

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Game Show Network, LLC,	)	MB Docket No. 12-122
Complainant,	)	File No. CSR-8529-P
	)	
v.	)	
	)	
Cablevision Systems Corp.,	)	
Defendant	)	

**PARTIES’ JOINT STATUS REPORT**

Pursuant to the order of the Chief Administrative Law Judge dated November 26, 2013, Cablevision Systems Corp. (“Cablevision”) and Game Show Network, LLC (“GSN”) (collectively, the “parties”) submit the following joint status report in the above-captioned action.

**A. Background**

On June 7, 2013, GSN and Cablevision jointly moved for a continuance of the hearing in this matter, on the grounds that a continuance would allow the parties an opportunity to consider the potential impact of the D.C. Circuit’s May 28, 2013 panel decision in *Comcast Cable Communications v. FCC*, No. 12-1337 (D.C. Cir. filed August 1, 2012) (the “*Comcast Cable* action”) on the above-captioned proceeding. In response to that request, the Presiding Judge issued *Order*, FCC 13M-12, cancelling *sine die* the hearing scheduled for July 16, 2013 and ordering the parties to submit three joint status reports that “describe the tasks currently being taken on to prepare for hearing and estimates as to the amount of time it would take to complete those tasks.” On November 26, the Presiding Judge ordered the parties to submit, jointly if possible, a status report describing “the actions currently being taken to prepare for

hearing” and providing “estimates as to when the parties will be prepared to propose a new hearing date.” The parties submit this Joint Status Report in compliance with that Order.

**B. Status Report of the Parties**

1. GSN

On December 3, 2013, Tennis Channel filed with the United States Supreme Court a petition for writ of certiorari in the *Comcast Cable* action. As of the date of this report, Comcast Cable had not filed a brief in response to Tennis Channel’s petition.

The meaning and reach of the evidentiary standards set forth in the *Comcast Cable* decision are thus potentially subject to further review. Without clarity on how any further review might impact those standards and how they will apply to Section 616 litigants, GSN cannot fully determine whether the material already submitted in this proceeding or gathered through discovery will be sufficient. GSN accordingly proposes that the parties submit a further status report (1) 60 days following the filing of this Joint Status Report or (2) 10 days following the Supreme Court’s decision on Tennis Channel’s petition for writ of certiorari in *Comcast Cable*, whichever is earlier.

2. Cablevision

On December 3, 2013, Tennis Channel submitted a petition to the United States Supreme Court for writ of certiorari in the *Comcast Cable* action. Comcast Cable has not yet filed a brief in response to Tennis Channel’s petition, but we anticipate that it will. As noted in our prior reports, further appellate rulings in the *Comcast Cable* action may affect the parties’ approach at trial in the instant action, and we expect to gain greater guidance as this matter progresses.<sup>1</sup>

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<sup>1</sup> In prior reports, we also noted an appeal to the Second Circuit in the *Time Warner Cable* case. The Second Circuit issued its ruling on that matter on September 4, 2013. *Time Warner Cable Inc. v. FCC, et al.*, No. 11-4138 (2d Cir.

In the interim, Cablevision continues to evaluate its written direct testimony from both its lay and expert witnesses, its trial brief and its potential documentary evidence to determine what, if anything, needs to be modified or supplemented in light of the D.C. Circuit's opinion in *Comcast Cable*.

Finally, we reiterate that Cablevision will also have to understand and react to any proposal by GSN in view of the *Comcast Cable* decision, particularly if GSN seeks to re-open the existing evidentiary record or to amend or bolster any expert or lay witness testimony. Accordingly, Cablevision continues to request that it be permitted to respond to any effort by GSN to modify or supplement the existing record so that the Court can decide whether such changes are warranted and/or set a reasonable schedule for accomplishing any necessary work.

Cablevision has no objection to GSN's proposal regarding future status reports.

Respectfully submitted:

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Dated: December 6, 2013

## CERTIFICATE OF SERVICE

I, Phyllis A. Jones, hereby certify that on December 6, 2013, copies of the foregoing were served by electronic mail upon:

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A handwritten signature in black ink, appearing to be "S. Rader", followed by a horizontal line extending to the right.