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Office of the General Counsel
U.S. Copyright Office
James Madison Memorial Building, Room LM-401
101 Independence Avenue SE
Washington, DC 20559-6000

To Whom It May Concern:¹

Commenter's Name:

Joseph Lorenzo Hall, Ph.D.

Proposed Class:

5A — Fred von Lohmann, Jennifer S. Granick, Electronic Frontier Foundation.

Proposed Class Description:

Proposed Class #1: Computer programs that enable wireless telephone handsets to execute lawfully obtained software applications, where circumvention is accomplished for the sole purpose of enabling interoperability of such applications with computer programs on the telephone handset

Summary of Argument:

The Apple block against installing non-AppStore applications prevents customers from making use of convenient and effective software in work and life.

Argument:

In September 2008, I purchased a jail-broken and unlocked iPhone on eBay. I use my iPhone on the T-Mobile network instead of AT&T, having been a T-Mobile customer for many years. My iPhone is an essential part of my work as a postdoctoral researcher and my life.

¹I have a split affiliation between Berkeley and Princeton. Please use my Princeton address as my physical and postal address.

In my research, I work with electronic voting machines and often take photos when attending machine demonstrations or during election activities. The iPhone's small form factor and copious storage makes it very useful for many such tasks. Two pieces of software for jail-broken iPhones, Snapture and Cycorder, specifically make this possible.

Snapture is a paid application available for jail-broken iPhones (via the Cydia application installer) that takes photos and has more advanced features than the default camera application supplied by Apple. I am able to take photos quickly—in rapid succession—and use a shutter timer to improve image stability. My jail-broken iPhone allows me to install this *paid* application (\$8) on my iPhone. (This also underscores that there are legitimate business interests involved in authoring software for jail-broken phones.)

Cycorder is another sophisticated application available on jail-broken iPhones that allows video recording at a surprisingly high level of detail (i.e., high resolution). It encodes video in real-time and the size of videos are only limited by the amount of storage space on the phone. Cycorder development is supported by advertising revenue from advertisements placed directly within the application.

With a jail-broken phone, I also have access to many other software applications not available on the nominal iPhone platform. *Clippy* brings copy and paste functions to the iPhone, a feature neglected by Apple for unknown reasons. *Quick Gold* allows me one-click access to any function, contact, song, etc. on my phone. *Flashlight* functions as a very capable, bright flashlight, brighter than other flashlight applications in Apple's AppStore. *GNU Privacy Guard (GPG)* performs high-grade encryption, useful for communications of sensitive, confidential and/or proprietary information. *Open SSH* and *Mobile Terminal* allow me command-line access to the phone directly or from any other computer nearby.

All these things are unique to a jail-broken phone. All this and I can *also* use the Apple AppStore to download hundreds of other free and paid applications (which I've easily spent \$200 on already!). The mind boggles when one considers the potential of an open platform; the jail-broken iPhone has such potential.

A jail-broken phone enables me to enjoy my iPhone on my own terms. It gives me access to any existing application that I want to use, and access to new applications as well. I can also write my own software for a jail-broken iPhone, or fix and/or modify existing software.

Sincerely,
/s/

Joseph Lorenzo Hall, Ph.D.