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April 5, 2002

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002

Re: February 25, 2002 Notice of *Ex Parte* Presentations and February 28, 2002 Supplemental Pleading Based on New Information and Request That Materials Be Withheld from Public Inspection – *Gemstar International Group, Ltd. and Gemstar Development Corp., Petition for Special Relief; Time Warner Cable, Petition for Declaratory Ruling, CSR 5528-Z and CSR 5698-Z*

Ex Parte Notice

Dear Mr. Caton:

On February 25, 2002, the undersigned counsel filed a notice of *ex parte* presentations to FCC Commissioners and staff by the following representatives of Gemstar-TV Guide International, Inc. (“Gemstar”): Henry Yuen, Chairman and Chief Executive Officer of Gemstar, Pasadena, California; Douglas Macrae, President of Gemstar-VideoGuide, Bedford, Massachusetts; and Jonathan Orlick, Chief Legal Officer of Gemstar, Pasadena, California, plus the undersigned counsel. We met with Commissioner Kevin Martin and his legal advisor, Catherine Bohigian, Commissioner Michael J. Copps and his legal advisor, Susanna Zwerling, Commissioner Kathleen Abernathy and her legal assistant, Stacy Robinson Chairman Michael K. Powell’s legal advisor, Susan Eid, and Media Bureau Chief Ken Ferree and others in the Media Bureau. In addition to covering the topics summarized in the February 25 *ex parte* letter, Gemstar representatives briefly mentioned another topic, which we informed the Commissioners and staff would be covered in a supplemental filing to be submitted promptly and for which Gemstar would request confidentiality.

On February 28, 2002, we did file a *Supplemental Pleading Based on New Information* and a request, pursuant to 47 C.F.R. § 0.459, that it be withheld from public inspection on the ground that it contains references to correspondence between Time Warner Cable and Gemstar that reveal commercial and financial information. The request additionally

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asked that Time Warner Cable and its counsel be allowed to inspect the *Supplemental Pleading* and respond to it so long as any response likewise was kept confidential.

We ask that this notice be associated *both* with the February 25 *ex parte* notice and the February 28 *Supplemental Pleading*. We note that the February 25 *ex parte* notice has been reported in the Secretary's Public Notice of *Ex Parte* Presentations for Docket Nos. CS 98-120, CS 00-96, and CS 00-2 but not for CSR 5528-Z and CSR 5698-Z, and that the February 28 *Supplemental Notice* has not been the subject of a public notice. Mr. William Johnson brought to the undersigned's attention that it might be appropriate to provide this additional information.

Please direct any questions regarding this notice to the undersigned.

Sincerely,

/s/ Jonathan D. Blake

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cc: Docket Nos. CS 98-120, CS 00-96, CS-00-2
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Susan Eid, Legal Advisor to Chairman Michael Powell
Commissioner Kathleen Abernathy
Stacy Robinson, Legal Advisor to Commissioner Abernathy
Commissioner Michael Copps
Susanna Zwerling, Legal Advisor to Commissioner Copps
Commissioner Kevin Martin
Catherine Bohigian, Legal Advisor to Commissioner Martin
W. Kenneth Ferree, Chief, Media Bureau
Mr. William Johnson