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July 17, 2006

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Electronic Filing

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Ex Parte* Notification
CS Docket No. 97-80

Dear Ms. Dortch:

On July 14, 2006, Matthew Zinn, Senior Vice President, General Counsel and Chief Privacy Officer for TiVo Inc. (“TiVo”); Jim Denney, TiVo’s Vice President of Product Marketing; and the undersigned met, in separate meetings, with Heather Dixon, Legal Advisor to Chairman Martin; Jessica Rosenworcel, Senior Legal Advisor to Commissioner Copps; John Grant, Special Advisor to Commissioner Tate; and Cristina Chou Pauzé, Acting Legal Advisor to Commissioner McDowell. Also on July 14, 2006, the undersigned and Messrs. Zinn and Denney met with William Johnson, Andrew Long, Mary Beth Murphy, Steven Broeckert, Alison Greenwald, John Wong, and Michael Lance of the Media Bureau.

During each of these meetings, TiVo provided a progress report on its Series3 (“S3”) HD DVR that has been verified as digital cable ready by CableLabs. TiVo expressed appreciation for the cooperation of CableLabs in moving through the verification process in a timely manner. TiVo discussed its testing process and its efforts to educate both cable operators and consumers with regard to the simple CableCARD installation procedures required for TiVo’s S3 device. Attached are copies of the letter TiVo has sent to cable operators to facilitate the installation process, along with a CableCARD installation guide that TiVo also intends to place in every S3 box. These materials were distributed at each of the meetings. TiVo expressed its hope that cable operators will distribute these materials to its teams of installers to avoid installation issues with TiVo’s S3 device.

TiVo then discussed the need to ensure that competitive entrant unidirectional digital cable products (“UDCPs”) – such as TiVo’s S3 device – continue to work with cable systems utilizing switched digital video technology. Specifically, TiVo

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expressed concern that if a cable operator distributes linear cable channels (apart from PPV and VOD) via switched digital technology, subscribers with a competitive entrant UDCP will not have access to the same channels as those subscribers leasing set-top boxes from the cable operator. Consequently, consumers will be hesitant to invest in UDCPs. This concern, which TiVo has heard from a number of customers, is captured by the attached e-mail, copies of which were distributed at the meetings. TiVo emphasized that it is not against cable's use of switched digital technology, but simply wants those cable operators adopting the technology to take whatever actions necessary to ensure that subscribers with competitive entrant UDCPs have equal access to the same digital content offerings available to subscribers with MSO-leased set-top boxes.

This letter is being provided to your office in accordance with Section 1.1206 of the Commission's rules. A copy of this letter has been delivered by e-mail to the parties listed below.

Please direct any questions regarding this notice to the undersigned.

Respectfully submitted,

/s/ John M. Burgett

John M. Burgett

cc: Heather Dixon
Jessica Rosenworcel
John Grant
Cristina Chou Pauzé
William Johnson
Andrew Long
Mary Beth Murphy
Steven Broeckaert
Alison Greenwald
John Wong
Michael Lance

July 11, 2006



Dear Cable Operator,

We wanted to take this opportunity to inform you that TiVo Inc. has self-verified its TiVo® Series3™ HD Digital Video Recorder product (Model No. TCD648250B) pursuant to applicable FCC regulations. The TiVo Series3 HD DVR product supports up to two CableCARD™ decoders. This product acts as two independent single stream UDCP CableCARD hosts within one set top box. It can also be configured to operate as a single CableCARD device. You should have received separate notification from CableLabs about this product as well.

This product is currently being tested by a small number of consumers in cable markets across the country, and will be generally available in retail stores soon. Thus, we wanted to ensure that you are aware of this product in time to make any necessary preparations to support customers who request two CableCARD decoders for their TiVo Series3 HD DVR.

We encourage you to communicate to your service reps, installers, and CableCARD support staff that a set-top TiVo DVR device now exists that will accommodate up to two CableCARD decoders. We recently have had reports of cable installers refusing to install or support this product in the field, even though it is a permissible UDCP host. We wanted to proactively educate MSOs about this product before it is more widely distributed to prevent any misunderstandings like this from occurring in the future.

We appreciate your cooperation in making sure that CableCARD devices can be successful in the market. We are also open to your suggestions of other ways that we may be able to help educate areas of your organization that are involved in the deployment or support of CableCARD decoders.

Please find our CableCARD installation guide attached, complete with detailed information on the recommended install procedures for the TiVo Series3 HD DVR. For more information, please contact Andrew Morrison at (408) 519-9566 or amorrison@tivo.com.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew Morrison".

Andrew Morrison
Platform Product Manager



Instructions for CableCARD™ Installers

Please save this sheet and present it to the installer upon arrival.

For installation help and more information, visit www.tivo.com/cablecard.

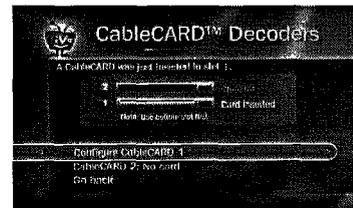


- 1 Confirm that the Coaxial RF cable from the wall is plugged directly into the **CABLE IN** jack on the back of the TiVo® Series3™ HD Digital Media Recorder (DVR). Also, make sure the TiVo DVR is **POWERED ON**.
- 2 Write down the serial number (or other information that the cable provider may need) of each CableCARD decoder.

- 3 Turn on the TV. Make sure that the correct TV input source is selected, so you see video from the TiVo DVR. (If you're not sure, press the TiVo or GUIDE button on the TiVo® remote control to display a DVR screen.)

- 4 Insert the first CableCARD decoder into **slot 1 (the bottom slot)** on the back of the TiVo DVR. Make note of which card is in this slot. The CableCARD Decoders screen appears.

If you **DON'T** see this screen, follow the on-screen instructions until you do see this screen. (Guided Setup is in progress.)

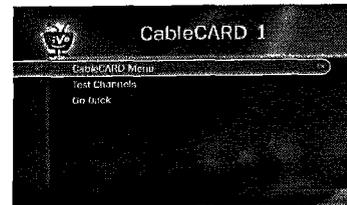


- 5 The CableCARD MMI screen appears automatically a few minutes after a CableCARD decoder is inserted. This screen provides data that you may need to activate the CableCARD decoder. When you are finished, press CLEAR on the TiVo remote to dismiss this screen. See the note (🗑️) below.



- 6 Call the cable company to activate or initialize the card.

- 7 Select **Configure CableCARD 1** from the CableCARD Decoders screen, then select **Test Channels** to verify the card has been activated. Note: Performing a Channel Scan is not necessary.



- 8 Insert the second CableCARD decoder into slot 2 (the upper slot) and repeat steps 4 through 7.



If you lose your place, press the TiVo button on the remote. From the **TiVo Central**® screen, select **Messages & Settings**, then **Settings**, then **Remote, CableCARD, & Devices**, then **CableCARD Decoder**. To view the CableCARD MMI screen, select the card from the CableCARD Decoders screen, then select **Configure CableCARD**, then **CableCARD Menu**. If pressing the TiVo button does not take you to TiVo Central, remove one CableCARD decoder and re-insert it to display the CableCARD screens.

Instructions for the customer

Here's what you need to do before and after the cable installer visits your home.

Contact your cable provider before attempting any self-installation. CableCARD decoders are not necessarily interchangeable with other devices.

Before the installer arrives...

Connect your TiVo DVR to your TV and your cable source (the Coaxial RF cable coming out of the wall). See the **Start Here** poster for help.

For the purposes of CableCARD installation, it doesn't matter whether you finish the DVR's on-screen Guided Setup before installation.

After the installer leaves...

Once your CableCARD decoders are installed, you'll need to finish on-screen Guided Setup (if it's in progress), or repeat Guided Setup to ensure that the TiVo DVR is set up for your digital channels.

To repeat Guided Setup, press the TiVo button on the remote to go to the **TiVo Central**® screen. Select **Messages & Settings**, then **Restart or Reset System**, then **Repeat Guided Setup**.

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[REDACTED]

From: [REDACTED]
Sent: Monday, May 08, 2006 9:51 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Switched Digital & Series3 Inquiry

[REDACTED]

The concerns about S3 & Switched Digital cable systems are still propagating on the forums. I've made no comment yet, and will continue to say nothing unless told otherwise.

Fyi, I received the following private message via the forum over the weekend:

Old 05-06-2006, 09:19 PM (Print)
zync
Long live TiVo

Join Date: Feb 2003
Posts: 363

Cablecard concerns
Hi [REDACTED],

First let me express my appreciation for your participation in these forums. I can't name many companies that have (or even allow) employees actively participate in an open community talking (relatively) freely about their products and services.

So on to my question. I have been looking forward to the days of a stand alone HD TiVo for a very, very long time. For HD I have to live with Time Warner's pathetic excuse for a DVR (but for SD you bet I'm using my SA TiVo!). I count down the days until I drop off the TWC chunk of metal off at the TWC service desk....

However, I have grave concerns about switched broadcasting and the impact this will have on S3's ability to use cablecard technology for recording digital cable channels, including HD channels. It is known that Austin, TX is one of the Time Warner's testing grounds for switching broadcasting, and its almost a certain that I will encounter this issue in some form. Hence my post "cablecard woes".

I guess I have a couple of questions:

- 1) Is TiVo aware (surely they must be) of the issues with switched broadcasting?
- 2) Since S3 is being promoted as being able to record digital channels with cable card, how will it handle switched broadcasting?

And most importantly...

- 3) As a loyal TiVo consumer, can I rest soundly, knowing that the gurus at TiVo are on top of this potential bombshell of an issue and that I will be able to move to the S3 with confidence?

One of the fears is investing in S3 only to have it go obsolete from the moment I open the box because TWC decides that 1/2 of the digital channels are switched and therefore not accessible without using THEIR box - that would really suck!

Thanks again for your participation in these forums, I greatly look forward to your reply!

+Chris(Austin, TX)