

Robert Aitchison  
23309 Victory Boulevard  
West Hills, CA 91307-3434  
January 26, 2012

ATTN: U.S. Copyright Office:

RE: DMCA Exception allowing unrestricted access (“jailbreaking”) for consumer electronics.

I am writing to express my strong support for the extension of the exception to the Digital Millennium Copyright Act (DMCA) which allows consumers to legally circumvent encryption and other safeguards in order to exert complete control over consumer electronics devices they have purchased, a practice commonly known as “rooting”, “unlocking” or “jailbreaking”.

In general I support the legal unlocking of any purchased consumer electronics devices but this letter specifically addresses portable computing devices such as Smartphones & Tablet devices.

I have been a smartphone consumer/enthusiast and hobbyist for more than 3 years and in every case I or someone in my family has purchased such a device we have had a need to and received significant benefit from rooting the phones.

Most commonly hardware manufacturers and mobile network operators stop providing updates, including updates to address serious security issues after the phones are no longer “current” almost always within one year of the device first being offered for sale. The only way for a consumer to receive updates after a device has been “abandoned” is to load these updates or a replacement system software image. Most smartphones are sold with measures in place to prevent this type of activity and those measures must be circumvented by the consumer in order to load updated or alternative code.

Another common issue is that frequently device manufacturers or mobile network operators install software components onto the devices which produce adverse effects for the user including significantly reduced battery life, increased data usage (which can result in a direct monetary cost for the consumer), violations of customer privacy (such as the recent discovery of “Carrier IQ” software loaded on many smartphones). In nearly all cases none of this software can be disabled or removed without “rooting” the device.

Additionally there are many beneficial applications that require full “root” access to operate, one example of this is the Android application Titanium Backup which allows applications and data to be backed up in case of device loss or failure.

Further a hobbyist such as myself may wish to load different software on their device that would completely change the functionality of the device.

Below are several specific examples from my own personal experiences regarding the need to unlock or root several devices.

1. My first smartphone was a T-Mobile G1 manufactured by HTC and sold by T-Mobile USA. This was the first Android smartphone released to consumers. In the early stage of Android development there were many improvements made to the operating system which greatly improved it's functionality. T-Mobile and HTC were very slow in releasing these improvements and eventually stopped releasing any updates. I was forced to "root" the phone to install a new system image to receive updates.
2. My Mother purchased a Motorola Droid smartphone (commonly known as the "Original" or "OG" Droid) which was sold by Verizon Wireless. In order to utilize the backup application Titanium Backup I needed to root the phone. Later after Verizon and Motorola discontinued updates for the device I installed a new system image to ensure she had the latest security and functionality updates for the Android OS.
3. My second (and current) smartphone is the T-Mobile G2 manufactured by HTC and sold by T-Mobile USA. This device had numerous pre-installed applications that consumed significant amounts of battery life even though they were not being used. I was forced to root the device to disable or remove that software and run Titanium Backup. Later I replaced the system image to obtain a new Android OS several months before it was available from the manufacturer.
4. My wife purchased a T-Mobile MyTouch 4G smartphone manufactured by HTC and sold by T-Mobile USA. This device had a very large amount of software components pre-installed that consumed a tremendous amount of battery life. Even though she had no desire to "customize" her phone she had me root it so I could disable or remove this software which increased her battery life more than 50%.

These are only a few of the examples, there are numerous other devices that I have rooted or unlocked for my relatives for similar reasons as above:

1. My bothers T-Mobile G2
2. My sister in-laws T-Mobile G2
3. My older sons T-Mobile MyTouch 4G
4. My younger sons Amazon Kindle Fire
5. My co-workers Motorola Atrix

None of these types of activities cause any harm to the device manufacturers or mobile network operators (Though I suppose one could argue that network operators inability to collect and profit from personal data or profit from unnecessarily increased data usage

U.S. Copyright Office

January 26, 2012

Page 3

could be considered a harm) and it is imperative that these types of activities remain legal. I urge you to extend this DMCA extension for the benefit of consumers and hobbyists such as myself.

Thank You,

Robert Aitchison