

Name of Submitter/Commenter: Toby Meehan

Class of Works Identification:

Computer programs that enable wireless telephone handsets (“smartphones”) and tablets to execute lawfully obtained software applications, where circumvention is undertaken for the purpose of enabling interoperability of such applications with computer programs on the handset or tablet.

Document #: 5

As proposed by organization: [Electronic Frontier Foundation](#)

Summary of argument:

Software provided by manufacturer was defective/inferior and the DMCA would prevent alternative software from being available.

Factual support or legal argument:

I acquired a Motorola Droid 2 device as part of a 2-year contract with Verizon Wireless in November 2011. After several months of use, I found that when using my Motorola Droid 2 device, the software would either cease being responsive and/or spontaneously reboot.

There was at least one “over-the-air” one update provided by Verizon, which made the symptoms worse. I attempted resetting the device to factory defaults and performing the “over-the-air” update again. I had the same results. I took the device to a Verizon retail outlet which disabled automatic spell correction to address a “known defect”, which partially helped but the device remained in an unsatisfactory state of becoming unresponsive and spontaneously rebooting.

As a user, the next step was to file a complaint with Verizon. My prior experiences with filing complaints with vendors in general suggest this would be a waste of time.

I took matters into my own hands and sought help on the Internet. In less than a week’s time and for less than \$5, I had rooted/jail-broken the device and loaded a lawfully obtained alternative operating system (known as a ROM in the smartphone industry).

The device no longer exhibits the symptoms previously described and performs to my satisfaction. I am also able to control what additional applications are installed on the device, removing those that I do not use to free up storage space.

Without the ability to replace the software on the device I own, I would have been at the mercy of Verizon to service my software needs with their poor service and lack of competition. Making this process illegal would have made me a criminal for helping myself and shopping my business elsewhere.

Without legal direct access to the device, developers and hobbyists would not be able to legally create alternative software and users who adhere to the law would suffer while those who do not would benefit.

I do not believe these are the desired results of the DMCA and request this be an exemption to prohibition on circumvention of copyright protection systems for access control technologies.