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To Whom It May Concern,

I strongly urge you to renew the Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies. I am an application developer of 7 years working both independently and in the private sector.

While I believe that consumers have a right to use their purchased goods (regardless of the class of good) in any way they deem fit, I am particularly interested in proposed **class 5 of works** – programs intended for smartphones or tablets. It is my belief that I should not be restricted in the software I can create and execute on my own mobile devices by some arbitrary policy set by a company if I have no say in the formation of that policy.

I compose and execute software for a variety of purposes, including (but not limited to)

- Monitoring private application networks
- Monitoring private application services
- Managing private work schedules
- Interacting with personal schedule and financial data

The composition and content of my applications are intended for myself, my staff and my close acquaintances only. I have no desire or reason to share these applications and programs with any outside party. Without the ability to execute programs on my mobile devices without restriction, my ability to work independently would be greatly hindered. I see no reason why I should pay a fee simply to execute a program on a device for which I've already paid.

I find this situation similar to the use and function of a motor vehicle. Most uses of a motor vehicle are for legitimate, legal purposes. Some people however choose to use motor vehicles for illegal purposes (such as fleeing crime scenes, transporting contraband across borders, or kidnapping individuals). In my mind, restricting the software I execute on my own personal device is akin to restricting how and where I can operate a motor vehicle. Would you find it reasonable to have to register with the auto manufacturer every intended use case, destination and driver of your personal vehicle, in advance of use, and have to pay a fee for that act of registration? Even doing so in the interest of stopping illegal activity, such a plan seems ridiculous. As mobile computing devices become more powerful and more pervasive in our contemporary society, I believe we'll find that free license to use our computing devices at our leisure and discretion will become just as evident.

The issue at hand is whether or not device manufacturers should be granted the privilege of controlling the software and applications that consumers are allowed to run. Please agree with me that granting

that permission will hinder the creative process, prevent innovation and exploration of a device's potential, and in the end make criminals of those creative individuals who would otherwise lead the way in the next digital revolution.

Please consider granting a *permanent* exemption to the Digital Millennium Copyright Act to allow individuals to circumvent access restrictions on personally owned devices for non-infringing purposes. Thank you for your time.

Sincerely,

Randall Kahler