



June 8, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th St., SW
Washington, DC 20554

Re: *Ex parte* presentation in MB Docket No. 02-230

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, I write to report an *ex parte* meeting with a staff member of the Commission in connection with the above-referenced proceeding.

On May 11, 2004, Commission staff met *ex parte* with Fred von Lohmann, representing the Electronic Frontier Foundation (EFF). Present at the meeting were the following Commission staff: Richard C. Chessen, Susan Mort, and others.

Our discussion concerned the applicability of the broadcast flag regulations to open source software, the importance of retaining the FCC's regulations mandating unencrypted cable retransmission of digital over-the-air broadcasts, and the FCC's efforts to certify certain content protection technologies for use under the broadcast flag mandate. All of these matters are before the Commission in the MB Docket No. 02-230 proceeding.

Sincerely,

/s/

Fred von Lohmann
Senior Intellectual Property Attorney
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