

113TH CONGRESS
1ST SESSION

S. 1478

To provide that certain uses of a patent or copyright in compliance with an order of the Federal Communications Commission for emergency communications services shall be construed as use or manufacture for the United States.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2013

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide that certain uses of a patent or copyright in compliance with an order of the Federal Communications Commission for emergency communications services shall be construed as use or manufacture for the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Advanced
5 Communications for Emergency Services Act of 2013” or
6 the “PACES Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) there are an estimated 302,000,000 active
4 wireless mobile device users in the United States
5 with an estimated 51,000,000 people in the United
6 States living in households that rely solely on wire-
7 less communication devices (almost 25 percent of
8 households in the United States), of which
9 21,000,000 are children;

10 (2) people in the United States make more than
11 300,000 wireless E-9-1-1 (enhanced 9-1-1) calls
12 daily;

13 (3) a majority of 9-1-1 calls now originate
14 from mobile devices, making an advanced wireless
15 9-1-1 service system a critical national asset for law
16 enforcement, homeland security, and emergency re-
17 sponders who rely on this wireless location-based in-
18 formation to effectively dispatch assistance;

19 (4) the Federal Communications Commission
20 mandates all wireless phone carriers and IP-enabled
21 voice service providers to provide services enabling
22 users to dial 9-1-1 with a stated purpose of allow-
23 ing government first responders, homeland security,
24 police, fire and other government public safety offi-
25 cials the ability to accurately locate 9-1-1 callers
26 using wireless devices;

1 (5) the growing reliance of the people of the
2 United States and public safety, homeland security,
3 and law enforcement officials on emerging wireless
4 technologies is leading to the need for national text
5 to 9–1–1, as well as picture and video 9–1–1 capa-
6 bilities from mobile devices;

7 (6) emerging technologies can be a critical com-
8 ponent of the end-to-end communications infrastruc-
9 ture connecting the public with emergency medical
10 service providers and emergency dispatch providers,
11 public safety, fire service, and law enforcement offi-
12 cials, and hospital emergency and trauma care facili-
13 ties, to reduce emergency response times and provide
14 appropriate care;

15 (7) improved public safety remains an impor-
16 tant public health objective of Federal, State, and
17 local governments and substantially facilitates inter-
18 state and foreign commerce;

19 (8) wireless carriers and their vendors, in com-
20 plying with the Federal mandate to provide E–9–1–
21 1 location-based technology, have become targets of
22 or been impacted by patent infringement lawsuits;

23 (9) patent infringement lawsuits brought by
24 what the Federal Trade Commission has termed
25 “Patent Assertion Entities” are—

1 (A) compromising the ability of wireless
2 carriers to provide current wireless 9–1–1 serv-
3 ices; and

4 (B) deterring the implementation of inno-
5 vative new technologies that could meet next
6 generation 9–1–1 public safety needs such as
7 text, picture, and video 9–1–1 capabilities;

8 (10) section 1498 of title 28, United States
9 Code, was designed to protect those required by the
10 Government to provide a service “by or for the
11 United States” while also providing legitimate pat-
12 ent holders with an appropriate means to recover
13 reasonable and entire compensation for their pat-
14 ents;

15 (11) this Act clarifies that patented tech-
16 nologies required to provide 9–1–1, enhanced 9–1–
17 1, and other emergency communication services, as
18 defined in section 7 of the Wireless Communications
19 and Public Safety Act of 1999 (47 U.S.C. 615b),
20 are provided by and for the United States and with
21 the authorization or consent of the United States for
22 the purposes of section 1498 of title 28, United
23 States Code; and

1 (12) this Act does not modify or invalidate any
2 patent, preserves all patent claims, and does not pre-
3 vent patent litigation.

4 **SEC. 3. JURISDICTION FOR CLAIMS REGARDING OTHER**
5 **EMERGENCY SERVICES.**

6 Section 1498 of title 28, United States Code, is
7 amended by adding at the end the following:

8 “(f) JURISDICTION FOR CLAIMS REGARDING 9–1–1,
9 ENHANCED 9–1–1, OR OTHER EMERGENCY COMMUNICA-
10 TION SERVICE.—Beginning after the date of enactment
11 of this subsection, any action under section 271 of title
12 35 against a wireless carrier subject to section 20.18 of
13 title 47, Code of Federal Regulations, or any successor
14 thereto, or an IP-enable voice service provider subject to
15 section 6(a) of the Wireless Communications and Public
16 Safety Act of 1999 (47 U.S.C. 615a–1(a)), regarding the
17 provision of 9–1–1, enhanced 9–1–1, or other emergency
18 communications service (as defined in section 7 of the
19 Wireless Communications and Public Safety Act of 1999
20 (47 U.S.C. 615b)), shall be filed in accordance with this
21 section.”.

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