

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Implementation of Sections 716 and 717 of the)	CG Docket No. 10-213
Communications Act of 1934, as Enacted by the)	
Twenty-First Century Communications and Video)	
Accessibility Act of 2010)	
)	
)	
Opposition to Coalition of E-Reader)	
Manufacturers’ Petition for Waiver of Sections 716)	
and 717 of the Communications Act and Part 14)	
of the Commission’s Rules Requiring Access to)	
Advanced Communications Services (ACS) and)	
Equipment by People with Disabilities)	

On September 4, 2014, the Coalition of E-Reader Manufacturers (“Coalition”) filed a Petition for Extension of Waiver (“Petition”) with the Federal Communications Commission (“Commission”) in response to the Commission’s January 28, 2014 *Order* granting a waiver from the Commission’s advanced communications services (“ACS”) rules to a class of e-readers. The Association of Research Libraries (“ARL”) and the American Library Association (“ALA”) oppose the granting of this waiver, and urge the Commission to deny the Coalition’s Petition.

ARL is a nonprofit organization comprised of 125 research libraries at research institutions in the United States and Canada, with collections and holdings making up a large portion of the academic and research library community. ARL’s mission is to support its members by influencing the changing environment of scholarly communication and the public policies that affect research libraries and the diverse communities they serve. ARL pursues this mission by advancing the goals of its member research libraries, providing leadership in public and information policy to the scholarly and higher education communities, fostering the exchange of ideas and expertise, facilitating the emergence of new roles for research libraries, and shaping a future environment leverages its interests with those of allied organizations.¹

ALA is the oldest and largest library association in the world, with more than 55,000 members in academic, public, school, government, and special libraries. The mission of ALA is to provide leadership for the development, promotion, and improvement of library and

¹ For further information on ARL’s Accessibility initiatives, see <http://www.arl.org/focus-areas/accessibility#.VEwEP0tt504>; see generally ARL, *Report of the ARL Joint Task Force on Services to Patrons with Print Disabilities* (Nov. 2, 2012), available at <http://www.arl.org/storage/documents/publications/print-disabilities-tfreport02nov12.pdf>.

information services and the profession of librarianship in order to enhance learning and ensure access to information for all.²

ARL's and ALA's member libraries are responsible for making their library collections and services universally accessible to all patrons, disabled or not. This is consistent with library community values as well as long-standing legal requirements of accessibility.³ With the rapid changes in information technology and network-based services and the adoption of these changes within libraries, access to information at all levels is changing rapidly. ARL and its members are committed to promoting accessibility standards for information and networked-based technologies and services within research libraries that implement universal design approaches⁴ rather than retrofitting accessibility after the fact. ALA's members include libraries that offer assistive technologies and services to the print-disabled, as well as libraries in each state that offer services to the disabled, such as the California State Library for the Blind. Other ALA members include K-12 school libraries that buy these new technologies and services for students.

As the Commission remains committed to serving the public interest, it would be against that interest to allow the Coalition to shirk their responsibilities to ensure that ACS remain accessible to all Americans. As technology—and the way it is used—evolves, it is imperative that the Commission adopts policies that anticipate rapid change. For far too long, accessibility policy has had to play catch up to technological innovation.

ARL and ALA assert and detail in this filing the following: that basic e-readers, as defined by the Coalition, offer ACS as a co-primary use; that denying the Petition is consistent with the public interest; and if the Commission does grant the extension to the waiver, it should modify the waiver class criteria to narrow the scope and limit the waiver's duration.

I. The Commission Should Not Extend The Waiver Because E-Readers Offer ACS as a Co-Primary Use

In its *Order*, the Commission states that “[u]sing a browser to post information to a social media website (e.g. Facebook), look up information on the web, access Wi-Fi, or purchase or download an e-book is not evidence of ACS; nor does it support a finding that ACS is a primary or co-primary purposes of these devices. Rather, we must look to whether the browser is designed, marketed, and used for ACS, such as electronic messaging services, in order to

² For further information on ALA's Accessibility initiatives, see <http://www.ala.org/support/style/accessibility>; see also <http://www.ala.org/tools/ada-and-libraries>.

³ Including the Americans with Disabilities Act and regulations not permitting discrimination in communication with the disabled by librarians, see generally http://www.aallnet.org/mm/Publications/spectrum/Archives/Vol-6/pub_sp0204/pub-sp0204-confront.pdf.

⁴ Employing a Universal Design means designing products and spaces so that they may be used by the widest range of people possible. This concept evolved from Accessible Design, a design process that focuses specifically on those users with disabilities. For further information on what Universal design is, see What Is Universal Design?, available at http://www.universaldesign.com/index.php?option=com_content&view=article&id=327:what-is-universal-design&catid=2196:universal-design&Itemid=113. For further information on the principles of Universal Design, see The Seven Principles of Universal Design, available at <http://www.universaldesign.com/universal-design/1761-the-seven-principles-of-universal-design.html>.

determine whether basic e-readers have ACS as one of their primary or co-primary purposes.”⁵ ARL and ALA do not agree that using the browser as the Commission has specified, i.e. to post information on a social media website, should be distinguished from other uses of the browser as evidence of ACS, or that ACS is not a primary or co-primary purpose of these devices. This is especially true when considering that this social media is being used, increasingly, to accomplish the kind of person-to-person communication envisioned within the definition of ACS. ARL and ALA assert that the basic e-readers that the Coalition is proposing a waiver extension for are designed, marketed, and used for ACS and therefore have ACS as a primary or co-primary purpose.

A. *Basic e-readers are designed for ACS*

The basic e-reader versions of Amazon’s Kindle include not just a web browser, but a WebKit-based web browser.⁶ WebKit is a standards-compliant browser rendering engine,⁷ meaning that a Kindle browser is capable of accessing and interacting with nearly any website. That the browser can render nearly any web page and does not actively restrict access to only the websites mentioned in Coalition filings and the Commission’s *Order* (e.g. Wikipedia) is evidence that such basic e-readers are designed for ACS. Using the WebKit rendering engine, a basic e-reader can render HyperText Markup Language (HTML) pages, interpret JavaScript code, and apply webpage layout and styles from Cascading Style Sheets (CSS). The combination of HTML, JavaScript, and CSS demonstrates that this basic e-reader’s browser leaves open a wide array of ACS capability, including mobile versions of Facebook, Gmail, and Twitter, to name a few widely popular services. While there is no dispute that email through providers such as Google is ACS, the Commission appears to ignore the clearly ACS capabilities of social media services like Facebook and Twitter. Both services, for example, offer direct messaging between two individuals in real time. In addition to direct messaging features that offer "traditional" ACS, point-to-multipoint social media services do offer communications services that are consistent with the CVAA's definition of ACS.

B. *Basic e-readers are marketed for ACS*

Basic e-readers offered by members of the Coalition provide ACS capabilities to consumers. This is not in dispute. The Coalition repeatedly acknowledges this key fact,⁸ as does the Commission in its *Order*.⁹ The inquiry then must focus on if the Coalition markets its basic

⁵ *Order* at ¶ 17.

⁶ Amazon.com, Kindle Product Page, available at http://www.amazon.com/dp/B00I15SB16/ref=kods_xs_dp_ooos (last viewed Oct. 23, 2014) (explaining under the product description section entitled “Plus Other Features You’ve Come to Expect from Kindle” that “Kindle has an experimental web browser based on WebKit.”).

⁷ See generally The WebKit Open Source Project, available at <https://www.webkit.org>.

⁸ See generally Sept. 4, 2014 *Coalition Petition for Extension of Waiver*. See, also, Coalition Sept. 20 *ex parte* Letter at 1.

⁹ *Order* at ¶ 17 (citing several Coalition *ex parte* letters).

e-readers' ACS capabilities. Despite claims to the contrary,¹⁰ marketing materials for e-readers also "tout" their ACS capabilities.¹¹ The marketing of the browser on its product page, which emphasizes that it is "WebKit-based" moves Kindle e-readers well beyond the "mere inclusion" threshold relied upon by the Commission in its *Order*.¹² As of October 25, 2014, well into the comment period of this proceeding, Amazon's online marketing pages for the Kindle highlighted not only the presence of a web browser, but specifically highlight that it is a WebKit-based browser.¹³ The "WebKit-based browser" is listed under the heading "Plus other features you've come to expect from Kindle."¹⁴ If the Commission finds that the browser's additional inherent capability to facilitate web-based person-to person communication is a significant capability, then it should also conclude that it is being marketed with ACS as a primary or co-primary function.

Although ARL and ALA maintain that e-readers with non-WebKit-based browsers should fall outside of a basic e-reader waiver class, the Amazon marketing page discussed above should make those that employ a WebKit-based browser an easy call rather than a "close" one."¹⁵ There is more than sufficient evidence that the Kindle,¹⁶ a market leader among basic e-readers, is marketed for ACS.

As stated in its *Order*, the Commission, in conducting its waiver analysis, must consider "whether ACS functionality or feature is suggested to consumers as a reason for purchasing . . . the equipment or service."¹⁷ While it is, of course, probative to examine the words and phrases included in e-reader marketing materials, it can be just as probative to understand what phrasing has been *excluded* from such marketing. Although the Coalition, in its filings before the Commission, downplays the capability of the browser as primarily used for non-ACS functions, the marketing speaks for itself. Amazon's basic e-reader Kindle marketing, for example, does not say anything along the lines of "not capable of email" or "useless for ACS." Nowhere does Amazon market their e-readers' browsers as a "Wikipedia viewer" or merely a "dictionary." If

¹⁰ Sept. 4, 2014 *Coalition Petition for Extension of Waiver* at 4.

¹¹ Amazon.com, Kindle Product Page, available at http://www.amazon.com/dp/B00I15SB16/ref=kods_xs_dp_oos (last viewed Oct. 23, 2014) (explaining under the product description section entitled "Plus Other Features You've Come to Expect from Kindle" that "Kindle has an experimental web browser based on WebKit.").

¹² *Order* at ¶ 17 ("However, the mere inclusion of web browsers on these devices or the fact that they provide ACS, including ACS available on some social media websites . . . is not sufficient to reach a determination that ACS is a primary or a co-primary purpose of these devices.") (citations omitted). See Amazon.com, Kindle Product Page, available at http://www.amazon.com/dp/B00I15SB16/ref=kods_xs_dp_oos (last viewed Oct. 23, 2014) (explaining under the product description section entitled "Plus Other Features You've Come to Expect from Kindle" that "Kindle has an experimental web browser based on WebKit.").

¹³ Amazon.com, Kindle Product Page, available at http://www.amazon.com/dp/B00I15SB16/ref=kods_xs_dp_oos (last viewed Oct. 23, 2014) (listing some of the other features from the "Plus Other Features You've Come to Expect from Kindle" section of the Kindle online marketing page).

¹⁴ *Id* (including "other features" such as reading books in other languages, organizing the library, and accessing personal documents).

¹⁵ *Order* at ¶ 17.

¹⁶ This includes the most recent generation of Kindle and Kindle Paperwhite.

¹⁷ *Order*, citing *ACS Report and Order*, 26 FCC Rcd at 14635, ¶ 185 (footnote omitted).

the true use cases were as narrow as the Coalition presents, there would be no need to spotlight the WebKit-based Web browser.

It is also worth noting that an ACS-capable web browser has remained for years an essential component of the Amazon Kindle, even as the Coalition suggests that basic e-readers have remained singularly focused on the act of reading text.¹⁸ This focus is the justification provided by Amazon for removing a 3.5 mm audio jack from its Kindle e-readers, among other changes.¹⁹ This begs the question, then, why Kindle has retained an ACS-capable web browser as a feature consumers have “come to expect” on basic e-readers up to the present day. While ARL and ALA look forward to the Coalition’s explanation for keeping a web browser on its devices despite years of reducing features in the name of simplification, the simplest explanation can be found on Amazon’s own marketing page: a WebKit-based browser is a feature that “[y]ou’ve come to expect from Kindle.”²⁰

C. Basic e-readers are used for ACS

As mentioned above, there is no dispute that basic e-readers are capable of accessing ACS via a web browser.²¹ Given this capability, it should be no surprise to the Commission (or the Coalition for that matter), that consumers actually do use basic e-readers for ACS. It can be used for point-to-point communication through social media and other communication websites. This is especially true if a user has no other way of connecting to the Internet for a given period of time.²² The basic e-reader Kindle’s browser²³ can successfully render nearly any “mobile-oriented” website.²⁴ Such websites include mobile versions of Facebook, Gmail, Google Plus, and Twitter--all sites that have been described as “Kindle-friendly websites” by some users.²⁵ These websites undeniably include ACS capabilities, implying ACS’s status as a primary or co-

¹⁸ See Sept. 4, 2014 *Coalition Petition for Extension of Waiver* at 4-7.

¹⁹ See Dante D’Orazio, *Even without audiobooks, the Kindle Paperwhite can still beat the competition*, The Verge (Sept. 7, 2012), available at <http://www.theverge.com/2012/9/7/3300673/amazon-kindle-paperwhite-comparison-no-audiobooks> (detailing the loss of many of the previous features, including the audio jack and the much lauded “Read to Me” text-to-speech features, when the Kindle Paperwhite replaced the Kindle Touch).

²⁰ See App’x. I.

²¹ See *infra* 3-4.

²² Leslie H. Nicoll & Harvey Chute, *Kindle Paperwhite for Dummies*, available at <http://www.dummies.com/how-to/content/how-to-use-the-browser-on-your-kindle-paperwhite.html> (last visited Oct. 23, 2014) (“For simple, text-oriented sites, such as mobile versions of most websites, the convenience of having web access available from your Kindle Paperwhite can be a lifesaver — or at least a timesaver.”).

²³ This includes the most recent generation of Kindle and Kindle Paperwhite.

²⁴ *Id.*; see also Sascha Segan, *Hands On With the Amazon Kindle Paperwhite*, PC Magazine (Sept. 6, 2012), available at <http://www.pcmag.com/article2/0,2817,2409371,00.asp> (“Amazon’s experimental Web browser is . . . good primarily for simple actions on mobile-formatted Web sites.”).

²⁵ Etienne de L’Amour, *How to make the most of Kindle Paperwhite’s web browser*, Mystical Faction (Aug. 10, 2013), available at <http://mystical-faction.blogspot.com/2013/08/making-most-of-kindle-paperwhites-web.html> (explaining the easiest ways to access the mobile version or “Kindle-friendly” version of each website listed on the Kindle Paperwhite’s experimental browser).

primary function on the Kindle, especially given the fact that consumer behavior with these websites is moving more towards web-based point-to-point communication.

E-readers browsers, specifically those on the Kindle, are clearly used to access websites other than Wikipedia and the Amazon Kindle store. Documented examples of consumer use point to Facebook and the mobile version of Gmail's website, in addition to other types of web browsing.²⁶ These websites offer ACS capability and are being used by basic e-reader consumers, meaning that providing an extension of this waiver allows the members of the Coalition to avoid providing a feature that could and should be included on these devices.

II. A Denial of the Waiver Extension Is Consistent with the Public Interest

A. A denial of the waiver increases access to ACS

As discussed above, the Kindles and other basic e-readers are capable of accessing ACS in potentially very convenient and useful ways.²⁷ Access to these features, on these devices, by disabled persons weighs heavily in the public interest. A denial of the waiver extension will increase public access to ACS through the Coalition's e-readers. By requiring that the Coalition include accessible ACS functionality with their browser, the Commission will be supporting increased access for print-disabled members of the public through universally designed devices available to all consumers.²⁸

While the Coalition argues that the public interest is best served by granting this waiver, it ignores the section of the public that ACS is meant to assist.²⁹ By granting the extension of this waiver, the Commission will be allowing the Coalition to continue to create e-readers that libraries represented by ARL and ALA cannot use because they are not accessible to the print-

²⁶ See, e.g., Amazon.com Customer Discussions, *Paperwhite experimental browser* (Dec. 30, 2012), available at http://www.amazon.com/forum/kindle/ref=cm_cd_search_res_ti?_encoding=UTF8&cdForum=Fx1D7SY3BVSESG&cdPage=1&cdSort=oldest&cdThread=Tx5VUP9RG27FAI - Mx2CRRFMB7OVJ4U (noting the use of Facebook through the Kindle experimental browser); Amazon.com Customer Discussions, *Experimental Web browser*, (Feb. 2, 2012), available at http://www.amazon.com/forum/kindle/ref=cm_cd_search_res_ti?_encoding=UTF8&cdForum=Fx1D7SY3BVSESG&cdPage=1&cdSort=oldest&cdThread=Tx2E0IL1KGPP4ZH - Mx2SGZ3K0XB6M6 (noting the use of the mobile version of Gmail to check emails through the browser); Amazon.com Customer Discussions, *Experimental Browser????* (Apr. 29, 2013), available at http://www.amazon.com/forum/kindle?_encoding=UTF8&cdForum=Fx1D7SY3BVSESG&cdThread=Tx3T8WF4F83MKYK (speaking about general browsing); Amazon.com Customer Discussions, *Can the Paperwhite 3G browse the web using its 3G connection?* (Sept. 7, 2012), available at http://www.amazon.com/forum/kindle?_encoding=UTF8&cdForum=Fx1D7SY3BVSESG&cdThread=Tx3GCCYAA6S4BO5 (showing the views of a consumer that they like to be able to use the browser to access email or surf lightly in a pinch).

²⁷ Just as "the best camera is the one you have with you," the best browser may often be the one that's included in the e-reader device you have with you. See, e.g., <http://www.amazon.com/The-Best-Camera-Thats-With/dp/0321684788>.

²⁸ See About Universal Design, available at <http://www.universaldesign.com/about-universal-design.html> (last visited Oct. 23, 2014).

²⁹ Sept. 4, 2014, *Coalition Petition for Extension of Waiver*.

disabled and considered to be unlawful by the Department of Justice and the Department of Education.³⁰ This is harmful to the public interest.

B. A denial of the waiver increases access to books and other texts

A denial of the waiver also increases access for the print-disabled population to books, magazines, articles, and the many other print media available through the Coalition's e-readers.³¹ The Commission acknowledges that although the reading of text-based digital works falls outside of the scope of the CVAA's ACS accessibility mandates, "these concerns do bear on the extent to which a waiver would be in the public interest."³² Under the current e-reader ACS regime proposed by the Coalition and tentatively adopted by the Commission, disabled persons must pay a "device access tax". By availing oneself of one of the "accessible options" as suggested by the Coalition, a disabled person would pay at minimum \$20 more a device for a Kindle tablet that is heavier and has less battery life than a basic Kindle e-reader.³³ There is also some irony that the Commission's current waiver rules would suggest that a blind person would need to purchase a device that is marketed for its screen with a high refresh rate, high resolution, and vibrantly colored screen in order to get the proper accessibility. In order to get the features that they do need, the blind will be forced to pay for an array of features from which they cannot benefit. It is completely inappropriate to "tax" those with disabilities who seek information on the same terms as the sighted. By requiring that all of the Coalition's products include accessible ACS, it opens up a market for the print-disabled for the same e-readers at the same price points as for other sectors of the public.

Pursuing universally accessible design rather than having to amend technology later to include access for the disabled is a principle that the Commission should be endorsing. The best

³⁰ See ARL, *Report of the ARL Joint Task Force on Services to Patrons with Print Disabilities* at 30 (Nov. 2, 2012), available at <http://www.arl.org/storage/documents/publications/print-disabilities-tfreport02nov12.pdf> (listing the kinds of features that an accessible e-reader device must possess in order for library patrons with print disabilities to use them); see also "Joint 'Dear Colleague' Letter: Electronic Book Readers," DOJ and ED to College or University President, June 29, 2010, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100629.html>. There have been two recent challenges to public library practices. The Department of Justice entered into a settlement agreement between the United States, the National Federation of the Blind (NFB), and the Sacramento (CA) Public Library Authority (August 28, 2012). The agreement found that the library's deployment of inaccessible e-readers violated Title II of the ADA. The library may no longer acquire non-accessible e-readers, is required to purchase accessible devices, and in the near future load these with content substantially equivalent to that on the inaccessible e-readers already in circulation and more. In May 2012, four blind patrons of the Free Library of Philadelphia, with the assistance of the NFB, filed suit against the library for providing inaccessible e-readers. The lawsuit has been resolved and the terms of the settlement call for the library to acquire 10 accessible e-readers to supplement the devices it has already purchased, and within four years to use only accessible e-reading devices. Finally, the library will include an accessibility requirement in its technology procurement contracts.

³¹ There have been recent court decisions that put the rights of the print disabled as part of the public interest generally. See, e.g., *Authors Guild, Inc. v. HathiTrust*, 755 F.3d 87 (2d Cir. 2014); <http://www.arl.org/focus-areas/court-cases/105-authors-guild-v-hathi-trust#.VEwTmkt504>.

³² *Order* at ¶ 19.

³³ Comparing lowest cost basic e-reader Kindle to lowest cost Kindle Fire.

way to do so would be to deny the extension of the waiver for the Coalition, sending the message that having completely accessible ACS-enabled devices is a worthy goal.

Although ARL and ALA disagree with the precise characterization of the single-purpose nature of basic e-readers, they do recognize the appeal that devices generally geared towards simplicity have to consumers. ARL and ALA want these simple and beneficial devices to be accessible to all.

III. If a Waiver Extension Is Granted, the Commission Should Narrow Its Scope and Limit the Duration

A. The Commission Should Narrow Its Scope

ARL and ALA are not opposed to all CVAA waivers for basic e-readers. Rather, they oppose the Commission's criteria adopted in its *Order* that emphasizes the presence of "built-in ACS client applications"³⁴ as evidence of ACS as a primary (or co-primary) purpose. While such applications certainly do serve as evidence of ACS as a primary purpose, they do not do so at the exclusion of web browsers. The distinction between client and server applications is fading rapidly in the consumer electronics market.

ARL and ALA propose a short and simple modification to the waiver class criteria for basic e-readers. Currently, the waiver class adopted by the Commission in its *Order* includes devices that meet the following requirements:

- (1) The device has no LCD screen, but rather utilizes a screen that is designed to optimize reading.
- (2) The device has no camera.
- (3) The device is not offered or shipped to consumers with built-in ACS client applications and the device manufacturer does not develop ACS applications for its respective device, but the device may be offered or shipped to consumers with a browser and social media applications.
- (4) The device is marketed to consumers as a reading device and promotional material about the device does not tout the capability to access ACS.³⁵

While ARL and ALA maintain that the current slate of basic e-readers offered by Coalition members do not fall under even this overly-expansive waiver class, sufficient evidence and the public interest weigh heavily in favor of modifying criterion number three so that the devices in this class do not include a browser at all. ARL and ALA would suggest language that reads "(3) the device is not offered or shipped to consumers with built-in ACS client applications, including any browser, and the device manufacturer does not develop ACS applications for its respective device." Such a modification is consistent with the Commission's

³⁴ *Order* at ¶ 15.

³⁵ *Order* at ¶ 15.

and the Coalition's rationale for waiver: that the CVAA exempts non-ACS, single-purpose devices. Any truly single-purpose, non-ACS devices will still fall under this proposed waiver class should the Coalition seek waiver in the future.

ARL and ALA urge the Commission to adopt a more resilient and future-proof standard in which accessibility law need not always be playing catch-up to technology. Waiver criteria most consistent with this reasoning would require an absence of an ACS-capable browser, as mentioned before.

B. ARL and ALA Request a Time Limit on the Duration of the Extension

Should the Commission grant the waiver extension, it should not be granted indefinitely. The waiver should be granted on the basis that the Commission will review the situation after a certain period of time passes in order to ensure that the Coalition has not substantially changed the e-readers to include even more functions that implicitly include ACS capability.³⁶

This is a rapidly changing area of technology, and the Coalition has made many changes to the availability and range of e-reader and tablet products in order to meet the demands of their consumers. Amazon's Kindle, for example, has changed drastically since its introduction in 2007.³⁷ It is also important to note that the way in which the public uses technology also changes rapidly over time. This can be seen with the movement away from traditional messaging to web-based point-to-point communication. Based on this history of change, it is safe for the Commission to assume that the members of the Coalition will continue to evolve their products, including those that will be subject to the waiver extension. It is in the best interest of the public to ensure that should the Coalition change their products to include even more ACS functionality, it will no longer receive the benefit of this waiver.

IV. Conclusion

For the reasons set forth above, on behalf of the Association of Research Libraries and the American Library Association, we oppose the Petition for Waiver submitted by the Coalition of E-Reader Manufacturers. Granting this waiver would be contrary to the public interest of the American people, long-standing US law, and would impede the member libraries of ARL and ALA and their user communities from providing meaningful access to the widest variety of materials to all students and scholars.

³⁶ See 47 C.F.R. § 14.5(c) (explaining that the duration of the waiver should last only as long as the life of the equipment or for a time period determined by the Commission based on the evidence on the record).

³⁷ See Dylan Love, *Evolution Of The Kindle: Clunky To Sexy In Just 4 Years*, Business Insider (Sept. 28, 2011, 1:12 PM), available at <http://www.businessinsider.com/kindle-evolution-2011-9?op=1> (noting that just before the public release of the Kindle Fire, the Amazon Kindle products underwent significant changes, and it is significant to note that since 2011, even more changes have been made).

Respectfully submitted,

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APPENDIX I

Amazon.com, Kindle Product Page, *available at*
http://www.amazon.com/dp/B00I15SB16/ref=kods_xs_dp_oos



Plus other features you've come to expect from Kindle

Customize to your language
Kindle can be used in English, Spanish, Brazilian Portuguese, French, German, Italian, Japanese, Russian, Dutch, and Simplified Chinese. You can easily select the language that you are most comfortable with, and enjoy instant dictionary lookups in any of these languages.

Read books in other languages
Kindle supports the display of non-Latin characters, so you can read books and documents in your favorite language, including enhanced support for Japanese and Chinese (Simplified and Traditional). Kindle also displays Korean, Cyrillic, Latin, and Greek scripts, and provides free access to several international dictionaries.

Follow along with page numbers
We match the pages of a Kindle book to the text in a print book to identify the corresponding page number. Easily reference and cite passages or read alongside others in a book club or class.

WebKit-based browser
Kindle has an experimental web browser based on WebKit. It's easy to find the information you're looking for right from your Kindle. Kindle enables you to connect to the Kindle Store and access Wikipedia, all over Wi-Fi.

Never lose a book
We automatically back up your entire Kindle library free in the cloud so there's never a worry about losing your books. Re-download wirelessly anytime for free.

Carry and read personal documents
Email documents—including Word, PDF, and more—directly to your Kindle and read them in Kindle format. You can also send documents to Kindle using [Send to Kindle](#).

Get special offers
Love deals? You'll receive special offers and sponsored screensavers directly on your Kindle. Offers display on the Kindle screensaver and on the bottom of the home screen while not in use—they don't interrupt reading.

Read children's books and comics
Kindle supports children's books with Kindle Text Pop-Up, and comic books with Kindle Panel View which allows you to read a comic book panel by panel.

Organize your library
Organize your Kindle library into customized collections, or categories, to easily access any book you are looking for. You can add an item to multiple collections to make organizing and finding titles even easier.