



Petition to Renew a Current Exemption Under 17 U.S.C. § 1201

Tenth Triennial Rulemaking

Please download this form before filling out any form fields.
Please submit a separate petition for each current exemption for which renewal is sought.

Renewals of Exemptions

Use this form to petition to renew a current exemption with no changes. You must also submit the new exemption petition form to petition to expand or modify a current exemption.

New Exemptions, Expansions, or Modifications

Use the **Petition for New Exemption form** to petition for a new exemption, modify a current exemption, or are seeking to engage in activities not currently permitted by an existing exemption.

Item A. Petitioners and Contact Information

Please identify the petitioners and provide a means to contact the petitioners and/or their representatives, if any. The petitioner is the individual or entity proposing the exemption.

TriMedx Holdings, LLC
Laura Sahm
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317-696-1604

Privacy Act Advisory Statement: Required by the Privacy Act of 1974 (P.L. 93-579)

The authority for requesting this information is 17 U.S.C. §§ 1201(a)(1) and 705. Furnishing the requested information is voluntary. The principal use of the requested information is publication on the Copyright Office website and use by Copyright Office staff for purposes of the rulemaking proceeding conducted pursuant to 17 U.S.C. § 1201(a)(1). NOTE: No other advisory statement will be given in connection with this application. Please keep this statement and refer to it if we communicate with you regarding this petition.

Item B. Identify Which Current Exemption Petitioners Seek to Renew

Check the appropriate box below that corresponds with the current temporary exemption (see **37 C.F.R. § 201.40**) the petitioners seek to renew. Please check only one box. If renewal of more than one exemption is sought, a separate petition must be submitted for each one.

Motion Pictures (including television programs and videos):

- ☐ Excerpts for use in documentary filmmaking or other films where use is in parody or for a biographical or historically significant nature
- ☐ Excerpts for use in noncommercial videos
- ☐ Excerpts for use in nonfiction multimedia e-books
- ☐ Excerpts for educational purposes by college and university faculty, students, or employees acting at the direction of faculty, or K-12 educators and students
- ☐ Excerpts for educational purposes by faculty and employees acting at the direction of faculty in massive open online courses (“MOOCs”)
- ☐ Excerpts for educational purposes in digital and literacy programs offered by libraries, museums, and other nonprofits
- ☐ For the provision of captioning and/or audio description by disability services offices or similar units at educational institutions for students, faculty, or staff with disabilities
- ☐ For the preservation or the creation of a replacement copy of the motion picture by libraries, archives, or museums
- ☐ For text and data mining by a researcher affiliated with a nonprofit institution of higher education, or by student or staff at the direction of such researcher, for the purpose of scholarly research and teaching

Literary Works:

- ☐ Literary works distributed electronically for text and data mining by a researcher affiliated with a nonprofit institution of higher education, or by student or staff at the direction of such researcher, for the purpose of scholarly research and teaching
- ☐ Literary works or previously published musical works that have been fixed in the form of text or notation whose technological protection measures interfere with assistive technologies
- ☐ Literary works consisting of compilations of data generated by medical devices or their personal corresponding monitoring systems, to access personal data

Computer Programs and Video Games:

- ☐ Computer programs that operate wireless devices, to allow connection to an alternative wireless network (“unlocking”)
- ☐ Computer programs that operate smartphones and portable all-purpose mobile computing devices to allow the device to interoperate with or to remove software applications (“jailbreaking”)
- ☐ Computer programs that operate smart televisions to allow the device to interoperate with software applications on the television for purposes other than gaining unauthorized access to copyrighted works (“jailbreaking”)
- ☐ Computer programs that operate voice assistant devices to allow the device to interoperate with or to remove software applications for purposes other than gaining unauthorized access to copyrighted works (“jailbreaking”)
- ☐ Computer programs that operate routers and dedicated network devices to allow the device to interoperate with software applications on the device for purposes other than gaining unauthorized access to copyrighted works (“jailbreaking”)
- ☐ Computer programs that control motorized land vehicles, marine vessels, or mechanized agricultural vehicles or vessels for purposes of diagnosis, repair, or modification of the vehicle or vessel, including to access diagnostic data

Item B. Identify Which Current Exemption Petitioners Seek to Renew *(continued)*

Computer Programs and Video Games:

- ☐ Computer programs that control motorized land vehicles, marine vessels, commercial vehicles or vessels, or mechanized agricultural vehicles or vessels by vehicle or vessel owners and lessees, or those acting on their behalf, for purposes of accessing, storing, and sharing operational data
- ☐ Computer programs that control devices designed primarily for use by consumers for diagnosis, maintenance, or repair of the device
- ☐ Computer programs that control retail-level commercial food preparation equipment for purposes of diagnosis, maintenance, or repair of the device
- ☒ Computer programs that control medical devices or systems, and related data files, for diagnosis, maintenance, or repair of the device or system
- ☐ Computer programs for purposes of good-faith security research
- ☐ Video games for which outside server support has been discontinued, to allow individual play by gamers and preservation of games by libraries, archives, and museums (as well as necessary jailbreaking of console computer code for preservation uses only), and discontinued video games that never required server support, for preservation by libraries, archives, and museums
- ☐ Computer programs other than video games, for the preservation of computer programs and computer program-dependent materials by libraries, archives, and museums
- ☐ Computer programs that operate 3D printers, to allow use of alternative material
- ☐ Computer programs for purpose of investigating potential infringement of free and open source computer programs

Item C. Explanation of Need For Renewal

Provide a brief explanation summarizing the continuing need and justification for renewing the exemption. While it is permissible to attach supporting documentary evidence as exhibits to this petition, it is not necessary. Only petitions requesting renewal of exemptions granted in the **ninth triennial rulemaking** as codified in the *Code of Federal Regulations* may be considered under the streamlined renewal process.

NOTE: Examples of renewal petitions filed in the last rulemaking cycle can be found at copyright.gov/1201/2024/petitions/renewal. Informational guides explaining the 1201 rulemaking process and the streamlined renewal process can be found at copyright.gov/1201.

Trimedx is a third-party independent service organization with customers ranging from small rural hospitals to major metropolitan health systems. Our mission is to provide timely and cost-efficient clinical engineering and medical device repair and maintenance services that enable the continuity of patient care at our customer facilities.

To effectively provide service, Trimedx must be able to access and utilize both the medical devices themselves and any related service materials, including software and computer programs, service manuals, diagnostic software, patches, and service keys, that provide information necessary for the required maintenance and repair of those devices and enable the application of repair and maintenance procedures in accordance with original equipment manufacturer (OEM) performance specifications. Unfortunately, OEMs often preclude and/or make such access difficult, forcing hospitals and third-party servicers to accept higher costs, longer service delays, and reduced autonomy over their own equipment.

OEM restrictions on repair access take many forms, including denial of access to service manuals, diagnostic and calibration software, proprietary software keys and licensing, restrictions on parts availability, specialized tools, and training. By their very nature, these restrictions are anti-competitive and designed to protect manufacturers' revenue, not to advance patient safety or public interest. OEMs claim that such restrictions are necessary to protect their intellectual property, but in reality, such restrictions only serve to increase downtime and decrease device availability, ultimately leading to delays in patient care.

Within the past year, Trimedx encountered a situation where an OEM prevented access to necessary software keys required to perform assembly, installation, adjustment, and testing (AIAT) procedures on a medical device, as mandated under 21 CFR 1020.30. The device could not be properly serviced without these keys. The OEM's initial response was not to grant access, but to offer to provide the labor themselves, at a significant cost premium. This forced Trimedx and the hospital to choose between accepting OEM-only servicing at inflated costs or leaving the device inoperable. Only after extended negotiations between Trimedx and the OEM was a resolution reached and necessary access to provide the required regulatory compliance services by Trimedx was obtained.

This case exemplifies the core problem the DMCA exemption is designed to address: OEMs use access restrictions as leverage to control service markets and extract additional revenue at inflated costs, even when third-party servicers are capable, willing, and sometimes legally required to be able to perform the work.

The exemption to the DMCA allows Trimedx and other third-party servicers to overcome OEM access restrictions, ensuring that third-party service organizations have the necessary access to medical devices and associated information and tools required to ensure patient safety and regulatory compliance and to repair and maintain equipment on behalf of hospital customers.

Based on the foregoing, Trimedx respectfully requests that the Copyright Office continue and renew the exemption under 17 U.S.C. § 1201(a)(1) that allows circumvention of technological measures applied to software programs and data files in medical devices for the purpose of diagnosis, maintenance, repair, and regulatory compliance of such devices. This exemption is not a grant of new privileges, rather it is a recognition that third-party servicers must have the ability to access the tools and information necessary to perform legally mandated and economically essential repair and maintenance work, without being blocked by access restrictions that serve no legitimate purpose other than to enhance manufacturer control and revenue.

Maintaining this exemption protects competitive markets, ensures hospitals have genuine choice in service providers, enables regulatory compliance, and keeps medical devices in service where they belong: patient care settings.

Item D. Declaration and Signature

The declaration is a sworn statement made under penalty of perjury, and must be signed by one of the petitioners named above.

I declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

- 1. Based on my own personal knowledge and experience, I have a good faith belief that but for the above-selected exemption’s continuation during the next triennial period (October 2027–October 2030), technological measures controlling access to relevant copyrighted works are likely to diminish the ability of relevant users to make noninfringing uses of these works, and such users are likely to rely upon the above-selected exemption during the next triennial period.
- 2. To the best of my knowledge, there has not been any material change in the facts, law, or other circumstances set forth in the prior rulemaking record (available at [copyright.gov/1201/2024](#)) that originally demonstrated the need for the above-selected exemption, such that renewal of the exemption would not be justified.
- 3. To the best of my knowledge, the explanation provided in Item C above is true and correct, and supports the above statements.

Name/Organization:

If the petitioner is an entity, this declaration must be signed by an individual at the organization having appropriate personal knowledge.

Trimedx Holdings, LLC

Signature:

This declaration may be signed electronically (e.g., “/s/ John Smith”).

/s/ Laura Sahm

Date:

August 24, 2026