DECLARATION OF JAMES D. GEE JR.

I, James D. Gee Jr., upon my oath do declare the following:

1. I am in the business of designing, manufacturing and distributing cable television and complementary consumer equipment for cable television, including set-top boxes ("STBs").

2. I invented my line of STB products, all of which have separate security modules in compliance with the integration ban of section 629 of the Communications Act and the FCC's rules.

3. My STBs are to be branded as GLOBAL, Series G. The GLOBAL, Series G STBs ("GLOBAL STBs") are available in 3 models:

(i) Model G-6000 -- This is an entry level one-way DTA/STB that includes a single ITU J.83 Annex B 64 - 256 QAM tuner and an MPEG 2 Standard Definition Decoder. It supports a channel 3/4 modulated NTSC output with RF pass through as well as composite baseband video/audio outputs. The hardware includes a separate conditional access interface that can be software upgraded to support a single CableCARD;

(ii) Model G-7000 -- This is a mid level one-way DTA/STB that includes a single ITU J.83 Annex B 64 - 256 QAM tuner and an MPEG 2/4 Standard Definition and High Definition Decoder. It supports a channel 3/4 modulated NTSC output with RF pass through, composite baseband video/audio outputs for Standard Definition programming and, an HDMI interface for Standard and High Definition programming. The hardware includes a separate conditional access interface that can be software upgraded to support a single CableCARD; and

(iii) Model G-8000 -- This is a high end two way STB that includes dual ITU J.83 Annex B 64 - 256 QAM tuners and dual MPEG 2/4 Standard Definition and High Definition Decoders. It supports a channel 3/4 modulated NTSC output with RF pass through, composite baseband video/audio outputs for Standard Definition programming and, an HDMI interface for Standard and High Definition programming. It also includes an interactive program guide and USB interface to an external PVR device. The hardware includes a separate conditional access interface that can be software upgraded to support a single CableCARD.

4. GLOBAL STBs are to be distributed through GCI (which stands for Global Cable, Inc.), www.gci1.com, which I established in 1995. Distribution is also through AGC (which stands for Adams Global Communications, LLC.), www.adamsglobal.com, which is a major cable television equipment distribution company. We are also in discussions regarding distribution with other major cable television product distribution firms.

5. GLOBAL STBs are also to be available for private label. We can include custom features for both consumer electronic outlets and cable operators, including features such as, interactivity, PVR, electronic program guide and many other requested features. GCI plans to market GLOBAL STBs directly to consumer electronic outlets as well as to cable operators and other multichannel systems or MVPDs. All GLOBAL G Series STBs are CableCARD compatible.

6. All GLOBAL G Series STBs are to be protected by IPCO, LLC's US Patent No. 7,024,683 ("683 Patent") issued in 2006 and Canadian Patent No. CA 2427011 ("Canadian Patent") issued September 8, 2009 (collectively, the "Patents"). The Canadian Patent was received by me in the mail on October 9, 2009, the day after IPCO, LLC submitted its comments to the FCC regarding Huawei Technologies Request for Waiver of Section 76.1204(a)(1) of the FCC's rules to provide low-cost, integrated D-T-A STBs. The file number is CSR-8206-Z.

7. I am the Managing Member of IPCO, LLC ("IPCO"). In our comments, we alerted the FCC that low-cost, compliant STBs (between $85 and $99 wholesale with Digital, including HD, conversion to Analog) are to be available from GCI, and that no further waivers of the integration ban are justified. The $85-$95 model is the Global, Series G 7000 (including the HD-to-A component). However, our base model (Global, Series G 6000), can wholesale as low as $54.75; given the normal downward pricing curves for silicon it could be reasonably expected that with time and volume the pricing of such silicon would more than halve, enabling a below-$40 price for such a device. The granting of any waivers against the integration ban requirement significantly undermines the natural process of reducing technology costs by removing volume from the set top box market. This in turn reduces the incentive to market participants to invest in

the necessary development to significantly reduce costs. The availability of non-compliant devices by waivers retards the transition to digital and curtails opportunities for STB technology to advance. The waivers require our COMPLIANT STBs to compete with non compliant devices in order for us to begin serving consumers and to establish our expandable brand as consumers inevitably (although less rapidly than predicted) migrate to digital and HD receivers. We see this slowly dissipating, 'low-tech' portion of the STB market as having great potential and as being currently underserved, and certainly being unserved with compliant DTA/STB units. Accessing these consumers, many of whom are multiple-TV-set households with compliant digital, HD and/or analog receivers, is extremely difficult, particularly through consumer electronic outlets. Moreover, the availability of non compliant (but waivered) devices in the face of a family of superior, similarly- priced, COMPLIANT CableCARD compatable devices deprives the consumer of other STB benefits that could actually hasten his or her migration to digital or HD receivers along with the development of a compliant STB industry amidst ever-changing applications and technologies in today's multi-platform world. The above is not to overlook mentioning that the law REQUIRES compliant devices and that the FCC itself recognizes that the waivered STBs are NOT entitled to a waiver of Section 629.

8. The waivered devices also slowed down and made MORE expensive cable system migration from analog to digital and has kept 'analog tiers' on their systems longer than had the FCC allowed the market to remain open for low-cost compliant devices to develop sooner. When the FCC granted integration ban waivers with the intention of making it easier for cable systems to migrate to digital tiers and reclaim their analog tiers, it inadvertently retarded the process. Many waived DTAs include proprietary security systems that require the acquisition of additional headend equipment, in addition to the cable operator's required investment in the purchase and deployment of CableCARD compliant headend equipment. In contrast, the Global CableCARD compatible STBs can quicken the transition to all-digital platforms because incorporating them into a cable system does not require altering cable systems' headends in order to maintain or collapse an analog tier.

9. We also stated in our comments IPCO's belief that the '683 Patent covers relevant and material aspects of CableCARD technology and CableLab's specifications including OpenCable and Tru-2-Way specifications, and further, that IPCO took no part in the development of the CableCARD or in CableLab's initiatives or specification development process. See IPCO's comments at 1-2. I further state that belief as to the Canadian Patent.

10. As a result of our comments, Public Knowledge contacted us for more detail on IPCO, LLC and our plans for compliant STBs and their underlying technology. To that end, I am providing this declaration.

11. The background to the creation, development and now to market of GLOBAL STBs begins in July, 1998, when the FCC issued its notice that in July, 2000, the integration ban would become effective and that after January of 2005 cable operators would not be permitted to deploy non-compliant STBs.

12. Seeing that the law required the unbundling of the security function from the navigation function of the STB, I set about designing and developing an STB that met the law's requirements. I subsequently invented a system to separate the conditional access from the navigation features in STBs and other consumer electronic devices. I subsequently filed for a US patent on my invention in 2000. (IPCO filed for the Canadian Patent, with me as inventor, on November 1, 2001.) My vision was, and remains, to bring to market a line of STBs, specifically including a low-cost DTA/STB, that complies with the integration ban under the Telecommunications Act and the Commission's rules.

13. In June of 2000, the FCC's integration ban became effective, but the cable industry was slow to respond.

14. In December, 2002, CableLabs introduced the "Plug and Play" CableCARD which essentially required high-end functionality to meet MSO

demands, leaving little room for low-cost devices, and, per technical experts I have consulted, substantially overlaps IPCO's Patents. I raise this point to assure the reader that GLOBAL STBs are to be made according to the '683 Patent and compliant with the integration ban.

15. In April, 2003, the FCC further extended implementing the ban until July 2006 based upon NCTA and CEA agreeing to implement CableCARD directly into television receivers.

16. In March 2005, the FCC further extended implementing the ban until July 2007 based on promises that an implementable downloadable conditional access system (DCAS) solution to implementing the ban would be ready. I also believe that a DCAS-based conditional access systems will likely substantially overlap IPCO's Patents.

17. Finally, in July 2007, 11 years after passage of the integration ban by the Telecommunications Act, it appeared to me that a market opportunity would have a chance to develop, since the only compliant devices were CableCARD certified, were bundled with additional features, cost hundreds of dollars and were available to subscribers only through their cable operator --- not at consumer electronic outlets. Meanwhile, consumer electronic outlets were no longer permitted to sell integrated devices.

18. Then came the FCC's Comcast Waiver Orders, which the FCC finally denied in September, 2007. From this point forward, I sought to form a partnership with several STB manufacturers to bring an affordable STB with separable conditional access to market.

19. I had discussions with several CE manufacturers here in the US, China and South Korea, each of which having a worldwide and multinational footprint, with substantial capabilities to bring to market my proposed devices. None of these efforts were fruitful for different reasons, e.g., branding issues, vision differences, and the escalating economic crises, in December, 2008. All potential partners went into a risk averse survival mode at this time. However, the over riding concern was a dearth in the market for these devices due to the waivers on the integration ban being granted by the FCC.

20. In December, 2008, I engaged Black Diamond Capital which introduced me to John Suranyi and Scott Brown, who agreed to come on board as CEO and COO, respectively, to assist me in managing STB manufacturing. John and Scott collectively have decades of experience in many aspects of the CATV industry and have significant name recognition in the CATV industry, including for manufacturing low-cost STBs for other major, well known companies prior to the integration ban .

21. In December 2008, Mr. Suranyi and Mr. Brown told me they had met with Egans of Evolution Broadband, LLC, with whom they were acquainted, and that Egans dissuaded John and Scott from joining forces with me because they were very confident that Evolution would be able to secure an FCC waiver from the integration ban on its request filed in May, 2008 (after the FCC had indicated a basis for routinely granting these waivers in its September 2007 Comcast Order), which would substantially weaken my business model. Mr. Suranyi and Mr. Brown backed away, as did Black Diamond Capital.

22. Subsequent to losing my senior management team and investment backing, I engaged in February Mr. Stewart Rauner of Katalyst (Philadelphia and New York) to raise $15 million to fund the manufacture of a line of affordable STBs that incorporates the '683 Patent's separable security design and that meets the requirements of the 1996 Telecommunications Act

23. In April of 2009, I engaged Xcrypt, a manufacturer interested in manufacturing a line of low-cost compliant STBs with me.

24. In June of 2009, the FCC issued the Evolution Broadband waiver, which in effect provided a blanket waiver for low cost, single function DTA, integrated STBs.

25. The Evolution Broadband Order has resulted in a sharp reduction in interest from investors, including Mr. Rauner of Katalyst. The Evolution

Broadband Order sharply reduced the need for low cost STBs that are compliant with the integration ban.

26. GLOBAL Series G STBs models 6000 and 7000 are available 60-days from purchase to cable operators and consumer electronic outlets who want low cost, simple DTA compliant devices as well as with expanded options per customer requirements. By entering the market with low-cost, compliant, expandable STBs, we believe we can compete effectively AT THIS POINT IN TIME, PROVIDED, the FCC sunsets the Evolution Order's streamlined procedures, dismisses all pending non-statutory waiver requests, including Evolution Order waiver requests, and not extend, renew, or grant further waivers of the integration ban, including not ever granting one for a non compliant HD STB/DTA. Post-Evolution waiver requests now pending with the Commission also should be dismissed. Likewise, the Commission should reverse the Evolution Order as to Evolution Broadband LLC. Until the FCC takes these actions, THERE WILL NEVER BE A MARKET FOR LOW COST COMPLIANT DEVICES CLAIMED TO BE MISSING.

27. In spite of the FCC's best intentions, the Evolution Order and the availability of the waiver process first articulated in the Comcast Order of September, 2007, actually caused the failure of low cost compliant STB/DTAs to get to market until only now, and then only if the FCC curtails waivers that do not

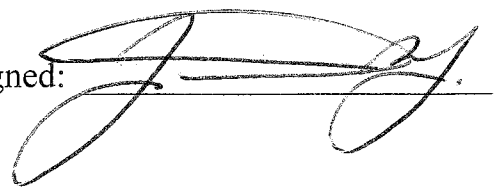
comply with Section 629 of the Communications Act will the market develop further.

28. Many of us are old enough to remember when the deregulation of the phone company happened decades ago. The main argument from the telephone companies was that telephones made by others would cause problems with their systems and networks. This has proved not to be the case for the past 30 plus years, as now you can buy a simple telephone at retail for less than $20 that takes many forms from regular telephones to phones appearing as Snoopy and even Corvettes. My understanding of the 1996 Telecommunications Act is to spur competition and break the barrier of what is essentially an identical scenario that happened with the phone deregulation. I specifically ask the Commission to not further retard the market by slowing development and investment into to a system that has been agreed by CE providers, cable operators and the Commission. This will help the citizens and companies of United States of America and foreign companies that rely on our Country's great technological advances.

29. The foregoing is true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 11-24-09

Signed: 

James D. Gee
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