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July 17, 2013

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

***Re: Ex parte letter supplementing Coalition of E-Reader Manufacturers Petition for Waiver -- CG No. 10-213***

Dear Ms. Dortch:

On May 16, 2013, the Coalition of E-Reader Manufactures filed a petition for waiver of the Commission's rules governing equipment used for advanced communications services ("ACS") for the class of e-reader devices (the "Petition"). The Petition, filed pursuant to Section 14.5 of the Commission's rules, established that an e-reader device meets the waiver standard set forth in the Commission's rules because while the device "is capable of accessing an advanced communications service" it is "designed primarily for purposes other than using advanced communications services." 47 C.F.R. §14.5(a). That purpose, of course, is accessing text-based digital works.

This letter is being filed to supplement the Petition and clarify the scope of devices that would be covered by the requested waiver, and also to make clear what devices would not be subject to the waiver request. Starting with the second category first, tablets and other general purpose devices such as PCs that are designed, marketed and used routinely to engage in multiple online activities that include email, instant messaging, VoIP, video conferencing or other types of ACS would not be covered, and are not intended to be covered, by the waiver request. The devices that would be covered by the waiver request are e-readers. These devices often include browsers, but the browser is incidental to, and designed to enable or enhance, the primary purpose of the device -- accessing text-based digital works.

The Coalition proposes that the waiver expressly apply only to devices that have the following features: (1) The device has no LCD screen. (2) The device has no camera. (3) The device is not offered or shipped to consumers with built-in email, IM, VoIP or other similar ACS

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client applications and the device manufacturer does not develop ACS applications for their respective device.<sup>1</sup> (4) The device is marketed to consumers as a reading device and promotional material about the devices does not tout the capability to access ACS. These features, which are all found in tablets,<sup>2</sup> highlight that e-readers are a distinct class of devices primarily designed for accessing text-based digital works.

Based on our preliminary research, we understand the number of manufacturers that distribute or offer for sale in the United States e-readers in addition to those included in the Coalition is fewer than ten.

We hope that this letter clarifies the narrow scope of the waiver request and urge the Commission to proceed promptly with its consideration.

Sincerely,



Gerard J. Waldron  
Daniel Kahn  
*Counsel for Amazon.com, Inc.; Kobo Inc.;  
and Sony Electronics Inc.*

cc: Mr. Louis Peraertz  
Ms. Karen Peltz Strauss  
Ms. Rosaline Crawford  
Mr. Eliot Greenwald  
Mr. John Herzog

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<sup>1</sup> An e-reader subject to the proposed waiver may include a browser and social media applications.

<sup>2</sup> See, e.g., Amazon Kindle Fire HD, <http://www.amazon.com/Kindle-Fire-HD/dp/B0083PWAPW> (has LCD screen, camera, built-in ACS apps); Apple iPad 4, <http://www.apple.com/ipad/specs/> (same); Apple iPad Mini, <http://www.apple.com/ipad-mini/specs/> (same); Asus Transformer Pad Infinity, <http://eee.asus.com/en/transformer-infinity/specification/> (same); Google Nexus 10, <http://www.google.com/nexus/10/> (same); Kobo Arc, <http://www.kobo.com/koboarc/> (same); Microsoft Surface RT, <http://www.microsoft.com/surface/en-us/surface-with-windows-rt/specifications> (same); Samsung Galaxy Tab 10.1, <http://www.samsung.com/global/microsite/galaxytab/10.1/feature.html> (same); Sony Xperia Tablet Z, [http://www-support-downloads.sonymobile.com/sgp321/userguide\\_AE\\_SGP321\\_SGP351\\_1\\_Android4.1.pdf](http://www-support-downloads.sonymobile.com/sgp321/userguide_AE_SGP321_SGP351_1_Android4.1.pdf) (same).