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April 15, 2010

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 April 14, 2010, Matthew Zinn, Senior Vice President, General Counsel, Secretary & Chief Privacy Officer, TiVo Inc. ("TiVo") and the undersigned had a telephone conversation with Brad Gillen, Legal Advisor to Commissioner Meredith Attwell Baker.

We stressed that it is important that the upcoming *NPRM* on CableCARD devices focus on failures in the implementation of the Commission's CableCARD policies for set-top boxes, including the problems associated with CableCARD deployment and support. With respect to recent *ex parte* presentations seeking exemptions from the common reliance rule, we stressed that the integration ban was designed to achieve the broader goal of Section 629 of allowing consumers the option of purchasing navigation devices from sources other than their cable operator. In furtherance of attempting to make this goal a reality, we suggested that before considering exempting large numbers of devices and thereby undermining the common reliance rule, the Commission first examine the economics purportedly underpinning the waiver requests, including the actual costs of CableCARDS, costs of making devices with CableCARD slots, the

reasons why such costs have not decreased over time even as a large volume of such devices have been deployed, and what can be done to drive down CableCARD costs. We suggested that an examination and understanding of these economics would benefit cable operators, competitive device makers and consumers.

We also stressed the importance that the *NPRM* address the issue of the movement of linear channels to “two-way” technologies such as switched digital video, and expressed TiVo’s view that to provide any meaningful choice to consumers, broadband connected retail CableCARD devices need to be enabled to receive and transmit out-of-band communications with cable operator headends over IP to enable such devices to provide direct access to all switched digital channels without the use of operator-provided equipment in the subscriber’s home.

This discussion followed the arguments made in the petition for reconsideration or clarification filed by TiVo on July 27, 2009, File Nos. EB-07-SE-351, EB-07-SE-352, and its ex parte filing on February 17, 2010 in NBP Public Notice #27, GN Docket Nos. 09-47, 09-51, 09-137, and CS Docket No. 97-80.

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, slightly slanted style.

Henry Goldberg
Attorney for TiVo Inc.

cc: Brad Gillen