

LAW OFFICES  
**GOLDBERG, GODLES, WIENER & WRIGHT**  
1229 NINETEENTH STREET, N.W.  
WASHINGTON, D.C. 20036

HENRY GOLDBERG  
JOSEPH A. GODLES  
JONATHAN L. WIENER  
LAURA A. STEFANI  
DEVENDRA ("DAVE") KUMAR

HENRIETTA WRIGHT  
THOMAS G. GHERARDI, P.C.  
COUNSEL

THOMAS S. TYCZ\*  
SENIOR POLICY ADVISOR  
\*NOT AN ATTORNEY

(202) 429-4900  
TELECOPIER:  
(202) 429-4912  
[general@g2w2.com](mailto:general@g2w2.com)

October 12, 2006

**Electronic Submission**

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

**Re: CS Docket No. 97-80, CSR-7042-Z, CSR-7049-Z, CSR-7012-Z**  
*Ex Parte*

Dear Ms. Dortch:

This is to inform you that, on Wednesday, October 11, 2006, Matt Zinn, Senior Vice President, General Counsel, Secretary and Chief Privacy Officer of TiVo Inc. and the undersigned met with Commissioner Robert M. McDowell and Cristina Chou Pauzé, Legal Advisor.

The purpose of the meeting was to discuss the waiver petitions filed by Verizon and Charter Communications in the above-referenced dockets. TiVo provided an update of its Series3 HD box and associated CableCARD deployment issues. As stated in its Oppositions to the respective waiver petitions, TiVo urged the Commission not to undermine the effectiveness of its rule establishing the integration ban or further delay its implementation. TiVo also urged the Commission to examine closely the CableCARD cost figures being cited by the cable industry, since the figures appear high and are not adequately explained in the record.

Finally, with respect to the request for waiver for certain "low end" set-top boxes, TiVo pointed out, as also stated in its response to the Charter waiver request, that any waiver granted to "low end" set-top boxes should not include boxes with two-way features such as pay-per-view, video-on-demand, and switched-digital to which TiVo and other competitive device manufacturers do not have access. Allowing cable operators to provide such advanced features in supposedly "low end" boxes will create

Ms. Dortch  
October 12, 2006  
Page 2 of 2

an exception that would swallow the integration ban and effectively eliminate competition in the market for set-top boxes.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "Henry Goldberg". The signature is written in a cursive style with a large, prominent "H" and "G".

Henry Goldberg  
Devendra T. Kumar  
Counsel to TiVo Inc.

Cc: Cristina Chou Pauzé