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February 27, 2008

By Electronic Filing

Ms. Marlene H. Dortch  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: In the Matter of Broadband Industry Practices, WC Docket No. 07-52; Ex Parte Presentation**

Dear Ms. Dortch

In connection with the *en banc* hearing held on February 25, 2008, in Cambridge, Massachusetts, attached for the record is the prepared statement of Gilles BienRosa, Chief Executive Officer of Vuze, Inc.

Please direct any questions to the undersigned.

Sincerely,



Henry Goldberg  
*Attorney for Vuze, Inc.*

cc: Ian Dillner  
Aaron Goldberger  
Scott Deutchman  
Scott Bergmann  
Chris Moore  
John Hunter

**Gilles BianRosa, CEO, Vuze, Inc.**

**FCC Hearing Remarks**

**Harvard Law School, Cambridge Massachusetts**

**February 25, 2008**

- Mr. Chairman, Commissioners, Congressman Markey, my name is Gilles BianRosa, CEO of Vuze, inc. located in Palo Alto, California. I am honored to have the opportunity to address you briefly about our technology and our concerns about Internet network management practices.
- The reason we are here – the reason I am here – is to make the case for real transparency and equity; for a level playing field that will foster the kind of innovation that consumers and the market demand from people like me and from people like you.
- Let me tell you a little bit about my company:
  - Vuze is one of the most popular and fastest growing online entertainment platform for high resolution video.
  - Our small team of 50 people in Palo Alto works around the clock to deliver a truly innovative service. One of our differentiators is that we offer a high-resolution experience that is comparable to watching a DVD or a High Definition Channel.
  - Since launching the Vuze product last January, there have been 20 million downloads of our application, and consumers from around the world use our product every day.

- We have more than 150 content partners, including PBS, Showtime, the BCC, A&E, History Channel, as well as the most innovative and entrepreneurial content creators from Hollywood and elsewhere. As a result, some of our content airs on our service before airing on TV.
  - We enable people to find entertainment content they love, and we enable content owners to find their audiences, regardless of where they live, when they want to watch, or on what kind of device they want to watch, whether it is a computer monitor or living room television.
  - The underlying delivery mechanism is based upon a type of communication protocol called peer-to-peer.
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- And now I will briefly demonstrate how our service works
  - [Technology Demonstration]
  - As you know, Vuze has asked the FCC to initiate a proceeding to clarify, and subject to enforceable rules, what constitutes "reasonable network management" by broadband network operators. We also asked for rules requiring transparency in network management practices, for the benefit of industry and consumers alike.
  - We believe that many network operators impose burdens on Internet content based only on the use of P2P distribution technologies, such as ours. To avoid blocking and throttling of our content, we have been forced to engage in a kind of "cat and mouse game" with network operators to protect our business against

undue interference. We have been largely successful in this effort, but we'd rather use our innovation skills on user experience, or new features, rather than for an escalation of countermeasures.

- We agree that network operators should be able employ reasonable measures to protect the integrity of their systems. This benefits all of us. We are not against reasonable network management; We are against network management practices with no boundaries. The absence of any enforceable ground rules threatens the freedom of the Internet.
- We have read Comcast's response to our Petition, and we believe that they are inaccurately characterizing P2P, and missing the issue here. It is simply inappropriate to discriminate between one Internet protocol and another. Imagine if a network operator decided to block HTTP traffic, or FTP traffic, or Flash, under the pretext that demand is too high. P2P protocols are simply the most effective way to deliver the long form video content that consumers demand. They are here to stay and should not be indiscriminately blocked or degraded.
- Any plan for achieving efficient network management must include industry cooperation between companies, like ours, and network operators. We are doing that. However, we continue to believe that cooperation and assurances of good faith are not enough. This would mean that network operators have carte blanche to take whatever steps they wish in the name of network management, and we have only promises of good faith to protect us. Well, assurances of good faith are not enough.

- Are we to trust and hope that all network operators will be so careful when it comes to protecting our service? Where interference with our service does occur, our users will likely suspect problems with our ability to operate our service, not that their network operator is tinkering behind the scenes.
- Finally, let me observe that it is one thing to have the pipes on which we rely controlled by a third party over whom we may have no control. It is quite another when the network operator is also our competitor. Let's be direct here—Comcast is our competitor in the delivery of video content over the Internet.
- What we have here is not cars being delayed a few seconds getting on the freeway, as Comcast has suggested, but instead, a horse race. In this race, Comcast not only owns the racetrack – in fact, the only racetrack in town, it also owns a horse in the race. And they are telling us they are just going to slow our horse by a few seconds. Is there any definition of fairness that would allow that sort of practice?
- As you consider what you're going to hear today, I ask that you balance the interests. I ask that you protect openness, innovation and the consumer experience.
- Without rules and transparency, network operators will have unrestricted ability to interfere with, slow down or make unreliable network traffic that is the lifeblood of innovative companies, like Vuze, and in turn, of content providers and consumers who rely on our service.
- Being born in a country often portrayed as burdened by regulations that tend to limit innovation, I agree that the

market should decide which services should win - that's why Vuze is based in Silicon Valley. But there is no efficient market without basic ground rules and transparency.

- Level the playing field, make the rules relevant and transparent and stand on the side of Openness, Innovation and the experience that consumers expect, and that innovators like Vuze can deliver. The future of the Internet depends on it.
- Thank you again for the opportunity to participate today.