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Re:

Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

Dear Sirs:

I am addressing the issue of jailbreaking (opening access to the files and workings of) smartphones. I am speaking of my personal devices, an Apple iPhone and an Apple iPad.

In my case, I use jailbreaking to both change the look (GUI) of my i-devices AND to allow me to install (legal) applications not made available to me by Apple. Through Cydia, a non-Apple sanctioned site, I am able to download, for free or for a fee, both applications and GUI enhancements made available there as a secondary (non-Apple) app store. In addition, I am able to enter my device and manually change the look of it (colors, badges, sliders, icons, etc.). I also use the Apple App store to purchase applications Apple allows me to have. But why should I be limited to only that which Apple allows?

At no time do I install any copyrighted material I did not pay for on my i-devices. I do not use hacked apps or otherwise break copyright laws. The only things I do are alter the look of my devices and install applications that allow me to do things on them in a slightly different (and non Apple sanctioned) way. For instance, I have removed the slider on the home screen as well as the clock and all shadow areas (giving me a large screen area with a photo and nothing to obscure it). To open my device I simply tap the lockscreen. I have a dock that holds more than the stock number of icons, and then pages to the right for more icons. And I have changed the size of my icons by shrinking them to 80% of the stock size. I have custom icons without labels. My folders hold more icons than the stock Apple folders and I have

custom images as their backgrounds. My status bar is transparent, and I have changed the color of some of the alert icons and removed others. I have an application that allows me to alter the choice of sound levels (volume) by percentage, so as to gain more control over output volume. I have a non-stock message application that gives me the ability to respond to texts from the lockscreen, without having to go to the stock messages app by unlocking my device. When I receive calls, I have both an “ignore” and an “answer button” (Apple only has an answer button) on my lockscreen. My notification window has a custom photo on it, as well as more information than is possible with a stock phone or iPad. I have more tweaks and apps, but that should give you some idea of what I do to/with my iPhone and iPad.

I look at the devices as mine, not Apple’s. I paid for them. They are mine. I can alter the look and functionality of my car. I can alter the look and functionality of my clothes. I can alter the look and functionality of my house. I can alter the look of many things I purchase. Why not my iPhone or iPad? And, according to the Librarian of Congress, I am within my legal right to do so. Why should that right be removed? Simply because Apple feels that its design is sacrosanct is not a reason to remove my right to alter a device I own. I am not doing anything that alters the workings of either device to the point that it interferes with my carrier or with the FCC. My devices work exactly as designed, except that they look a bit different and they have applications on them that Apple did not make a profit on. I can purchase after-market items for my car or boat or house or computer (I have three Apple computers, all of which I can alter to my heart’s content and Apple doesn’t seem bothered by it). Why not my i-devices?

I have been jailbreaking my Apple i-devices since the iPhone 3 was released. (I had previously jailbroken a Motorola RAZR.) I have purchased an iPhone 3G, an iPhone 3GS, two iPhone 4’s (one for my older son), two iPads (one for my older son) and plan on buying an iPhone 5 when it is released. I own Apple stock. I am sixty-five years old, and am a special education teacher at a high school in California. I own my own home and it is paid for. I am married with two boys. I am a law-abiding citizen.

Why should Apple (or any other entity) tell me what I can or can’t do with a product I purchased and am legally using?

Thank you.

Jonathan Perry