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October 6, 2003

**BY HAND DELIVERY**

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

**Re: Notification of Ex Parte Communication**  
**MB Docket No. 02-230**

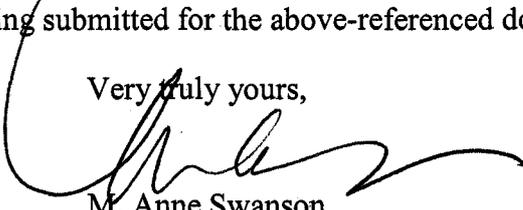
Dear Ms. Dortch:

This is to advise you, in accordance with Section 1.1206 of the FCC's rules, that Emery Simon of the Business Software Alliance ("BSA"), the other participants listed on Attachment A hereto, and I met on Friday, October 3, 2003, with Commissioner Kathleen Q. Abernathy and Stacy Robinson Fuller, Legal Advisor to the Commissioner on Mass Media Issues.

The discussion involved the *ex parte* letter that BSA and Computer Systems Policy Project (the "IT Coalition") submitted in this docket on October 2, 2003. At the meeting, the IT Coalition explained that the letter addresses specific aspects of submissions on the broadcast flag by the Motion Picture Association of America ("MPAA"), which have proposed robustness and compliance rules as well as a list of specified criteria which technologies would have to meet to be certified as compliant, known as Table A criteria. In the meeting, the IT Coalition urged that, if the Commission does decide to proceed with adoption of a broadcast flag regime, it should divide the process into two parts: first, adoption of general rules permitting "tagging" HDTV broadcasts with a "flag," and, second, issuance of a further rule making notice seeking comment on robustness and on complex and critically important certification and de-certification rules for technologies authorized for digital broadcast copy protection. Copies of the IT Coalition's October 2, 2003 submission were made available at the meeting.

As required by Section 1.1206(b), as modified by the policies applicable to electronic filings, one electronic copy of this letter is being submitted for the above-referenced docket.

Very truly yours,

  
M. Anne Swanson

cc (by email): The Honorable Kathleen Q. Abernathy  
Stacy Robinson Fuller, Esquire

**ATTACHMENT A**

Richard Beutel, Dell  
Cheryl Bruner, IBM  
Douglas Comer, Intel  
David Isaacs, Hewlett-Packard  
Joe Keeley, Business Software Alliance  
Donald Leake, IBM  
Joshua Tenuta, Apple  
Gerard Waldron, Covington & Burling, counsel for Microsoft