. Next confession: My housekeeping would not win any awards either. Sometimes the food in the refrigerator grew little sweaters. What housecleaning I did happened when the children were in bed. And, they had clean clothes and decent food and, most importantly, they knew their mom loved playing with them. Legos, play dough, Barbies, puzzles. Whatever activity that allowed the analytical part of my mind to go into sleep cycle was welcomed by me. So, don't get so busy making a living that you forget to make colorful messes and memories.

Number 6: Never, ever coast. After a few years at the Attorney General's office, the AG asked me to become chief of the civil division. I was one of two women in the division and all the men had more years of experience than I as lawyers. Here's a John Wayne quote: "Courage is being scared to death but saddling up anyway." Well, I moseyed on into the AG's office and said, "Yes, I would be pleased to be chief of the division. But, I would like a bigger badge."

To maintain respect and to get the members of the division to be their best, I had to set an example. I worked as hard or harder than anyone else. I gave them no reason to complain about the AG's choice. So if you're running your own business or supervising employees, it is more important to the bottom line the quality of work to set a positive example than to offer token prizes to the employee of the month who actually manages to get to work on time five days in a row. I expected the attorneys to be terrific and so they were.

To conclude, what do I know? My children have forgiven me for most of my blunders, they are fiercely independent, and can think on their own. I'm proud of my work and even more proud of my daughters. And, I am grateful for the chances I have been given and the courage to take them. My main message to you is: Work hard. Then work harder. And then, work harder still.

But, I will leave you with another of those pithy homey sayings from the annoying catalog, and one that makes no sense to me at all.

"May the light always find you on a dreary day. When you need to be home may you find a way. May you always have courage to take a chance and never find frogs in your underpants."

#### ENTREPRENEURIAL ACHIEVEMENTS OF HARDWICK, VT

Mr. LEAHY. Mr. President, I rise today to highlight an emerging rural economic model that some say serves as the perfect example of how rural America can survive and thrive in today's global markets.

My good friend Marian Burros recently wrote an article in the New York Times highlighting the sustainable agricultural economy of Hardwick, VT, and Hardwick's surrounding communities. These Northeast Kingdom communities have begun attracting the attention of local, regional and national media after the area began attracting some unique characters with great ideas. From a community-owned restaurant to renowned cheese makers, Hardwick and its surrounding towns are at the center of an experiment in social agricultural entrepreneurship.

I ask unanimous consent that the text of Marian Burros October 8, 2008, New York Times article entitled "Uniting Around Food to Save an Ailing Town" be printed in the RECORD to allow my colleagues an opportunity to hear about the future of Vermont.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### UNITING AROUND FOOD TO SAVE AN AILING TOWN

HARDWICK, VT—This town's granite companies shut down years ago and even the rowdy bars and porno theater that once inspired the nickname "Little Chicago" have gone.

Facing a Main Street dotted with vacant stores, residents of this hardscrabble community of 3,000 are reaching into its past to secure its future, betting on farming to make Hardwick the town that was saved by food.

With the fervor of Internet pioneers, young artisans and agricultural entrepreneurs are expanding aggressively, reaching out to investors and working together to create a collective strength never before seen in this seedbed of Yankee individualism.

Rob Lewis, the town manager, said these enterprises have added 75 to 100 jobs to the area in the past few years.

Rian Fried, an owner of Clean Yield Asset Management in nearby Greensboro, which has invested with local agricultural entrepreneurs, said he's never seen such cooperative effort.

"Across the country a lot of people are doing it individually but it's rare when you see the kind of collective they are pursuing," said Mr. Fried, whose firm considers social and environmental issues when investing. "The bottom line is they are providing jobs and making it possible for others to have their own business."

In January, Andrew Meyer's company, Vermont Soy, was selling tofu from locally grown beans to five customers; today he has 350. Jasper Hill Farm has built a \$3.2-million aging cave to finish not only its own cheeses but also those from other cheesemakers.

Pete Johnson, owner of Pete's Greens, is working with 30 local farmers to market their goods in an evolving community supported agriculture program.

"We have something unique here: a strong sense of community, connections to the working landscape and a great work ethic," said Mr. Meyer, who was instrumental in moving many of these efforts forward.

He helped start the Center for an Agricultural Economy, a nonprofit operation that is planning an industrial park for agricultural businesses.

Next year the Vermont Food Venture Center, where producers can rent kitchen space and get business advice for adding value to raw ingredients, is moving to Hardwick from Fairfax, 40 miles west, because, Mr. Meyer said, "it sees the benefit of being part of the healthy food system." He expects it to assist 15 to 20 entrepreneurs next year.

"All of us have realized that by working together we will be more successful as businesses," said Tom Stearns, owner of High Mowing Organic Seeds. "At the same time we will advance our mission to help rebuild the food system, conserve farmland and make it economically viable to farm in a sustainable way."

Cooperation takes many forms. Vermont Soy stores and cleans its beans at High Mowing, which also lends tractors to High Fields, a local compositing company. Byproducts of High Mowing's operation—pumpkins and squash that have been smashed to extract seeds—are now being purchased by Pete's