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ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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

Dear Ms. Dortch:

This is to inform you that on August 11, 2009, Matthew Zinn, Senior Vice President, General Counsel, Secretary & Chief Privacy Officer of TiVo Inc. ("TiVo") and the undersigned met with Sherrese Smith, legal advisor to Chairman Julius Genachowski. We discussed issues relating to Section 629 of the Communications Act, and the Commission's past inconsistent enforcement of its rules and the statutory command of assuring the commercial availability of navigation devices.

TiVo expressed its view that waivers generally should be considered on an operator-specific basis, based on the particular facts and actual circumstances of that operator. TiVo explained that it does not oppose waivers for the use of SD, one-way only, limited capability boxes provided that (1) the devices cannot be modified or enhanced beyond what is expressly disclosed in the waiver application, and (2) the waivers are conditioned on operator deployment, support of, and common reliance on CableCARDS in every system in which the

subject devices are deployed. However, broad-based waivers for devices beyond SD one-way limited capability boxes threaten to undermine common reliance, and the Commission must exercise vigilance in preventing common reliance from being eviscerated by a series of waivers – each of which builds upon previous requests to ultimately neuter the policies of Section 629.

Please direct any questions regarding this matter to the undersigned.

Respectfully,

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 Kumar
Attorneys for TiVo Inc.

cc: Sherrese Smith