

September 21, 2016

**BY ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Re: *Ex Parte* Communication in MB Docket No. 16-42 and CS Docket No. 97-80**

Dear Ms. Dortch:

I write on behalf of Gracenote in response to a letter filed yesterday by TiVo. TiVo argues that, in order to engage in universal searches, third-party devices require “an ID to uniquely identify a specific episode of a program,” among other things.<sup>1</sup> Gracenote and others provide metadata that enable third-party devices like TiVo’s to conduct searches. As such, Gracenote would like to reiterate several points that it has made throughout this proceeding:

1. The market for metadata is robust and competitive. Multiple providers, including Gracenote, would be delighted to provide third-party devices with metadata.<sup>2</sup>
2. There is no such thing as a “universal ID number.” Rather, each metadata provider offers its own proprietary and copyrighted set of identification numbers.<sup>3</sup>
3. Were the Commission to require MVPDs to pass through such proprietary identification numbers, it would create numerous operational, contractual, and legal problems. Among other things, the Commission would introduce an entirely new set of copyright-

---

<sup>1</sup> Letter from Henry Goldberg and Devendra Kumar to Marlene Dortch (Sept. 20, 2016) (“TiVo Letter”) (stating that third-party devices require “specifically, channel information (if any), program title, rating/parental control information, program start and stop times (or program length, for on-demand programming), and an ID to uniquely identify a specific episode of a program”). Unless otherwise specified, all documents cited to in this letter were filed in MB Docket No. 16-42 and CS Docket No. 97-80.

<sup>2</sup> Comments of Gracenote at 4-7 (filed Apr. 22, 2016).

<sup>3</sup> *Id.* at 7-8.

infringement related questions into a proceeding in which copyright issues have already taken center stage.<sup>4</sup>

4. The best way for third party devices to match MVPD programming to the metadata and databases provided by Gracenote or its competitors would be for device manufacturers to obtain licenses from metadata providers.<sup>5</sup> TiVo concedes that it does this today.<sup>6</sup>
5. Alternatively, third-party boxes could match MVPD programming as it becomes available with their own or commercially available metadata databases using the following information:
  - a. *For linear programming*, (i) the program title, (ii) the start date/time, and (iii) the channel number.
  - b. *For VOD programming*, (i) the program title and (ii) an authenticated link to a video asset on an MVPD's content delivery network (analogous to a URL linking to an online provider's catalog), which would essentially "link" to the VOD programming in question.<sup>7</sup>

Pursuant to the Commission's rules, I will file one copy of this letter electronically in both of the dockets listed above. Should you have any questions, please contact me.

Respectfully submitted,



Michael Nilsson

cc: Gigi Sohn  
Jessica Almond  
David Grossman  
Marc Paul  
Matthew Berry  
Robin Colwell

---

<sup>4</sup> *Id.* at 10-12.

<sup>5</sup> Letter from Michael Nilsson to Marlene Dortch at 1 (Aug. 17, 2016) ("Gracenote Aug. 17 Letter").

<sup>6</sup> TiVo Letter at 4 (noting that "TiVo licenses guide data from third parties today and would expect to continue to do so").

<sup>7</sup> Gracenote Aug. 17 Letter at 1.