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November 19, 2014

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte*, MB Docket Nos. 14-90, 12-83, and 14-146; CS Docket No. 97-80

Dear Ms. Dortch:

This is to inform you that on November 17, 2014, Matthew Zinn, Senior Vice President, General Counsel, Secretary & Chief Privacy Officer of TiVo Inc. ("TiVo") and the undersigned (collectively, the "TiVo representatives") met with: (1) Ambassador Philip Verveer, Gigi Sohn, and Maria Kirby of the Office of Chairman Wheeler, and (2) Bureau Chief William Lake and Associate Chief Nancy Murphy of the Media Bureau. On November 18, 2014, the same TiVo representatives met with Clint Odom of the Office of Commissioner Jessica Rosenworcel.

With respect to the AT&T-DIRECTV merger proceeding, the TiVo representatives discussed TiVo's comments in that proceeding regarding the merging companies' lack of support for retail set-top boxes on their networks, contrary to Section 629.¹ DIRECTV and AT&T are among the largest MVPDs, and the merged company would be the largest MVPD if the merger is approved, but at present these providers deny their subscribers the benefits of the device competition and choice envisioned by Section 629. Moreover, the rationales for excluding DBS and IPTV providers from the device competition rules implementing Section 629 are no longer applicable.²

¹ Comments of TiVo Inc., MB Docket No. 14-90 (filed Sep. 16, 2014) ("TiVo Comments").

² *Id.* at 5-7.

Accordingly, TiVo urged the Commission to adopt as part of any merger approval a requirement that the merged entity comply effectively with the requirements of Section 629 by affording equal device access to its MVPD programming and channel lineups. TiVo urged the Commission to accomplish this by requiring the merged company to make its conditional access solution available to retail manufacturers to design and produce competitive navigation devices.³

With respect to the Chairman's Oct. 28, 2014 blog post "Tech Transitions, Video, and the Future,"⁴ TiVo urged the Commission to ensure that Section 629's goals and the related FCC policies regarding the competitive availability of navigation devices be reinforced in the upcoming proceeding regarding the definition of and the rights and responsibilities of an MVPD. Regardless of whether over-the-top ("OTT") MVPDs are successful in giving consumers greater choice in programming packages, consumers should have choices in how they access, view, and search for programming, as Section 629 requires. TiVo also expressed its support for Chairman Wheeler's statement that existing facilities-based MVPDs would not be able to escape the requirements of Title VI simply by migrating to IP delivery.

Finally, in the meetings with the Media Bureau and the Chairman's office, TiVo discussed its pending Petition seeking waiver of or clarification regarding the requirement set forth in 47 C.F.R. § 76.640(b)(4)(iii) that TiVo products supplied wholesale to cable operators include an interactive and recordable home networking interface based on an open industry standard.⁵ TiVo summarized the arguments in favor of grant of the Petition, as reflected in TiVo's Petition and its Reply Comments⁶ in the above-captioned proceedings. TiVo also addressed some of the arguments made by NCTA in its Reply Comments filed on October 20, 2014, which were similar to the arguments made by Verizon in its initial Comments and which TiVo responded to in its Replies.⁷

Please direct any questions regarding this matter to the undersigned.

³ *Id.* at 8.

⁴ Chairman Tom Wheeler, *Tech Transitions, Video, and the Future*, Oct. 28, 2014, at <http://www.fcc.gov/blog/tech-transitions-video-and-future>.

⁵ Petition of TiVo Inc. for Waiver or Clarification of 47 C.F.R. § 76.640(b)(4)(iii), MB Docket No. 14-146, CS Docket No. 97-80 (filed Aug. 29, 2014) ("TiVo Petition").

⁶ Reply Comments of TiVo Inc., MB Docket No. 14-146, CS Docket No. 97-80 (filed Oct. 20, 2014) ("TiVo Reply Comments").

⁷ TiVo has addressed NCTA's arguments in greater detail in an ex parte letter filed separately today. *Ex Parte* Letter from TiVo Inc., MB Docket No. 14-146, CS Docket No. 97-80 (filed Nov. 19, 2014).

Respectfully submitted,

A handwritten signature in black ink that reads "T. Devendra Kumar". The signature is written in a cursive style with a horizontal line underlining the name.

Henry Goldberg
Devendra T. Kumar
Attorneys for TiVo Inc.

cc: Philip Verveer
Gigi Sohn
Maria Kirby
William Lake
Nancy Murphy
Clint Odom