

Darin Brannan, MD  
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Oklahoma City, OK 73162

RE: Exemption to Prohibition on Circumvention of Copyright Protection Systems for Access Control Technologies

To Whom It May Concern:

As a physician involved in the care of children with disabilities I feel it is very important to be allowed to use devices to their maximum potential, ultimately benefiting the patient. Below is a brief summary of applicable exemption within the field of medicine that could benefit quality of patient care for the disabled, as well as applicable Federal regulations.

Class #3: There are a number of possible applications for facilitating Physical, Occupational and Speech Therapies for children and adults with disabilities. One of the devices that promises significant assistance in daily living activities is XBOX 360 Kinect, and similar devices. Children with limited ability to interact with their environment would be able to interact with computers and home devices just by subtle hand or head/eye movements. Being unable to develop such software would "handicap" patients further.

Class #5: For years the smart phone industry has blocked every attempt to be able to utilize open-source software developed for those devices. The current method of restricting access to software by stringent software review in App stores is not only limiting the availability of essential software, but is squelching innovation. Devices such as iPods, iPhones, iPads, and other tablet devices are widely available making their use in patient care very reasonable. A smart phone device that is jailbroken to use open-source software can facilitate communication by the patient as well as allowing them to interact with their environment without having to carry around larger and more costly pieces of equipment. Thus making patients less dependent on others and improving quality of life.

Class #4: Practically every home has a personal computer. However, without the aid of public assistance programs, the cost of those computers is maintained at a level that is difficult to reach by some. Having software written to facilitate the needs of the disabled that crosses the artificial boundaries of desktop, portable and hand held devices would further our rehabilitation progress. Having the same application on all of the three form factors would facilitate their use and

acceptance since the user interface and experience would be identical. No more confusion by layout.

I believe that as a country that has been known for its innovation and progress we cannot prohibit circumvention and pretend to stay on the forefront of technology.

Section 255 and 251 (a)(2) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, requires manufacturers of telecommunications equipment and providers of telecommunications services to ensure that such equipment and services are accessible to and usable by persons with disability. These amendments ensure that people with disabilities will have access to a broad range of products and services such as telephones, cell phones, etc. However, for these devices to be fully “usable”, customization and modifications must be allowed.

I would argue that prohibiting circumvention is in violation of the Americans with Disabilities Act, and the Telecommunications Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Darin K. Brannan, MD'. The signature is fluid and cursive, with a distinct 'D' at the start and 'MD' at the end.

Darin K. Brannan, MD