



The American  
Antitrust Institute

July 29, 2004

**VIA ELECTRONIC FILING**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: *Certification of Digital Output Protection Technologies and Recording Methods to be Used in Covered Demodulator Products; Certification of Digital Content Protection, LLC*, MB Docket No. 04-61; *Certification of 4C Entity, LLC*, MB Docket No. 04-62; *Certification of Digital Transmission Licensing Administrator, LLC*, MB Docket 04-64; *Digital Broadcast Content Protection*; MB Docket No. 02-230; Notice of *Ex Parte* Communication

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Dear Ms. Dortch:

This letter is submitted pursuant to Section 1.1206(b)(2) of the Commission's Rules relating to notice of a permitted oral *ex parte* presentation in the above-referenced proceedings. On July 28, 2004, Albert Foer and the undersigned, on behalf of the American Antitrust Institute ("AAI"), met with Catherine Bohigian, legal advisor to Commissioner Kevin J. Martin. The meeting covered the issues set forth in the AAI's written *ex parte* submission in the above-referenced dockets of July 27, 2004, *i.e.*, the report, "Market Conditions and Licensing Practices in the Content Protection Industry" and the transmittal letter submitted therewith.

The AAI reiterated its concerns over the potential anticompetitive consequences of approving the above-referenced interim certifications without sufficient pro-competitive regulatory safeguards.

Please address any questions to the undersigned at (202) 415-0616.

Sincerely,

/s/

Jonathan L. Rubin, J.D., Ph.D.

cc: Catherine Bohigian