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October 7, 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, October 7, 2003, Lawrence R. Sidman and Ralph B. Everett of Paul, Hastings, Janofsky & Walker LLP, on behalf of Philips Electronics North America Corporation ("Philips"), met with Commissioner Michael J. Copps and Jordan Goldstein, Legal Advisor, 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 Philips' 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 meeting, 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  
Position Paper: The Broadcast Flag-Triggered Encryption Technology Mandate  
Proposal: A Promise Unfulfilled, A Price Too High To Pay

cc (without attachments):

Jordan Goldstein