



June 13, 2008

VIA FCC ELECTRONIC COMMENT FILING SYSTEM (ECFS)

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Suite TW-A325
Washington, DC 20554

Re: Notice of *Ex Parte* in Broadband Industry Practices, WC Docket No. 07-52

Dear Ms. Dortch:

On June 12, 2008, I met with Chairman Kevin Martin. Also in attendance at the meeting on behalf of Audible Magic Corporation (“Audible Magic”) were Vance Ikezoye, President and CEO of Audible Magic, Justin W. Lilley of TeleMedia Policy Corp., and Jeffrey Sinsheimer, Esq. of Coblenz, Patch, Duffy & Bass LLP. The purpose of the meeting was to explain Audible Magic Corporation’s CopySense® digital content recognition technology as it relates to network management in the above-referenced docket.

During the meeting, we provided background information about Audible Magic and discussed how the CopySense® solution is used by network operators and user-generated content (“UGC”) websites to identify copyrighted material (songs, TV episodes and films). We advised that the company provides service to over 75 college and university ISP networks around the country, and that the company also provides service to many UGC sites.

We explained that the Audible Magic CopySense® Appliance uses patented digital fingerprint content recognition technology to monitor P2P networks at the file level to determine if a specific file transfer contained copyrighted material. CopySense® takes a fingerprint of the unknown P2P file and compares it to Audible Magic’s reference fingerprint database with over 7,000,000 audio and video titles. Upon identification of a specific file as copyrighted, CopySense® instantaneously and transparently enables the network provider to take action on the file according to its network policies and end user terms of service. In some instances, the unauthorized transfer of a copyrighted file may be blocked or, using Audible Magic’s Escalated Response Service, a message can be sent to communicate with the end user at this “teachable moment” that the file they are seeking to transfer is an unauthorized copyrighted work and that such a transfer violates the network’s terms of service. We explained that our network customers using the CopySense® Appliance have experienced dramatic reductions in bandwidth usage from illegal P2P file trading.

Audible Magic also provides CopySense® software to many UGC websites. CopySense® is implemented at the UGC environment when a user uploads a file to the website. Again, CopySense® takes a fingerprint of the uploaded file and compares it to Audible Magic’s reference fingerprint database. If the file matches the fingerprint of a copyrighted work in our database, the website is notified of the match and CopySense® helps them manage the use of copyrighted files on their website. For example, if the copyright owner does not want their content posted to the

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site, CopySense® will return a “block” rule to the site. In cases where the copyright owner has advised Audible Magic that it is okay for its work(s) to be posted, CopySense® will return an “allow” rule. Audible Magic’s content management system is currently used by many UGC websites to enable business models and licensing relationships with content owners that allow content to be uploaded and distributed to the public.

This notice of *ex parte* is being filed via ECFS with your office in accordance with Section 1.1206 of the Commission’s rules, 47 C.F.R. § 1.1206. Should you have any questions or require any additional information, please do not hesitate to contact me.

Respectfully submitted,

/s/

Jeremy H. Stern
Vice President Business Development

cc: Chairman Kevin Martin