August 9, 2012

Mr. David O. Carson
General Counsel
U.S. Copyright Office
P.O. Box 70400
Washington, DC 20024

RE: Docket No. RM 2011-7
        Exemption to Prohibition on Circumvention
        of Copyright Protection Systems for Access
        Control Technologies
        Proposed Classes 7 and 8

Dear Mr. Carson:

On behalf of DVD CCA, we are seeking leave to submit the attached limited reply to EFF and OTW's response to our submission of images as part of our response to Question 3 posed in the July 3, 2012 letter.

Because the proponents introduce new issues largely concerning the MPEG file format – this limited reply will ensure that the Copyright Office has a more complete record in the above captioned rulemaking.

Thank you in advance for your consideration of this request.

                        Best regards,

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Cc:

    Rebecca Tushnet, Professor, Georgetown University Law Center
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    Tisha Turk, Associate Professor of English, University of Minnesota-Morris
    Corynne McSherry, Intellectual Property Director, Electronic Frontier Foundation

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Dear Mr. Carson:

      On behalf of DVDCCA, this letter provides opponents' response to the submission made by EFF and OTW (collectively "OTW") on August 2, 2012.

      Because the opponents have demonstrated that Replay Video Capture can deliver much better images from the individual frames than OTW led the Copyright Office to believe, OTW now complains about the MPEG-2 file format.[1] In attacking the MPEG-2 file format, OTW fails to consider that when a DVD is hacked, the native files contained in the .VOB file are also MPEG-2 files.[2] Thus, whether the clip is recorded with Replay or hacked from the DVD, the MPEG-2 files will still need to be converted to another format for editing purposes.[3]

      Opponents are unable to provide an explanation for the stuttering of the MPEG-2 file in Adobe *Premiere.* Opponents, however, disagree with Ms. Turk's conclusion that the MPEG-2

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[1] Opponents proffered the MPEG-2 file format in response to the Copyright Office's request that opponents explain our method of producing the images. Our method, including the use of MPEG-2, does not purport to be a blueprint for anyone else, but merely an explanation of the steps opponents took to acquire the images that opponents submitted.

[2] *See* DVD FAQ 4.10 available at http://www.dvddemystified.com/dvdfaq.html#4.10 (*"What are .IFO, .VOB, .AOB, and .VRO files?"*); *see also* DVD FAQ 1.3 available at www.dvddemystified.com/dvdfaq.html#1.3 ("DVD video is usually encoded from digital studio master tapes to MPEG-2 format").

[3] This conclusion assumes that the user is not employing one of the video editing programs that handle MPEG-2 files well, including: *Studio8*, *M2-Edit Pro*, *MPEG-VCR*, *Mpeg Video Wizard*, and *VirtualDubMod*, based on *VirtualDub*. As far as OTW's comments on *VirtualDub*, a plugin created by fccHandler enables *VirtualDub* to handle MPEG-2 files. *See How to open MPEG-2 / VOB files in VirtualDub* available at http://www.youtube.com/watch?v=B78dsIqaW7Y (video tutorial). The claim that VirtualDub is not MAC-compatible, the same complaint made about Replay, ignores the fact that Apple resolved this limitation. *See Why You'll Love a Mac, it's compatible* available at http://www.apple.com/why-mac/its-compatible/#windows ("If you use a piece of software that's not available for the Mac . . . that's OK. You can install Windows on a Mac and run those applications").

file must be the problem.[4] Assuming that the cause of the stuttering is the MPEG-2 codec,[5] opponents suggest that a clip hacked from a DVD would likely also stutter as it too would be a MPEG-2 file following the same instructions of the codec.

Respectfully submitted,

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[4] Opponents know nothing about the elements of the GPU on Ms. Turk's computer. Graphic cards, their drivers and accelerators have revolutionized video playback. Thus, without knowing more about the GPU it is impossible to conclude whether the stuttering is indeed caused by Ms. Turk's computer. To rule out the file as the source of the stuttering opponents would want to know how it plays back in other players and whether it stutters in the same spots. (Opponents however know that the file plays back well, so opponents have no reason to suspect the file itself). Knowing which version of Adobe *Premiere* Ms. Turk is using also would be helpful as each version seems to have its quarks with MPEG-2 files. *See, e.g.*, *Premiere CS6 cann't import MPEG2 files* available at http://forums.adobe.com/message/4480294; *Stuttering Playback in CS5.5* available at http://forums.adobe.com/thread/850325.

[5] A common cause of stuttering of an MPEG-2 file in the high-end consumer video editing programs is the installation of a codec (or worse, a codec package) to playback the MPEG-2 file. That codec could be an older version of FFMPEG (or similar iteration) that is controlling the playback of this MPEG-2 file (alternatively, there could be multiple codecs installed for the MPEG-2 file format that are conflicting with each other). In either case the imperfect transcoding of the file could result in the stuttering of the video on playback. *See, e.g.*, MPEG consistent stutter (Nov. 6, 2010) available at http://forums.creativecow.net/thread/20/866407. Adobe on its "Troubleshot video file" page offers adequate descriptions of steps (namely Solutions 4, 5, and 6) that would resolve this common cause for stuttering. *See* Troubleshot video file available at http://helpx.adobe.com/premiere-pro/kb/troubleshoot-video-files-premiere-pro.html.