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October 1, 2003

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentations in MB Docket 02-230 (Digital Broadcast Copy Protection).

Dear Ms. Dortch:

On Tuesday, September 30, 2003, Lawrence R. Sidman and David Siddall of Paul, Hastings, Janofsky & Walker LLP, and Tom Patton and Michael Epstein of Philips Electronics North America Corporation ("Philips"), met with Paul Gallant, Legal Advisor to Chairman Powell; Tony Dale, Legal Advisor to Commissioner Martin; and Johanna Mikes, Legal Advisor to Commissioner Adelstein, to discuss issues in the above-referenced proceeding.

Philips restated its position, articulated in both its Comments and Reply Comments filed in this proceeding, concerning the Commission's lack of authority to adopt the encryption technology mandate proposed by the Motion Picture Association of America ("MPAA") and the 5C companies ("the Proposed Regulation") absent a clear grant of statutory authority. Philips also restated its concerns, should the Commission decide it does have authority to adopt the Proposed Regulation, regarding the need for objective criteria for the selection of "approved technologies," self-certification of alternate technologies, and the need to ensure a reasonable and non-discriminatory licensing regime that will prevent anticompetitive behavior by licensors of any such technologies. The issues discussed in the meeting tracked those discussed in its September 22, 2003 meeting with staff of the Media Bureau, and are reflected in the attached September 23, 2003 *ex parte* letter.

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1206, one copy of this letter, including the materials distributed at the meetings, is being filed electronically. Please direct any questions concerning this matter to the undersigned.

Respectfully submitted,



Lawrence R. Sidman

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Attachments:

September 23, 2003, *Ex Parte* filing of Lawrence R. Sidman to Marlene Dortch in MB
Docket 02-230 (including all appendices)
47 U.S.C. § 336
17 U.S.C. § 1201(c)(3)
Chart: MPAA: A Sweeping Regulatory Regime
Chart: State of Internet Technology

cc (with attachments):

Paul Gallant
Tony Dale
Johanna Mikes