

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Requests for Waiver of Certain TV Tuner )  
Requirements in Order To Import and ) MB Docket No. 10-111  
Distribute Mobile DTV Receivers Without )  
Analog Tuners )

**REPLY COMMENTS OF SILICONDUST USA, INC.**

Silicondust USA, Inc. (“Silicondust”) hereby replies to the Commission’s *Public Notice* regarding petitions for waiver of Section 15.117 of the Commission’s rules<sup>1</sup> filed by Dell Inc. and LG Electronics USA, Inc. and by Hauppauge Computer Works, Inc. (the “Petitions”).<sup>2</sup> Along with the more than twenty parties that already have filed comments in this proceeding, Silicondust supports grant of the Petitions. In addition, Silicondust urges the Commission to waive the Section 15.117 analog requirements for peripheral DTV receivers and other peripheral devices that receive digital signals and transport those signals to downstream devices for decoding and display.

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<sup>1</sup> 47 C.F.R. § 15.117.

<sup>2</sup> *Expedited Comment Dates Established for Requests for Waiver of Certain TV Tuner Requirements in Order To Import and Distribute Mobile DTV Receivers Without Analog Tuners*, MB Docket No. 10-111, DA 10-873 (rel. May 20, 2010); *Request for Waiver of Section 15.117 of the Commission’s Rules to Permit the Manufacture, Importation, Marketing, Distribution and Sale of Digital Only Television Receivers for Mobile Devices*, Hauppauge Computer Works, Inc. (filed May 20, 2010); *Request for Limited Waiver of Section 15.117 of the Commission’s Rules to permit the Marketing of Digital-Only Television Receivers Designed to Provide Mobile Television Reception*, Dell, Inc. and LG Electronics USA, Inc. (filed May 12, 2010) (collectively, the “Petitions”).

## I. BACKGROUND

Silicondust is a provider of hardware peripherals designed to permit consumers to watch and record HDTV on any personal computer connected to a computer network. Silicondust's HDHomeRun is a peripheral DTV receiver that when connected to an over-the-air DTV antenna, and a home or office network, allows a consumer to turn any computer attached to that network into a combination of an HDTV and DVR, providing consumers the ability to watch live TV, pause and rewind live TV, and to schedule and record their favorite shows on their computer. Silicondust also recently announced a new version of their HDHomeRun product which adds support for the M-CARD cable card standard, giving consumers the ability to watch and record live TV provided by their cable company provider, including subscribed channels that are encrypted by the cable provider, on any computer attached to their home or office network. Silicondust currently markets and sells its various HDHomeRun peripheral DTV receivers in the United States. Silicondust is committed to embracing new and future technologies and continues to introduce revolutionary tuner designs that provide consumers with the freedom of TV viewing from all computers on a home or office network.

## II. DISCUSSION

Silicondust recently received an inquiry from the FCC Enforcement Bureau investigating possible violations of the Commission's apparent interpretation of Section 15.117 of the rules requiring manufactures of new digital TV broadcast receivers to continue to support the old, legacy NTSC reception standard. Currently, all of

Silicondust's HDHomeRun products marketed and sold in the U.S. are ATSC-only TV receivers. In order for Silicondust to come into compliance with the Commission's interpretation of Section 15.117, it would need to shut down production of all of its products and redesign its entire product line. This would result in added costs for consumers due to the additional hardware required to receive the NTSC signals and then convert them to a digital signal in order to transport those signals to computers on the network. Given the nature of the device, it is not simply a matter of adding an NTSC tuner, as is the case with television sets. The HDHomeRun is connected to computers via a home or office network, and for this reason also must have the ability to convert an analog NTSC signal into a digital ATSC- formatted data stream to be able to transport those signals to the connected computer display devices. The additional costs and hardware associated with what would be essentially a complete technical redesign of Silicondust's HDHomeRun products would make it very difficult to provide inexpensive networked DTV receivers to American consumers and would hinder Silicondust's ability to market devices to American consumers.

For these reasons, Silicondust supports the grant of the Petitions, and in particular supports the comments submitted by Elgato Systems, LLC ("Elgato").<sup>3</sup> Silicondust likewise requests that in addition to waiving Section 15.117 for the "mobile" devices described in the Petitions, that the Commission grant a waiver of the Section 15.117 analog requirement for peripheral devices that receive over-the-air ATSC signals and transport those signals to downstream devices for decoding and display.

ATSC- only peripherals are not intended to be nor are they seen by the consumer to be a replacement to the traditional television set. They are, instead, a peripheral that

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<sup>3</sup> Comments of Elgato Systems, LLC, MB Docket No. 10-111 (filed June 1, 2010) ("Elgato Comments").

adds the ability to watch DTV on a computer or other device that has been purchased for other functions. Since the completion of the DTV transition, consumers have expressed a greater demand for various types of consumer products that take full advantage of the increased quality and capability of the new ATSC standard and the new high definition programming being offered. This demand for new devices has led manufacturers to develop new and innovative products, on which consumers have spent billions of dollars to convert to DTV. The adoption of DTV also has created opportunities for consumers to give them more flexibility to enjoy their digital entertainment in ways that are not necessarily the traditional television set. Consumers are increasingly using various devices to enjoy their digital entertainment while on the go – these devices include various cell phones, iPads, laptops, desktops and other devices connected to home or office networks. These various DTV devices manufactured by Silicon dust, Elgato, Dell, LG Electronics, Hauppauge and many other manufacturers are meant to be a quick and easy way to access over-the-air DTV that otherwise would not be available to consumers without a television set, or gives them access to features and capabilities that an otherwise standard television set does not provide. As Elgato states, “...these devices are compliments to, not substitutes for, traditional television sets, there is no reason to deprive consumers of the opportunity to customize their supplemental TV viewing on other display screens to include only ATSC signals.”<sup>4</sup>

Moreover, as others have stated, the DTV transition is essentially over. During the past few years, the Commission’s focus has been to end analog broadcasting in order to recover valuable spectrum and to bring the full benefits of DTV to every television viewer. To achieve this, the Commission mandated that manufacturers adopt and

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<sup>4</sup> Elgato Comment at 6-7.

transition their products to the ATSC standard,<sup>5</sup> and supported the consumer DTV converter voucher program to accomplish the transition. Continuing to require NTSC reception in all TV signal receivers is likely to delay the accomplishment of the Commission's policy goals.

While there are some television viewers that may continue to rely on NTSC reception capability to view LPTV stations, it is likely these consumers already own equipment that can tune in NTSC signals and do not expect that their handheld or peripheral devices would give them NTSC signals. Although some low-power and Class A television stations still use the analog NTSC standard, the number has decreased and the Commission is considering mandating a digital conversion within the next two to five years. As Elgato notes, and the Dell/LG Petition shows, "more than half of the nation's LPTV stations have either commenced digital broadcasts or taken affirmative steps to do so."<sup>6</sup> Elgato also points out that "the Commission has prioritized the elimination of analog Class A and low-power broadcasting in the National Broadband Plan, with a target date of 2015."<sup>7</sup> The Commission also announced in March that all new and current applicants for new Analog LPTV stations to convert to Digital ATSC signal by May 24, 2010.<sup>8</sup> In terms of over-the-air viewership, Elgato indicates that "the latest figures recognized by the Commission show that only 11% of American households rely exclusively on over-the-air television."<sup>9</sup> The number of households that rely on Class A and/or low-power service is likely considerably smaller than that figure and going to be

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<sup>5</sup> See 47 C.F.R. § 15.117 (h) and (i).

<sup>6</sup> Dell/LG Petition at n.2 and Elgato Comment at n. 27.

<sup>7</sup> Elgato Comment at n.28.

<sup>8</sup> *Applicants for New Analog Low Power Television and TV Translator Stations Must Convert to Digital by May 24, 2010*. Public Notice, DA-10-496 (rel. March 25, 2010).

<sup>9</sup> Elgato Comment at 11-12.

decreasing over the next few years as Class A and LPTV stations convert to digital broadcasts. Thus, given the limited number of consumers relying on over-the-air NTSC television reception, and the closing of the DTV transition, allowing ATSC-only mobile and peripheral devices would have little to no effect on consumers. Waiving the NTSC tuner requirement for these devices may also have the added benefit of encouraging the Class A and low-power TV stations to transition to DTV more quickly and allow the Commission to reach its stated goal of phasing out NTSC by 2015.

Silicondust echoes Elgato's suggestion that the commission waive the NTSC reception requirement for any device that receives over-the-air DTV signals but that depends on a downstream device to decode and display those signals.<sup>10</sup> This would allow consumers to choose the device best suited for their needs without sacrificing the ability of other consumers to take advantage of the many viewing options and features in various peripheral devices or compromising the NTSC functionality of traditional TV sets. Grant of a waiver also would allow manufacturers to continue to innovate and further enhance the DTV watching experience and give consumers a larger range of affordable choices when they are deciding on devices to add to their television watching experience.

### III. CONCLUSION

For the foregoing reasons, Silicondust supports the Commission's waiver of the NTSC tuner requirement for mobile DTV devices, and requests that the waiver be applied to DTV peripherals that receive over-the-air signals that depend on downstream devices to decode and display those signals.

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<sup>10</sup> See Elgato Comment at p. 14

Respectfully submitted,

SILICONDUST USA, INC.

A handwritten signature in black ink, appearing to read "O. Lee", written in a cursive style.

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June 11, 2010