

Proposed Class 5D

In 2003 I purchased a nokia 6820 for full retail price (\$400) from at&t. It was important for me to have a phone with a full qwerty keyboard and a cheap text messaging plan, because my wife is deaf. Using the legal tools that were available to me, because of the DMCA exemption, I was able to unlock the phone and bring it to T-mobile where I signed up for unlimited text messages for \$5 a month. At the time, at&t had no unlimited text plan. I routinely send over a 4000 text messages a month, even at \$.05 a message, this would have been exorbitantly expensive.

I still suffered loss of some features of my phone, such as use of the built in instant messaging client, because at&t had the features locked down by the manufacturer. Which I discovered when I attempted to use those features on T-mobile's network and was unable to do so. I contacted nokia in an attempt to unlock those features, and they were contractually unable to help me.

Today, t-mobile still offers some of the best rates on text messaging bundles, and I believe this is due to increased competition from the DMCA exemption. I purchased a t-mobile G1 for my wife in december, as it is the most open phone available to me, and least locked down in terms of functionality. If I so choose, I can take this phone to any GSM network in the world, provided the path is not legally blocked.

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