

ALLVID

Tech Company Alliance

October 25, 2012

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

Re: **Ex Parte Notice - AllVid Tech Company Alliance - MB Docket No. 12-230,
CS Docket No. 97-80, PP Docket No. 00-67**

Dear Ms. Dortch:

On October 23, 2012, Robert Schwartz and Monica Desai, counsel to the AllVid Tech Company Alliance (the "Alliance") met with Lyle Elder, Attorney-Advisor, Office of Chairman Genachowski, to discuss the Alliance's filings in the above-referenced proceeding,¹ and particularly: (1) the need for the Media Bureau to provide specific clarification for implementation of and compliance with Section 76.640(b)(4)(iii) of the Commission's rules; and (2) the necessary attributes of an open industry standard and its implementation. During the meeting, the Alliance made the following points:

Need For Clarification

The Alliance stated that any meaningful extension of time, based on progress toward an open standard interface, must clarify what will be considered a compliant implementation, and how compliance will be enforced. The Third R&O² reserved the power to assess industry progress toward achieving an open and standard interface. Thus, the clarification element of TiVo's petition is inseparably related to the date extension element. Without clarification, in 18 months or whatever timeframe the Bureau chooses, the result may be more uncertainty, additional waiver applications, and a divergence of implementations that can be remedied only with difficulty or not at all.

¹ See *In the Matter of TiVo Inc. Petition for Clarification or Waiver of 47 C.F.R. § 76.640(b)(4), Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices*, MB Docket No. 12-230, CS Docket No. 97-80, PP Docket No. 00-67, Comments of the AllVid Tech Company Alliance (Sept. 21, 2012), and Reply Comments of the AllVid Tech Company Alliance (Oct. 1, 2012).

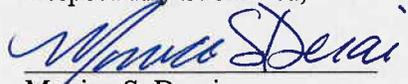
² *In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices*, CS Dkt. No. 97-80, PP Dkt. No. 00-67, Third Report and Order and Order on Reconsideration ("Third R&O") (Oct. 14, 2010).

Elements of Clarification

In implementing the Commission's requirement of an open standard, the Bureau has an obligation to be explicit on a basis that will be timely. The Alliance noted that limiting a standard interface's ability to discover necessary guide data would have competitive consequences beyond the market for devices. The Alliance emphasized that at a bare minimum, the Commission should clarify that compliance requires enablement of a competitive guide and tuning. The Bureau also should clarify explicitly that the following examples of standards or implementations would not be considered compliant because these do not support interactive service discovery:

- Set-top device is programmed to send content only to favored devices (e.g., pursuant to license not available or not implemented on a nondiscriminatory basis).
- Set-top device supports a method of service discovery that is incompatible with standard methods or that passes only "remote UI" data for accessing a service, frustrating interactive navigation via the home network device's user interface.
- Set-top device describes the audiovisual formats it supports in ways differing from those recognized by the standard, resulting in a home network device not displaying content even though it is capable of doing so.
- Set-top device encrypts content sent over the interface in a manner that only "approved" devices are able to decrypt or that require a patent license, secret key, or chip that is not necessary for implementation of the open industry standard.

/s/
Robert S. Schwartz
Constantine Cannon LLP
1301 K Street, N.W., 1050 East
Washington, D.C. 20005
202 204-3508
*Counsel to AllVid Tech Company
Alliance*

Respectfully Submitted,

Monica S. Desai
Jeffrey L. Turner
Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037
(202) 457-7535
*Counsel to AllVid Tech Company
Alliance*