

113TH CONGRESS  
1ST SESSION

# H. R. 3736

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 HOUSE OF REPRESENTATIVES

DECEMBER 12, 2013

Ms. DEGETTE (for herself and Mr. FARENTHOLD) introduced the following bill; which was 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 communications 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 TIONS 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-enabled 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.”.

○