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September 17, 2009

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

RE: Notice of Ex Parte Communication  
GN Docket No. 09-51

Dear Ms. Dortch:

On September 16, 2009, Cliff Sloan and Jared Sher of this Firm together with DeDe Lea and Keith Murphy of Viacom Inc. and Frederick Huntsberry and Amy Reinhard of Paramount Pictures met with Blair Levin, Coordinator and Executive Director, FCC Omnibus Broadband Initiative, to discuss matters relating to the importance of content protection as part of the national broadband plan. Ms. Lea, Mr. Murphy, Mr. Huntsberry, Ms. Reinhard and the undersigned also met with Edward Lazarus, Chief of Staff to Chairman Genachowski, and Sherrese Smith, legal advisor to Chairman Genachowski, to discuss the same topic.

In particular, Mr. Huntsberry emphasized that Paramount and other movie studios view broadband as a tremendous opportunity to offer innovative new services and reach consumers in exciting new ways. He explained that Paramount already has in place numerous online distribution deals that provide customers with opportunities to view films in multiple formats and at multiple price points. He said that Paramount is absolutely committed to embracing broadband to ensure that consumers can get the content that they want. He also pointed out that high quality content, especially video content, is an important driver of broadband adoption.

Mr. Huntsberry also explained, however, that intellectual property theft and piracy are an acute and growing problem for the movie industry. He reviewed the

variety of ways in which consumers can access illegitimate content online, and described the increasing sophistication of unlawful web sites that make stolen content available. Because these sites are often advertising and subscription supported, and have the look and feel of legitimate sites and professional businesses, they are confusing to consumers and lure consumers to divulge personally identifiable information, including credit card numbers, which could lead to identity theft or other types of financial fraud. Mr. Huntsberry stressed that no industry should be forced to compete against “free by theft” copies of its own products.

Mr. Huntsberry and Ms. Lea said that the Commission should pay special attention to the threat that intellectual property theft poses to creators and suppliers of online content, which in turn represents a significant risk to the Administration’s and Congress’ goals for ubiquitous nationwide broadband adoption. Accordingly, they said that the Commission should recommend to Congress that the nation’s broadband policies support robust content security. They also asked the Commission to continue to distinguish between lawful and unlawful content online and to make policy decisions that foster innovation and permit the emergence of technologies that can help combat intellectual property theft.

This letter is being submitted electronically in the above-referenced docket, which has been granted permit-but-disclose status, pursuant to Section 1.1206(b) of the Commission’s Rules. Should you have any questions concerning this submission, kindly contact the undersigned.

Very truly yours,

/s/

Antoinette Cook Bush  
*Counsel to Viacom and Paramount*

cc: Blair Levin  
Edward Lazarus  
Sherrese Smith