

LAW OFFICES  
**GOLDBERG, GODLES, WIENER & WRIGHT**  
1229 NINETEENTH STREET, N.W.  
WASHINGTON, D.C. 20036

HENRY GOLDBERG  
JOSEPH A. GODLES  
JONATHAN L. WIENER  
LAURA A. STEFANI  
DEVENDRA ("DAVE") KUMAR

(202) 429-4900  
TELECOPIER:  
(202) 429-4912  
[general@g2w2.com](mailto:general@g2w2.com)

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HENRIETTA WRIGHT  
THOMAS G. GHERARDI, P.C.  
COUNSEL

—  
THOMAS S. TYCZ\*  
SENIOR POLICY ADVISOR  
\*NOT AN ATTORNEY

December 14, 2009

**ELECTRONIC FILING**

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

**Re: *Ex Parte*, CS Docket No. 97-80, GN Docket No. 09-51**

Dear Ms. Dortch:

This is to inform you that on December 11, 2009, Matthew Zinn, Senior Vice President, General Counsel, Secretary & Chief Privacy Officer, TiVo Inc. ("TiVo") and the undersigned met with Bureau Chief William Lake, Nancy Murphy, Mary Beth Murphy, Steven Broeckaert, Brendan Murray, and Alison Neplokh, all of the Media Bureau.

We discussed issues relating to Section 629 of the Communications Act and the recent National Broadband Plan Public Notice on video device innovation.<sup>1</sup> We also discussed the movement of channels from one-way to two-way technologies such as switched digital video, and expressed TiVo's view that as operators deploy new technologies to provide programming delivered on a per channel basis, they must ensure that unaffiliated retail devices that are

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<sup>1</sup> *Comment Sought on Video Device Innovation*, NBP Public Notice # 27, GN Docket No. 09-47, 09-51, 09-137; CS Docket No. 97-80, DA 09-2519 (rel. Dec. 3, 2009).

technically capable of receiving such programming can continue to receive those signals.

We also discussed TiVo's pending Petition for Clarification or Waiver filed in the above-captioned proceeding on November 6, 2009.<sup>2</sup> The discussion of the pending petition reflected the facts and arguments set forth in the petition.

Please direct any questions regarding this matter to the undersigned.

Respectfully,

A handwritten signature in black ink that reads "T. Devendra Kumar". The signature is written in a cursive style with a horizontal line underlining the name.

Devendra T. Kumar  
*Attorney for TiVo Inc.*

cc: William Lake  
Nancy Murphy  
Mary Beth Murphy  
Steve Broeckaert  
Brendan Murray  
Alison Neplokh

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<sup>2</sup> Petition of TiVo Inc. for Clarification or Waiver of 47 C.F.R. § 76.640(b)(4), CS Docket No. 97-80 (filed Nov. 6, 2009).