

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<b>IN RE:</b>	)	
	)	
<b>COX ENTERPRISES, INC.,</b>	)	<b>12-ML-02048-C</b>
<b>SET-TOP CABLE TELEVISION</b>	)	
<b>BOX ANTITRUST LITIGATION</b>	)	
	)	_____ <b>Trial Docket</b>
<hr/>		
<b>This document relates to:</b>	)	
	)	
Richard Healy,	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	
	)	
Cox Communications, Inc.,	)	
	)	
<b>Defendant.</b>	)	
<hr/>		

**AMENDED FINAL PRETRIAL REPORT**

All counsel who will appear at trial:

Appearing for Plaintiff: Michael J. Blaschke, Esq., Rachel Lawrence Mor, Esq., Oklahoma City, OK; Allan Kanner, Esq., Cynthia St. Amant, Esq., New Orleans, LA; Todd M. Schneider, Esq., Jason Kim, Esq., San Francisco, CA; Joe R. Whatley, Jr., Esq., New York, NY; W. Tucker Brown, Esq., Birmingham, AL; and Henry C. Quillen, Esq., Portsmouth, NH.

Appearing for Defendant: Margaret M. Zwisler, Washington, D.C.; Alfred C. Pfeiffer, Jr., Jason L. Daniels, San Francisco, CA; Jennifer L. Giordano, Allyson M. Maltas, Andrew J. Robinson, Katherine M. Cheng, Washington, D.C.; D. Kent Meyers, Molly H. Tolbert, Oklahoma City, OK.

**Jury Trial Demanded x - Non-Jury Trial ☐**

1. **BRIEF PRELIMINARY STATEMENT.** State briefly and in ordinary language the facts and positions of the parties (appropriate for use during jury selection in jury cases).

This case is a class action alleging that Defendant Cox Communications, Inc. (“Cox”) violated United States and Oklahoma antitrust laws. The antitrust laws prohibit certain agreements that unreasonably restrain competition and allow those harmed by such arrangements to recover damages. A class action brings together the claims of many plaintiffs in a single lawsuit. In other words, the plaintiff, Richard Healy, is suing Cox to recover damages not only for himself but also to recover damages on behalf of other Cox subscribers in the Oklahoma City area.

Cox is a cable operator that offers video, telephone and high speed Internet services in the Oklahoma City metropolitan area. This case is about video services. Cox offers its video services in various tiers and packages, starting with basic digital cable. Cox offers “higher” tiers of services and packages than basic cable, which include a much larger selection of channels as well as additional features and services.

In addition to offering video services, Cox also offers its subscribers the ability to rent a device called a set-top box that acts as an interface between Cox’s cable system and the subscriber’s television.

The plaintiff, Richard Healy, who subscribes to Cox’s digital cable, contends that Cox violated the antitrust laws by tying its sale of certain video services to the rental of a set-top box from Cox. Tying is when a company requires a customer to purchase one product, called the tied product, as a condition of that customer’s purchase of a separate product, called the tying product, where the company has substantial market power with respect to the tying product. Mr. Healy contends that the tying product here is what plaintiff refers to as “Premium Cable” (also referred to as “digital cable” or “Advanced TV”), the tier of cable service that is above what Cox refers to as “Expanded” service and includes certain services that require communication from the subscriber to Cox’s system. He also contends that the tied product is a set-top box. Mr. Healy contends that Cox engaged in tying because it has substantial market power with respect to the provision of Premium Cable in the Oklahoma City metropolitan area and required Cox Premium Cable subscribers to rent a set-top box from Cox to access certain services that are important to these subscribers, such as the interactive programming guide, video on demand programming such as movies, and pay per view events.

Cox denies plaintiffs’ allegations. Cox contends that it cannot force anyone to rent a Cox set-top box because consumers of “Premium Cable” could buy all of those same services from multiple other providers, including AT&T, DISH and DirecTV. Cox also contends that it cannot force anyone to rent a Cox set-top box to get “Premium Cable” because consumers can use set-top boxes such as a TiVo or Moxi sold at retail stores like Best Buy, and still access all of Cox’s services that do not require communication between the subscriber and Cox’s system (“one-way services”), including premium channels like ESPN and HBO. Customers who lawfully own their own set-top boxes have also always been free to get Cox’s full range of video services, including services

that require two-way communication with Cox's system, such as video-on-demand and pay per view ("two-way video services"). Cox also contends that set-top boxes and other devices capable of accessing Cox's two-way video services were not generally available for retail purchase in Oklahoma City during the time period of this case for reasons not caused by any wrongful conduct by Cox. Cox contends that although it has helped actual and potential manufacturers develop set-top boxes capable of accessing Cox's two-way services that manufacturers could sell to consumers at retail, those manufacturers have decided for their own reasons not to do so.

2. **JURISDICTION.** The basis on which the jurisdiction of the Court is invoked.

This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1337, in that Plaintiff, on his own behalf and on behalf of the Class, asserts claims under the Sherman Act, 15 U.S.C. § 1.

Venue is proper in this Court under 15 U.S.C. § 22 because Cox may be found here and transacts business here.

3. **STIPULATED FACTS.** List stipulations as to all facts that are not disputed or reasonably disputable, including jurisdictional facts.

- i. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1337.
- ii. Cox does business in this judicial district, such that venue is appropriate.
- iii. In the Oklahoma City metropolitan area, during the relevant times, Cox offered (and still offers) video services in all or part of the following localities: Guthrie, Warr Acres, Forest Park, El Reno, Cleveland County, Mustang, Midwest City, Valley Brook, Nichols Hills, Del City, Spencer, Tinker Air Force Base, Lake Aluma, Oklahoma City, Oklahoma County, Edmond, Smith Village, Bethany, Norman, Moore, The Village, Woodlawn Park, Yukon, Harrah, Nicoma Park, Logan County, Choctaw, and Canadian County.
- iv. Plaintiff Richard Healy lives in Oklahoma City and has subscribed to one or more services from Cox, including Cox's Premium Cable, and has rented at least one set-top box from Cox from October 2007 to present.

4. **LEGAL ISSUES.** State separately, and by party, each disputed legal issue and the authority relied upon.

A. Plaintiff:

- i. The filed rate doctrine does not apply to the “DVR Service Fee” charged by Cox because this fee is not regulated by the FCC or any other regulator. *Florida Mun. Power Agency v. Florida Power & Light Co.*, 64 F.3d 614, 616 (11th Cir. 1995).

B. Defendant:

- i. As a matter of law, plaintiffs do not state a tying claim where the tying product is separately available to consumers and is not the mechanism of coercion. *Jefferson Parish Hosp. Dist. No. 2 v. Hyde*, 466 U.S. 2 (1984); *In re Time Warner Inc. Set-Top Cable Tel. Box Antitrust Litig.*, 2010 WL 882989 (S.D.N.Y. Mar. 5, 2010).
- ii. Cox did not violate the antitrust laws by allegedly failing to help third party manufacturers create a retail market for set-top boxes because the antitrust laws do not require Cox to assist other companies in entering or creating a market for a product as a matter of law. *Pac. Bell Tel. Co. v. Linkline Commc’ns, Inc.*, 555 U.S. 348 (2009); *Verizon Commc’ns, Inc. v. Law Offices of Curtis V. Trinko, LLP*, 540 U.S. 398 (2004); *Christy Sports, LLC v. Deer Valley Resort Co.*, 555 F.3d 1188 (10th Cir. 2009).
- iii. The portion of plaintiffs’ alleged damages based on DVR fees are not legally cognizable damages in an antitrust tying case. *Atl. Richfield Co. v. U.S. Petroleum, Inc.*, 495 U.S. 328 (1990); *Full Draw Productions v. Easton Sports, Inc.*, 182 F.3d 745 (10th Cir. 1999).
- iv. Plaintiffs cannot recover damages for DVR fees paid by customers whose rates were governed by a filed rate. *In re Cox Enterprises Set-Top Cable Tel. Box Antitrust Litig.*, No. 12-MDL-2048-C, 2014 U.S. Dist. LEXIS 91331, at \*14 (W.D. Okla. July 3, 2014).

5. **CONTENTIONS AND CLAIMS FOR DAMAGES OR OTHER RELIEF SOUGHT.**

A. Plaintiff seeks the following:

- i. For an Order that Cox violated the Sherman Act, 15 U.S.C. § 1, *et seq.*;
- ii. For an Order that Cox violated the Oklahoma Antitrust Reform Act, Okla. Stat. 79 §§ 201, *et seq.*
- iii. For an Order that Cox unjustly enriched itself at the Class' expense;
- iv. For an Order enjoining Cox from continuing the practice of tying Premium Cable to the rental of set-top box from Cox;
- v. For an award of all statutory damages under the Sherman Act;
- vi. For an award of all compensatory and other damages suffered by Plaintiff and the Class;
- vii. For an award of all costs incurred by Plaintiff in pursuing this action;
- viii. For an aware of reasonable attorneys' fees; and,
- ix. For any other relief the Court deems reasonable.
- x. With respect to damages, Plaintiff's expert has calculated total class wide damages to be \$49,056,408, which is subject to trebling. This calculation takes into account the Court's order regarding the filed rate doctrine but assumes that the Order excludes only those parts of the damages that arise from regulated rates, as opposed to excluding all damages from class members who resided in rate-regulated areas.

B. Defendant:

- i. Cox has not engaged in an unlawful tying arrangement as plaintiffs allege and has not violated the Sherman Act or the Oklahoma Antitrust Act.
- ii. To the extent that any tying arrangement exists, that arrangement is justified because it serves Cox's legitimate business purpose.
- iii. Cox was not unjustly enriched by any fees that plaintiffs paid to Cox.

- iv. Plaintiffs are not entitled to any damages, costs or attorneys' fees or an Order enjoining Cox from continuing the practice of selling both two-way video services and leasing set-top boxes to its subscribers.

6. **EXHIBITS**: The following exclusionary language **MUST** be included:

Unlisted exhibits will not be admitted unless, by order of the court, the final pretrial order is amended to include them.

A. Plaintiff:

In addition to the below listed exhibits, Plaintiff reserves the right to enter into evidence any item on Cox's exhibit list.

Ex. No.	Title/Description	Basis for Objection (Federal Rule of Evidence)	Ruling
1	Cox 2005 10k - Harte001533-001653	None	
2	Cox 2005 Presentation - CCISTBE00104407-00104459 (Brady 1)	None	
3	Cox 2005 Presentation - CCISTB00370932-00370995 (Brady 3)	None	
4	Cox 2006 Presentation - CCISTBE00098472-0098553 (Brady 2)	None	
5	Cox 2008 Annual Appraisal Meeting Presentation - CCISTBE0022937-0022987 (Brady 5)	None	
6	Cox Investor Presentation Proposed Bond Transaction February 2009 - CCISTBE0148998-01481021 (Brady 6)	None	
7	Cox 2011 Lenders' Meeting Presentation - CCISTB307186-307235 (Brady 4)	None	
8	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996, 13 FCC Rcd 14775	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	(June 24, 1998) – Cablelabs 0763833_0000001-0763833 0000072		
9	Letter from various to Powell, FCC (Dec. 19, 2002) - (Markwalter 21)	None	
10	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 – Second Report and Order, 20 FCC Rcd 6794, 6810 (March 17, 2005) - NCTACX006359-006395	None	
11	Letter from CEA to Dortch, FCC (Nov. 7, 2006) – NCTACX020751-020762 (Class Cert. Hearing Ex. 84)	402, 802	
12	Letter from CEA to Dortch, FCC (Dec. 7, 2006) - NCTACX020575-020583 (Markwalter 13)	402, 802, 805, 901	
13	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 – Third Further Notice of Proposed Rulemaking (excerpt) (June 27, 2007) - NCTACX008277-008295 (Markwalter 2)	402, 901	
14	Letter from CEA to Dortch, FCC (Oct. 11, 2007) - NCTACX007339-007347 (Markwalter 18)	402, 802, 805	
15	Memorandum of Understanding Among Cable Operators and Consumer Electronic Adopters Regarding Interactive Digital Cable Ready Products (April 25, 2008) - CCISTBE02952322-02952333 (Markwalter 19)	None	
16	Omnibus Broadband Initiative Public Notice #27, 24 FCC Rcd 14280 (Dec. 3, 2009) – NCTACX E 00002009-00002013	None	
17	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 – Petition for Rulemaking of Public Knowledge, etc. (excerpt) (Dec. 18, 2009) NCTACX E 00002031-00002075 (Markwalter 4)	402, 802, 805, 901	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
18	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 – Comments of the Consumer Electronics Association on NBP Public Notice #27 (Dec. 21, 2009) - CEA000188-000213 (Markwalter 17)	802, 901	
19	Letter from TiVo to Dortch, FCC (Feb. 17, 2010) - NCTACX003243-003258 (TiVo 1)	402, 802, 805	
20	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 – Notice of Inquiry (April 21, 2010) - NCTACX012971-012998 (Burtis 6)	None	
21	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 – Comments of the Consumer Electronics Association and the Consumer Electronics Retailers Coalition (June 14, 2010) - NCTACX036764-036795 (Markwalter 5)	402, 802, 901	
22	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 –TiVo Inc. Comments on Notice of Inquiry (July 13, 2010) – CCISTB 292225-292245 (TiVO2)	802, 805	
23	In the Matter of Implementation of Section 3 of the Cable Television Consumer Protection and Competition Act of 1992 (Feb. 14, 2011) – Class Cert. Hearing Ex. 80	402, 901	
24	Healy Cox Invoice - (HEALY000001-000004)	None	
25	Healy ICOMs data	None	
26	OKCSTB Map 01	None	
27	Map - CCISTBOKC00692601 (Kirk 2)	901	
28	Map - CCISTBOKC00525667 (Kirk 3)	901	



<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
29	Cox Oklahoma fact sheet - CCISTBOKC00347463	402	
30	Cox Services brochure - CCISTBOKC029436-029444	None	
31	Cox website – (Irish-Consier 12)	106, 901	
32	Cox website – Class Cert. Hearing Ex. 9	None	
33	Cox Video Oklahoma Product Definition - CCISTBOKC00056173-00056191 (Andrews 11)	None	
34	The Operational Impact of the One-Way Digital Plug-and-Play agreement between the Consumer Electronics and Multi-System Operator Industries - CCISTBE00611129-00611147 (Andrews 13 & Ader 8)	None	
35	Sample of Cable Legal Disclaimers - CCISTBOKC00057859-00057928	402, 901	
36	Email chain, top Kevin Rider to Billy Hill, April 10, 2009 - CCISTBOKC00345343-00345350	802 (customer statements)	
37	Cox.Next Video Playbook - CCISTBE00929224-00929305	None	
38	Digital Cable Subscriber Experiences - CCISTBE00053219 - 00053312 (Ader 13)	None	
39	Memo from Atlanta Marketing, December 1, 2008 - CCISTBE01275898-01275900 (Ader 1)	None	
40	On Demand Business: An Update - CCISTBE00044092-00044120 (Ader 12)	402	
41	Email chain – top Steve Mace to Timothy Dodd, etc., Sept. 26, 2005 - NCTACX060563-060564 (Goldberg 5)	802	
42	Email chain – top Bruce Berkinshaw to Ron Hardzog, et al., March 8, 2008 - CCISTBOKC00245031-00245036	402, 802 (customer	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	(Andrews 15)	email)	
43	Email from Megan Dover to CCI-Marketing Managers, May 5, 2009, with attachment - CCISTBE02205489-02205493	None	
44	Email chain – top Mark Ader to Aubrey Lewis, June 19, 2009 - CCISTBE01255724-1255729 (Ader 5)	None	
45	[Exhibit Withdrawn]		
46	Excerpt of screen shots from Cox internal computer system - CCISTBE04002245-04002257 (Irish-Consier 6)	Multiple documents, 402, 802, 901	
47	CableCard Net Adds - CCISTBE02921121-02921130 (Ader 6)	None	
48	CableCARD and Separable Security Set-top Box - NCTACX058464 (Goldberg 1)	None	
49	First Amended Responses of Defendant Cox Communications, Inc. to Plaintiffs' First Set of Interrogatories – (Kirk 9)	None	
50	Open Cable Host RFP - CCISTBE00604797-00604829	None	
51	Email chain: top Paul Glist to Neal Goldberg, July 27, 2007 - NCTACX053536-053543 (Goldberg 12)	802, 805, 901	
52	Email chain: top Craig Smithpeters to Mike Smith, et al., April 23, 2008 - CCISTBE00751573-00751578	None	
53	Email chain: top Steve Necessary to James Kelso, et al., Aug. 21, 2008 - CCISTBE00622195-00622197 (Ader 4)	402	
54	Tru2Way Stalls at Retail, Multichannel News, Aug. 2, 2010 - Cablelabs 1298636 000001-1298636 000002 (Markwalter 20)	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
55	Customer Verbatims from July 2007 OCAP TV Concept Test - PAN0000325 000001 (Panasonic 8)	802, 805, 901	
56	Email chain: top Steve Roulier to Stephen Marano, April 2, 2009 - pan0000200-0000202 (Panasonic 7)	None	
57	Panasonic tru2way Presentation, May 29, 2009 - PAN0000328 000001-0000328 000009 (Panasonic 6)	802, 805, 901	
58	Panasonic tru2way Presentation, Feb. 21, 2010 - PAN0000058 0000108 (Panasonic 9)	802, 901	
59	Funai and OCAP STB Business Strategies, January, 2007 - FN00369-00389 (Funai 4)	None	
60	Email chain: top Sakuma to Steve Necessary, et al., March 17, 2009 - FN00564-00565 (Funai 2)	802	
61	Memo from Funai Electric Co., Ltd. To CableLabs OpenCable tru2way Project, Aug. 21, 2009 - Cablelabs 099448 0000001- 099448 0000003 (Funai 7)	802, 901	
62	Email chain: top Steve Necessary to Sakuma, June 25, 2010 - FN00542-00544 (Funai 6)	802 (Funai statements and article), 901	
63	Email chain: top Bob Nocera to Cheryl Kitchens, Aug. 12, 2010 - CCISTBOKC_00245461-00245463 (Andrews 16)	None	
64	OpenCable Update & Overview, Nov. 21, 2005 - CCISTBE02152393-02152420	None	
65	CPE Sale Initiative Presentation, July 24, 2006 - CCISTBE00279768-00279787 (Ader 30)	None	
66	Tru2Way Friend or Foe Presentation - CCISTBE01264455-01264460 (Ader 39)	901	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
67	Video CPE: Cash Generator? - CCISTBE03167917-CCISTBE03167923 (Mencher 3)	None	
68	Email chain: top Bill Bernasconi to Guy McCormick, et al., May 22, 2008 - CCISTBE01273247-01273252 (Civiletto 2)	402	
69	Email chain: top Dave Hanlan to Megan Dover, et al., attaching tru2way Financials_v2.xls, Nov. 12, 2008 - CCISTBE00842443-00842446 (Clement 2)	None	
70	HD Receiver Financials spreadsheet - CCISTBE00052013-00052030 (Ader 32)	None	
71	Email chain: top Dave Hanlan to Steve Necessary, et al., Nov. 13, 2008 - CCISTBE04183290-04183291, CCISTBE00842445-00842446	None	
72	Email chain: top Mark Ader to Mark Ader, et al., Dec. 20, 2008 - CCISTBE02206393-02206396 (Mencher 16)	402	
73	Email from Sam Divine with Financial Management Status Report, Aug. 7, 2009 - CCISTBE01585866-01585868 (Ader 31)	None	
74	Competitor Video Pricing as of July 2009 - CCISTB297086.xls (Andrews 27)	None	
75	Market Share and Pen – CCISTBOKC028175.xls (Andrews 23)	None	
76	Employee Guide to Competition Spring 2011 - CCISTBOKC00067140-00067141	None	
77	Senior Team Offsite Pre-meeting Reading Materials Presentation, Feb. 6-8, 2006 - CCISTBE00374356-00374435 (Clement 8)	None	
78	Netflix Not Getting Big Boost from Cord Cutting,	802, 805, 901	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	forbes.com, April 29, 2011 – (Burtis 11)		
79	Email from Steve Westerman with Internal Release, June 29, 2007 - CCISTBOKC_00174441-00174442 (Andrews 21)	None	
80	Competitive Update Cox Oklahoma Managers Meeting Presentation, March 4, 2009 - CCISTBOKC_00180884-00180902 (Andrews 22)	None	
81	GAO: Video Marketplace: Competition is Evolving and Government Reporting Should be Reevaluated – Class Cert. Hearing Ex. 113	402	
82	Cox Petition for Determination of Effective Competition, Sept. 7, 2007 - CCISTBOKC-FA 000392-000562	None	
83	Cox Petition for Determination of Effective Competition, Dec. 20, 2010 - CCISTBOKC-FA 000563-000593	None	
84	Competitive Strategy Managing and Minimizing Competitive Losses, GM Meeting Jan. 15, 2009 - CCISTBE02997916-02997931	None	
85	Long Term Pricing Strategy Presentation - CCISTBOKC_00346273-00346282	None	
86	Field Long Range Pricing Strategy Presentation - CCISTBE01194077-01194081	None	
87	Cox Video Value Proposition Summary and Final Recommendations - CCISTBOKC_00459055-00459113	802, 901	
88	Oklahoma City Schedule of Fees and Charges, March 1, 2011 - CCISTBOKC00157899-00157902 (Andrews 19)	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
89	HD Receiver Financials Spreadsheet - CCISTBE00839226-00839245	None	
90	HD Receiver Financials Spreadsheet - CCISTB207041-0207061	None	
91	HD Receiver Financials Spreadsheet - CCISTB206995-207019	None	
92	HD Receiver Financials Spreadsheet - CCISTB206986-206994	None	
93	Screen shots from Cox internal system re STBs - CCISTBE02921177-02921185 (Mencher 18)	901, Illegible	
94	Receiver Unit Cost Guidelines for 08 budget v7 spreadsheet - CCISTB205562-205588 (Sauzek 33)	901	
95	Receiver Unit Cost Guidelines for 2009 Budget spreadsheet - CCISTB 193286-193315 (Sauzek 39)	901	
96	Receiver Unit Cost Guidelines for 2009 Budget Summary spreadsheet -CCISTB 193265-193285 (Sauzek 38)	901	
97	Screen shots from Cox system re STB costs - CCISTBE02444098-02444104 (Sauzek 34)	901	
98	New Capital Equipment Cost spreadsheet - CCISTBOKC 00199447.xls (Sauzek 35)	None	
99	New Capital Equipment Cost spreadsheet – CCISTBOK C00677942.xls (Sauzek 37)	901	
100	STB Obsolescence Presentation - CCISTBE00257518-00257539 (Kelso 3)	None	
101	Set-top age (years) tables - CCISTBE01684424-01684427 (Mencher 26)	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
102	Email chain: top Sandy Mencher to Sam Divine, July 7, 2009 - CCISTBE03214128-03214131	None	
103	Email chain: top Percy Kirk to James Kelso, Sept. 29, 2010 - CCISTBOKC00161451 (Burtis 14)	None	
104	DVR Price Restructuring Memo, Nov. 16, 2004 - CCISTBE01707505-01707506	402, 901	
105	Converter Pricing Strategy Presentation, Aug. 17, 2006 - CCISTBE03726972-03726993	901	
106	Equipment Pricing Summary Presentation, July 15, 2010 - CCISTBE00027306-00027315	901	
107	Excerpt from Cox website – Class Cert. Hearing Ex. 58	901	
108	Table re comparison of DVR Total Fee / DVR Rental Fee / DVR Service Fee (summary exhibit) - Class Cert. Hearing Ex. 55	702, 901	
109	Expert Report of Justine S. Hastings	802, 805	
110	Supplemental Expert Report of Professor Justine S. Hastings	802, 805	
111	Declaration of Professor Justine S. Hastings, Ph.D., filed Oct. 9, 2013	802, 805	
112	Expert Report of Lawrence J. Harte	802, 805	
113	Expert Report of Michelle Burtis	None	
114	Supplemental Expert Report of Michelle Burtis	None	
115	Expert Report of Alexander Holmes	None	
116	Expert Report of Gerry Wall, Ph.D.	None	
117	Chapter 6 of American Bar Association, <i>Antitrust Law</i>	802	

Ex. No.	Title/Description	Basis for Objection (Federal Rule of Evidence)	Ruling
	<i>Developments</i> , 6 <sup>th</sup> ed.		
118	Netflix advertisement - HARTE000004	None	
119	Richard Lawler, <i>Netflix, EPIX deal is official; Paramount, MGM and Lionsgate movies start streaming</i> , N.Y. Times, Aug. 10, 2010, <a href="http://mediadecoder.blogs.nytimes.com/2010/08/10/netflix-to-stream-films-from-paramount-lionsgate-mgm/?_php=true&amp;_type=blogs&amp;_r=0">http://mediadecoder.blogs.nytimes.com/2010/08/10/netflix-to-stream-films-from-paramount-lionsgate-mgm/?_php=true&amp;_type=blogs&amp;_r=0</a> - HARTE000005-HARTE000008	106, 802, 805, 901	
120	Greg Sandoval, <i>Netflix signs new Disney-ABC deal, shows up doubters</i> , CNET News, Dec. 8, 2010, <a href="http://www.cnet.com/news/netflix-signs-new-disney-abc-deal-shows-up-doubters/">http://www.cnet.com/news/netflix-signs-new-disney-abc-deal-shows-up-doubters/</a> - HARTE000009-HARTE000013	802, 805, 901	
121	Jeffrey Nukom, <i>U-verse customers get streaming HBO and Cinemax</i> , HD-Report, Nov. 29, 2010, <a href="http://www.cnet.com/news/netflix-signs-new-disney-abc-deal-shows-up-doubters/">http://www.cnet.com/news/netflix-signs-new-disney-abc-deal-shows-up-doubters/</a> -- HARTE000014-HARTE000028	None	
122	Letter from Consumer Electronics Association to Federal Communications Commission Chairman Kevin J. Martin, Re: CS Docket No. 97-80/Proposal for Bi-Directional Digital Cable Compatibility and Related Issues (Nov. 7, 2006) - HARTE000029-HARTE000032	402, 802, 901	
123	OpenCable Host Device 2.0 Core Functional Requirements - HARTE000033-HARTE000172	802, 901	
124	Date-Over-Cable Service Interface Specifications DOCSIS 2.0 + IPv6 Cable Modem Specification -- HARTE000173-HARTE000196	802, 901	
125	Date-Over-Cable Service Interface Specifications DOCSIS 2.0 Operations Support System Interface Specification - HARTE000197-HARTE000604	802, 901	
126	Date-Over-Cable Service Interface Specifications DOCSIS 1.1 Operations Support System Interface Specification - HARTE000605-HARTE000846	802, 901	
127	OpenCable Specifications CableCARD Interface 2.0 Specification - HARTE000847-HARTE001175	802, 901	



<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
128	OpenCable Interface Specifications CableCARD Interface Specification - HARTE001176-HARTE001246	802, 901	
129	Cox Communications, Inc. Form 10-K (2003) - HARTE001247-HARTE1403	402	
130	Cox Communications, Inc. Form 10-K (2004) - HARTE001404-HARTE001532	402	
131	Cox Communications, Inc. Form 10-K (2005) - HARTE001533-HARTE001653	None	
132	Federal Communications Commission, 47 CFR Part 76, Proposed rule, Commercial Availability of Bidirectional Navigation Devices (Jul. 25, 2007) - HARTE001654-HARTE001661	None	
133	TiVo Premiere advertisement - HARTE001662-HARTE001663	None	
134	Brian Stelter, Netflix to Stream Films From Paramount, Lions Gate, MGM, N.Y. Times, Aug. 8, 2010, <a href="http://mediadecoder.blogs.nytimes.com/2010/08/10/netflix-to-stream-films-from-paramount-lionsgate-mgm/">http://mediadecoder.blogs.nytimes.com/2010/08/10/netflix-to-stream-films-from-paramount-lionsgate-mgm/</a> - HARTE001664-HARTE001677	802, 805, 901	
135	Digital Terminals, <a href="http://www.rogers.com/web/Rogers.portal?_nfpb=true&amp;_pageLabel=cable_hardware_page">http://www.rogers.com/web/Rogers.portal?_nfpb=true&amp;_pageLabel=cable_hardware_page</a> - HARTE001678	402, 802, 901	
136	V HD Box, <a href="http://shop.virginmedia.com/digital-tv/set-top-boxes/v-hd-box.html">http://shop.virginmedia.com/digital-tv/set-top-boxes/v-hd-box.html</a> - HARTE001679-HARTE001682	402, 802, 901	
137	Set Top Box (STB) Company Directory, <a href="http://www.iptvmagazine.com/iptvmagazine_directory_stb.html">http://www.iptvmagazine.com/iptvmagazine_directory_stb.html</a> - HARTE001683-HARTE001686	Multiple documents, 106, 802, 901	
138	CableLabs Member Companies, <a href="http://www.cablelabs.com/about/companies/">http://www.cablelabs.com/about/companies/</a> - HARTE1687	802, 901	
139	Digital Home, Used Set-Top Boxes, <a href="http://www.digitalhome.ca/2011/05/buying-a-used-cable-set-top-box-in-canada/">http://www.digitalhome.ca/2011/05/buying-a-used-cable-set-top-box-in-canada/</a>	402, 802, 805, 901	
140	Cox Contour introduction, <a href="http://forums.cox.com/forum_home/tv_forum/f/4/t/2146.aspx">http://forums.cox.com/forum_home/tv_forum/f/4/t/2146.aspx</a>	106, 802 (non-Cox statements),	

Ex. No.	Title/Description	Basis for Objection (Federal Rule of Evidence)	Ruling
		901	
141	NETGEAR N600 WiFi DOCSIS 3.0 Cable Modem Router (C3700), <a href="http://www.amazon.com/NETGEAR-DOCSIS-Cable-Modem-Router/dp/B00IF0JAYE/ref=sr_1_6?ie=UTF8&amp;qid=1405098210&amp;sr=8-6&amp;keywords=cable+modem">http://www.amazon.com/NETGEAR-DOCSIS-Cable-Modem-Router/dp/B00IF0JAYE/ref=sr_1_6?ie=UTF8&amp;qid=1405098210&amp;sr=8-6&amp;keywords=cable+modem</a>	106, 402, 802, 805, 901	
142	NETGEAR router Cable Internet Connection Configuration, <a href="http://kb.netgear.com/app/answers/detail/a_id/20302/~/configuring-your-netgear-router-for-cable-internet-connection">http://kb.netgear.com/app/answers/detail/a_id/20302/~/configuring-your-netgear-router-for-cable-internet-connection</a>	402, 802, 901	
143	TiVo Press Release, <a href="http://pr.tivo.com/press-releases/tivo-unveils-full-family-of-set-top-boxes-for-comp-nasdaq-tivo-0766759">http://pr.tivo.com/press-releases/tivo-unveils-full-family-of-set-top-boxes-for-comp-nasdaq-tivo-0766759</a>	802, 805, 901	
144	TiVo Press Release, <a href="http://pr.tivo.com/press-releases/tivo-and-comcast-team-up-to-offer-the-first-retail-nasdaq-tivo-0753154">http://pr.tivo.com/press-releases/tivo-and-comcast-team-up-to-offer-the-first-retail-nasdaq-tivo-0753154</a>	None	
145	Best Buy Digital Cable Information, <a href="http://www.bestbuy.com/site/electronics-promotions/digital-cable-ready-faq/pcmcat49400050010.c?id=pcmcat49400050010">http://www.bestbuy.com/site/electronics-promotions/digital-cable-ready-faq/pcmcat49400050010.c?id=pcmcat49400050010</a>	106, 802, 901	
146	Blackbox500C DVB C Set Top Box, <a href="http://www.alibaba.com/product-detail/Blackbox500C-DVB-C-Set-Top-Box_911925059.html?s=p">http://www.alibaba.com/product-detail/Blackbox500C-DVB-C-Set-Top-Box_911925059.html?s=p</a>	402, 802, 901	
147	Cox Communications Oklahoma City Pricing, <a href="http://www.cox.com/business/oklahomacity/tv/pricing-and-plans.cox">www.cox.com/business/oklahomacity/tv/pricing-and-plans.cox</a>	402, 901	
148	Cox Communications, Oklahoma City Equipment Options, <a href="http://www.cox.com/business/oklahomacity/support/tv/articles.cox?catId=p2_tv_equipment&amp;catName=Equipment">www.cox.com/business/oklahomacity/support/tv/articles.cox?catId=p2_tv_equipment&amp;catName=Equipment</a>	402, 901	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
149	Cox Communications Oklahoma City STB Equipment List, <a href="http://www.cox.com/business/oklahomacity/support/tv/article.cox?articleId=714cc3e0-4bf2-11e0-418a-000000000000">http://www.cox.com/business/oklahomacity/support/tv/article.cox?articleId=714cc3e0-4bf2-11e0-418a-000000000000</a>	402	
150	Cox Communications TV Everywhere Packages, <a href="http://www.cox.com/residential/tv.cox?campcode=xl_re_s_contour_021714">http://www.cox.com/residential/tv.cox?campcode=xl_re_s_contour_021714</a>	None	
151	Mobile Phone purchase option, <a href="http://www.t-mobile.com/cell-phones/samsung-galaxy-note-3.html">http://www.t-mobile.com/cell-phones/samsung-galaxy-note-3.html</a>	Illegible, 106, 402, 802, 805, 901	
152	ARRIS/Motorola SB6121 SURFboard DOCSIS 3.0 Cable Modem, <a href="http://www.amazon.com/ARRIS-Motorola-SB6121-SURFboard-DOCSIS/dp/B004XC6GJ0/ref=sr_1_1?ie=UTF8&amp;qid=1405098099&amp;sr=8-1&amp;keywords=cable+modem">http://www.amazon.com/ARRIS-Motorola-SB6121-SURFboard-DOCSIS/dp/B004XC6GJ0/ref=sr_1_1?ie=UTF8&amp;qid=1405098099&amp;sr=8-1&amp;keywords=cable+modem</a>	106, 802, 805, 901	
153	TIA membership requirements, <a href="http://www.tiaonline.org/about/faq">http://www.tiaonline.org/about/faq</a>	402, 802, 901	
154	STB Manufacturer List, IPTV Magazine, <a href="http://www.IPTVDirectory.com">www.IPTVDirectory.com</a>	802, 901	
155	Press Release, MGM Studios Authorizes Distribution to Netflix, <a href="http://www.engadget.com/2010/08/10/netflix-epix-deal-is-official-paramount-mgm-and-lionsgate-mov/">http://www.engadget.com/2010/08/10/netflix-epix-deal-is-official-paramount-mgm-and-lionsgate-mov/</a>	802, 901	
156	Press Release, Universal Studios Authorizes Distribution to Netflix, PRNews Wire, <a href="http://www.prnewswire.com/news-releases/universal-studios-home-entertainment-and-netflix-announce-new-distribution-deals-for-dvds-blue-ray-and-streaming-content-90333639.html">http://www.prnewswire.com/news-releases/universal-studios-home-entertainment-and-netflix-announce-new-distribution-deals-for-dvds-blue-ray-and-streaming-content-90333639.html</a>	802, 805, 901	
157	Industry Definitions and Acronyms (Harte 1)	402, 702, 802	
158	Cable Television Industry Background (Harte 2)	402, 702, 802	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
159	TiVo STB Feature Comparison (Harte 3)	402, 702, 802, 901	
160	STB Equipment Manufacturers (Harte 4)	702, 802	
161	Major Content Owners who Authorize Distribution on Internet TV/OTT Systems (Harte 5)	702, 802	
162	Cable TV Direct Consumer STB Sales (Harte 6)	402, 702, 802, 901	
163	CableLabs Membership Requirements, <a href="http://www.cablelabs.com/become-a-member/">http://www.cablelabs.com/become-a-member/</a> (Harte 7)	702, 802, 901	
164	Lawrence Harte Resume (Harte 8)	None	
165	Hastings Report, Figure 1 (summary exhibit)	702	
166	Hastings Report, Table 1 (summary exhibit)	702	
167	Backup to Table 1 (composite exhibit) - Class Cert. Hearing Ex. 106	Multiple Documents; reserve objections until documents are put on list	
168	Hastings Report, Table 2 (summary exhibit)	402, 702	
169	Hastings Report, Figure 10 (summary exhibit)	402, 702	
170	Hastings Report, Figure 11 (summary exhibit)	402, 702	
171	Hastings Report, Table 3 (summary exhibit)	402, 702	
172	Hastings Report, Table 4 (summary exhibit)	702	
173	Hastings Supplemental Report, Table 5 (summary exhibit)	702	
174	Backup to Table 5 (composite exhibit) – Class Cert. Hearing Ex. 117	Multiple Documents; reserve objections	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
		until documents are put on list	
175	Hastings Supplemental Report, Table 6 (summary exhibit)	702	
176	Hastings Supplemental Report, Table 7 (summary exhibit)	702	
177	Hastings Supplemental Report, Table 8 (summary exhibit)	702	
178	Hastings Supplemental Report, Table 9 (summary exhibit)	702	
179	Backup to Tables 6-9 (composite exhibit) – Class Cert. Hearing Ex. 118	Multiple Documents; reserve objections until documents are put on list	
180	Hastings Supplemental Report, Table 10 (summary exhibit)	702	
181	Backup to Table 10 (composite exhibit) – Class Cert. Hearing Ex. 119	Multiple Documents; reserve objections until documents are put on list	
182 - 200	Reserved for further summary and demonstrative exhibits	Reserved	

**B. Defendant:**

In addition to the below listed exhibits, Cox reserves the right to enter into evidence any item cited on Plaintiff's exhibit list.

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-001	CCISTB 0024145 – CCISTB 0024153 Amendment No. 1 Cox/SA Agreement, March 23, 2004	None	
DX-002	CCISTB 0024154 – CCISTB 0024155 Amendment No. 2 Cox/SA Agreement, June 28, 2004	None	
DX-003	CCISTB 0024156 – CCISTB 0024156 Amendment No. 4 Cox/SA Agreement, June 28, 2005	None	
DX-004	CCISTB 0024157 – CCISTB 0024157 Amendment No. 6 Cox/SA Agreement, Dec. 29, 2005	None	
DX-005	CCISTB 0024158 – CCISTB 0024158 Amendment No. 7 Cox/SA Agreement, Jan. 11, 2006	None	
DX-006	CCISTB 0024159 – CCISTB 0024159 Amendment No. 8 Cox/SA Agreement, Mar. 28, 2006	None	
DX-007	CCISTB 0024160 – CCISTB 0024160 Amendment No. 9 Cox/SA Agreement, June 30, 2006	None	
DX-008	CCISTB 0024161 – CCISTB 0024168 Amendment No. 3 Cox/SA Agreement, Sept. 8, 2004	None	
DX-009	CCISTB 0024169 – CCISTB 0024169 Amendment No. 5 Cox/SA Agreement, Sept. 30, 2005	None	
DX-010	CCISTB 0024170 – CCISTB 0024176 Master Purchase Agreement for Explorer Set-Tops and Related Equipment between Coxcom, Inc. and Scientific-Atlanta, Inc., Oct. 3, 2003	None	
DX-011	CCISTB 0024277 – CCISTB 0024318 Master Purchase, License and Services Agreement between Cox and Motorola, Jan. 27, 2010	None	
DX-012	CCISTB 0133861 – CCISTB 0133864 Oklahoma City Schedule of Fees and Charges, Mar. 1, 2007	None	
DX-013	CCISTB 0133865 – CCISTB 0133868 Oklahoma City Schedule of Fees and Charges, Mar. 29, 2008	None	
DX-014	CCISTB 0133869 – CCISTB 0133872 Oklahoma City Schedule of Fees and Charges, Feb. 1, 2009	None	
DX-015	CCISTB 0321979 – CCISTB 0321979	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Cox Wide System View, Mar. 31, 2011		
DX-016	CCISTB 1033851 – CCISTB 0133851 Cox Communications Video Price List Oklahoma City and Surrounding Areas	None	
DX-017	CCISTBE00006803 – CCISTBE00006804 Cox Wide System View, Apr. 1, 2009	None	
DX-018	CCISTBE00009499 – CCISTBE00009513 A View of the Video Future, S. Necessary, June 20, 2005	None	
DX-019	CCISTBE00016484 – CCISTBE00016486 OpenCable Goals & Accomplishments Update, Dec. 2007	None	
DX-020	CCISTBE00024956 – CCISTBE00024958 Email from K. Aikawa to S. Necessary re: Product plans (Cox), Feb. 13, 2009	None	
DX-021	CCISTBE00102318 – CCISTBE00102345 Executive Connections: Overview of Strategy and Product Management, S. Necessary, Feb. 2007	None	
DX-022	CCISTBE00568721 – CCISTBE00568727 Video New Product Development Quarterly Review, S. Necessary (Oct. 13, 2005)	None	
DX-023	CCISTBE00712793 – CCISTBE00712794 Email from C. Kocks to S. Necessary re: SONY high level deck, July 21, 2008	None	
DX-024	CCISTBE00712795 – CCISTBE00712796 DMX-CT1 BRAVIA Digital Cable Link SONY PowerPoint slides	802, 901	
DX-025	CCISTBE00974560 – CCISTBE00974563 Next Steps - Standardization and Tru2Way televisions	802 (as to statements purporting to state other company's plans)	
DX-026	CCISTBE01170112 – CCISTBE01170119 New Cox Business Video Codes	None	
DX-027	CCISTBE01337371 – CCISTBE01337374	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Email from J. Civileto to M. Ader re: Q 108 Update - Core Video Product Management		
DX-028	CCISTBE01495370 – CCISTBE01495371 Tru2Way, Messages and FAQs, Jan. 24, 2008	None	
DX-029	CCISTBE01498858 – CCISTBE01498858 Email from C. Kocks to S. Necessary re: Tru2way Retail Plan Changes, May 16, 2008	None	
DX-030	CCISTBE01684424 – CCISTBE01684427 Percentage of Remaining Set-Top Boxes to be Replaced	None	
DX-031	CCISTBE01695900 – CCISTBE01695900 Email from M. Ader to M. Gathen, et al. re: FYI - Sunday begins new era for cable subscribers - USATODAY.com, July 10, 2007	None	
DX-032	CCISTBE01810322 – CCISTBE01810346 Cox-Samsung OCH STB Discussion, Apr. 28, 2006	None	
DX-033	CCISTBE01845229 – CCISTBE01845230 Email from C. Kocks to M. Gathen, S. Necessary, and L. Pickelsimer re: Time Warner Launches OCAP Guide, Jan. 31, 2007	None	
DX-034	CCISTBE02047083 – CCISTBE02047094 DVR Marketing Strategy “Do we Step on the Gas?”, Feb. 2005	None	
DX-035	CCISTBE02952322 – CCISTBE02952333 Memorandum of Understanding Among Cable Operators and Consumer Electronics Adopters Regarding Interactive Digital Cable Ready Products, Apr. 25, 2008	None	
DX-036	CCISTBE03214128 – CCISTBE03214164 Email from S. Mencher to S. Divine re: CPE Analysis-Dave’s and the P&L View we discussed Monday, July 7, 2009	None	
DX-037	CCISTBE03980653 – CCISTBE03980654 Email from P. Kashyap to S. Watkins re: Samsung hospitality tru2way proposal, July 15, 2008	402	
DX-038	CCISTBE02758374 – CCISTBE02758382 Samsung Tru2Way TV Overview, July 2008	None	



<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-039	CCISTBE04077774 – CCISTBE04077799 Reliability and Warranty Analysis for High Return Set Top Box Types (Cisco Section), M. Adams	None	
DX-040	CCISTBE04098349 – CCISTBE04098397 DBS Deep Dive Presentation, Analysis and Recommendations, June 2005	None	
DX-041	CCISTBE04123003 – CCISTBE04123063 Navigating the Separable Security and OpenCable Waters!, S. Necessary, Dec. 2006	None	
DX-042	CCISTBE04139075 – CCISTBE04139107 AT&T Competitive Battle Plan Update Draft, Dec. 18, 2006	None	
DX-043	CCISTBE04178543 – CCISTBE04178559 Why use a more advanced STB?, S. Necessary	None	
DX-044	CCISTBOKC 00002656 (produced in native at CCISTBOKC 00002680) – CCISTBOKC 00002680 Mosaic Report for Q1 2009	None	
DX-045	CCISTBOKC 00002681 (produced in native at CCISTBOKC 00002699) – CCISTBOKC 00002699 Mosaic Report for Q1 2010	None	
DX-046	CCISTBOKC 00002700 (produced in native at CCISTBOKC 00002718) – CCISTBOKC 00002718 Mosaic Report for Q1 2011	None	
DX-047	CCISTBOKC 00002719 (produced in native at CCISTBOKC 00002737) – CCISTBOKC 00002737 Mosaic Report for Q1 2012	None	
DX-048	CCISTBOKC 00002738 (produced in native at CCISTBOKC 00002756) – CCISTBOKC 00002756 Mosaic Report for Q2 2011	None	
DX-049	CCISTBOKC 00002757 (produced in native at CCISTBOKC 00002775) – CCISTBOKC 00002775 Mosaic Report for Q2 2012	None	
DX-050	CCISTBOKC 00002776 (produced in native at CCISTBOKC 00002800) – CCISTBOKC 00002800 Mosaic Report for Q3 2009	None	
DX-051	CCISTBOKC 00002801 (produced in native at CCISTBOKC 002819) – CCISTBOKC 00002819	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Mosaic Report for Q3 2010		
DX-052	CCISTBOKC 00002820 (produced in native at CCISTBOKC 002838) – CCISTBOKC 00002838 Mosaic Report for Q3 2011	None	
DX-053	CCISTBOKC 00002839 (produced in native at CCISTBOKC 00002857) – CCISTBOKC 00002857 Mosaic Report for Q3 2012	None	
DX-054	CCISTBOKC 00002858 (produced in native at CCISTBOKC 00002882) – CCISTBOKC 00002882 Mosaic Report for Q4 2009	None	
DX-055	CCISTBOKC 00002883 (produced in native at CCISTBOKC 00002901) – CCISTBOKC 00002901 Mosaic Report for Q4 2010	None	
DX-056	CCISTBOKC 00002902 (produced in native at CCISTBOKC 00002920) – CCISTBOKC 00002920 Mosaic Report for Q4 2011	None	
DX-057	CCISTBOKC 00002921 (produced in native at CCISTBOKC 00002939) – CCISTBOKC 00002939 Mosaic Report for Q4 2012	None	
DX-058	CCISTBOKC 00002940 (produced in native at CCISTBOKC 00002964) – CCISTBOKC 00002964 Mosaic Report for Q2 2009	None	
DX-059	CCISTBOKC 00002965 (produced in native at CCISTBOKC 00002983) – CCISTBOKC 00002983 Mosaic Report for Q2 2010	None	
DX-060	CCISTBOKC 00018807 – CCISTBOKC 00018810 Email from J. Rich to P. Esser, et al. re: 2011.11.18: Weekly Competitive Article Summary, Nov. 18, 2011	802	
DX-061	CCISTBOKC 00018833 – CCISTBOKC 00018839 Email from J. Rich to P. Esser, et al. re: 2012.01.13: Weekly Competitive Article Summary, Jan. 13, 2012	802	
DX-062	CCISTBOKC 00019370 - CCISTBOKC 00019371 Cox Annual Customer Notice and Privacy Notice 2012	None	
DX-063	CCISTBOKC 00019372 – CCISTBOKC 00019373 Cox Annual Customer Notice 2010	None	
DX-064	CCISTBOKC 00019374 – CCISTBOKC 00019375 Cox Annual Customer Notice 2009	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-065	CCISTBOKC 00019376 – CCISTBOKC 00019377 Cox Annual Customer Notice 2011	None	
DX-066	CCISTBOKC 00019392 – CCISTBOKC 00019393 Cox Annual Privacy Notice 2010	None	
DX-067	CCISTBOKC 00019394 – CCISTBOKC 00019395 Cox Annual Privacy Notice 2009	None	
DX-068	CCISTBOKC 00019396 – CCISTBOKC 00019397 Cox Annual Privacy Notice 2011	None	
DX-069	CCISTBOKC 00019404 – CCISTBOKC 00019405 Cox Annual Privacy Notice 2007-2008	None	
DX-070	CCISTBOKC 00022187 (produced in native at CCISTBOKC 00022215) – CCISTBOKC 00022215 Monthly Operations Review Report for August 2005	None	
DX-071	CCISTBOKC 00022216 (produced in native at CCISTBOKC 022234) – CCISTBOKC 00022234 Monthly Operations Review Report for April 2005	None	
DX-072	CCISTBOKC 00022235 (produced in native at CCISTBOKC 00022252) – CCISTBOKC 00022252 Monthly Operations Review Report for December 2005	None	
DX-073	CCISTBOKC 00022253 (produced in native at CCISTBOKC 00022264) – CCISTBOKC 00022264 Monthly Operations Review Report for February 2005	None	
DX-074	CCISTBOKC 00022265 (produced in native at CCISTBOKC 00022280) – CCISTBOKC 00022280 Monthly Operations Review Report for January 2005	None	
DX-075	CCISTBOKC 00022323 (produced in native at CCISTBOKC 00022281) – CCISTBOKC 00022281 Monthly Operations Review Report for July 2005	None	
DX-076	CCISTBOKC 00022324 (produced in native at CCISTBOKC 00022341) – CCISTBOKC 00022341 Monthly Operations Review Report for June 2005	None	
DX-077	CCISTBOKC 00022342 (produced in native at CCISTBOKC 00022354) – CCISTBOKC 00022354 Monthly Operations Review Report for March 2005	None	
DX-078	CCISTBOKC 00022355 (produced in native at CCISTBOKC 00022384) – CCISTBOKC 00022384	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Monthly Operations Review Report for May 2005		
DX-079	CCISTBOKC 00022385 (produced in native at CCISTBOKC 00022400) – CCISTBOKC 00022400 Monthly Operations Review Report for November 2005	None	
DX-080	CCISTBOKC 00022401 (produced in native at CCISTBOKC 00022417) – CCISTBOKC 00022417 Monthly Operations Review Report for October 2005	None	
DX-081	CCISTBOKC 00022418 (produced in native at CCISTBOKC 00022434) – CCISTBOKC 00022434 Monthly Operations Review Report for September 2005	None	
DX-082	CCISTBOKC 00022435 (produced in native at CCISTBOKC 00022447) – CCISTBOKC 00022447 Monthly Operations Review Report for August 2006	None	
DX-083	CCISTBOKC 00022448 (produced in native at CCISTBOKC 00022465) – CCISTBOKC 00022465 Monthly Operations Review Report for April 2006	None	
DX-084	CCISTBOKC 00022466 (produced in native at CCISTBOKC 00022494) – CCISTBOKC 00022494 Monthly Operations Review Report for September 2006	None	
DX-085	CCISTBOKC 00022495 (produced in native at CCISTBOKC 00022522) – CCISTBOKC 00022522 Monthly Operations Review Report for December 2006	None	
DX-086	CCISTBOKC 00022523 (produced in native at CCISTBOKC 00022538) – CCISTBOKC 00022538 Monthly Operations Review Report for February 2006	None	
DX-087	CCISTBOKC 00022539 (produced in native at CCISTBOKC 00022556) – CCISTBOKC 00022556 Monthly Operations Review Report for January 2006	None	
DX-088	CCISTBOKC 00022557 (produced in native at CCISTBOKC 00022572) – CCISTBOKC 00022572 Monthly Operations Review Report for March 2006	None	
DX-089	CCISTBOKC 00022573 (produced in native at	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	CCISTBOKC 00022592) – CCISTBOKC 00022592 Monthly Operations Review Report for May 2006		
DX-090	CCISTBOKC 00022593 (produced in native at CCISTBOKC 00022621) – CCISTBOKC 00022621 Monthly Operations Review Report for October 2006	None	
DX-091	CCISTBOKC 00022622 (produced in native at CCISTBOKC 022644) – CCISTBOKC 00022644 Monthly Operations Review Report for June 2006	None	
DX-092	CCISTBOKC 00022645 (produced in native at CCISTBOKC 00022659) – CCISTBOKC 00022659 Monthly Operations Review Report for July 2006	None	
DX-093	CCISTBOKC 00022660 (produced in native at CCISTBOKC 00022685) – CCISTBOKC 00022685 Monthly Operations Review Report for November 2006	None	
DX-094	CCISTBOKC 00022686 (produced in native at CCISTBOKC 00022691) CCISTBOKC 00022691 Monthly Operations Review Report for January 2007	None	
DX-095	CCISTBOKC 00022692 (produced in native at CCISTBOKC 00022696) – CCISTBOKC 00022696 Monthly Operations Review Report for February 2007	None	
DX-096	CCISTBOKC 00022697 (produced in native at CCISTBOKC 00022701) – CCISTBOKC 00022701 Monthly Operations Review Report for March 2007	None	
DX-097	CCISTBOKC 00022702 (produced in native at CCISTBOKC 00022706) – CCISTBOKC 00022706 Monthly Operations Review Report for April 2007	None	
DX-098	CCISTBOKC 00022707 (produced in native at CCISTBOKC 00022711) – CCISTBOKC 00022711 Monthly Operations Review Report for May 2007	None	
DX-099	CCISTBOKC 00022712 (produced in native at CCISTBOKC 00022716) – CCISTBOKC 00022716 Monthly Operations Review Report for June 2007	None	
DX-100	CCISTBOKC 00022717 (produced in native at CCISTBOKC 00022721) – CCISTBOKC 00022721 Monthly Operations Review Report for July 2007	None	
DX-101	CCISTBOKC 00022722 (produced in native at	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	CCISTBOKC 00022726) – CCISTBOKC 00022726 Monthly Operations Review Report for August 2007		
DX-102	CCISTBOKC 00022727 (produced in native at CCISTBOKC 00022731) – CCISTBOKC 00022731 Monthly Operations Review Report for September 2007	None	
DX-103	CCISTBOKC 00022732 (produced in native at CCISTBOKC 00022757) – CCISTBOKC 00022757 Monthly Operations Review Report for October 2007	None	
DX-104	CCISTBOKC 00022758 (produced in native at CCISTBOKC 00022762) – CCISTBOKC 00022762 Monthly Operations Review Report for November 2007	None	
DX-105	CCISTBOKC 00022763 (produced in native at CCISTBOKC 00022767) – CCISTBOKC 00022767 Monthly Operations Review Report for December 2007	None	
DX-106	CCISTBOKC 00022768 (produced in native at CCISTBOKC 00022772) – CCISTBOKC 00022772 Monthly Operations Review Report for January 2008	None	
DX-107	CCISTBOKC 00022773 (produced in native at CCISTBOKC 00022777) – CCISTBOKC 00022777 Monthly Operations Review Report for February 2008	None	
DX-108	CCISTBOKC 00022778 (produced in native at CCISTBOKC 00022782) – CCISTBOKC 00022782 Monthly Operations Review Report for March 2008	None	
DX-109	CCISTBOKC 00022783 (produced in native at CCISTBOKC 00022787) – CCISTBOKC 00022787 Monthly Operations Review Report for April 2008	None	
DX-110	CCISTBOKC 00022788 (produced in native at CCISTBOKC 00022792) – CCISTBOKC 00022792 Monthly Operations Review Report for May 2008	None	
DX-111	CCISTBOKC 00022793 (produced in native at CCISTBOKC 00022797) – CCISTBOKC 00022797 Monthly Operations Review Report for June 2008	None	
DX-112	CCISTBOKC 00022798 (produced in native at CCISTBOKC 00022802) – CCISTBOKC 00022802	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Monthly Operations Review Report for July 2008		
DX-113	CCISTBOKC 00022803 (produced in native at CCISTBOKC 00022807) – CCISTBOKC 00022807 Monthly Operations Review Report for August 2008	None	
DX-114	CCISTBOKC 00022808 (produced in native at CCISTBOKC 00022812) – CCISTBOKC 00022812 Monthly Operations Review Report for September 2008	None	
DX-115	CCISTBOKC 00022813 (produced in native at CCISTBOKC 00022817) – CCISTBOKC 00022817 Monthly Operations Review Report for November 2008	None	
DX-116	CCISTBOKC 00022818 (produced in native at CCISTBOKC 00022822) – CCISTBOKC 00022822 Monthly Operations Review Report for October 2008	None	
DX-117	CCISTBOKC 00022823 (produced in native at CCISTBOKC 00022827) – CCISTBOKC 00022827 Monthly Operations Review Report for December 2008	None	
DX-118	CCISTBOKC 00022828 (produced in native at CCISTBOKC 00022832) – CCISTBOKC 00022832 Monthly Operations Review Report for January 2009	None	
DX-119	CCISTBOKC 00022833 (produced in native at CCISTBOKC 00022837) – CCISTBOKC 00022837 Monthly Operations Review Report for February 2009	None	
DX-120	CCISTBOKC 00022838 (produced in native at CCISTBOKC 00022842) – CCISTBOKC 00022842 Monthly Operations Review Report for March 2009	None	
DX-121	CCISTBOKC 00022843 (produced in native at CCISTBOKC 00022847) – CCISTBOKC 00022847 Monthly Operations Review Report for April 2009	None	
DX-122	CCISTBOKC 00022848 (produced in native at CCISTBOKC 00022854) – CCISTBOKC 00022854 Monthly Operations Review Report for May 2009	None	
DX-123	CCISTBOKC 00022855 (produced in native at CCISTBOKC 00022859) – CCISTBOKC 00022859 Monthly Operations Review Report for June 2009	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-124	CCISTBOKC 00022860 (produced in native at CCISTBOKC 00022864) – CCISTBOKC 00022864 Monthly Operations Review Report for July 2009	None	
DX-125	CCISTBOKC 00022865 (produced in native at CCISTBOKC 00022869) – CCISTBOKC 00022869 Monthly Operations Review Report for August 2009	None	
DX-126	CCISTBOKC 00022870 (produced in native at CCISTBOKC 00022948) – CCISTBOKC 00022948 Monthly Operations Review Report for September 2009	None	
DX-127	CCISTBOKC 00022949 (produced in native at CCISTBOKC 00023042) – CCISTBOKC 00023042 Monthly Operations Review Report for October 2009	None	
DX-128	CCISTBOKC 00023043 (produced in native at CCISTBOKC 00023130) – CCISTBOKC 00023130 Monthly Operations Review Report for November 2009	None	
DX-129	CCISTBOKC 00023131 (produced in native at CCISTBOKC 00023224) – CCISTBOKC 00023224 Monthly Operations Review Report for December 2009	None	
DX-130	CCISTBOKC 00023225 (produced in native at CCISTBOKC 00023338) – CCISTBOKC 00023338 Monthly Operations Review Report for January 2010	None	
DX-131	CCISTBOKC 00023339 (produced in native at CCISTBOKC 00023453) – CCISTBOKC 00023453 Monthly Operations Review Report for February 2010	None	
DX-132	CCISTBOKC 00023454 (produced in native at CCISTBOKC 00024096) – CCISTBOKC 00024096 Monthly Operations Review Report for March 2010	None	
DX-133	CCISTBOKC 00024097 (produced in native at CCISTBOKC 00024208) – CCISTBOKC 00024208 Monthly Operations Review Report for April 2010	None	
DX-134	CCISTBOKC 00024209 (produced in native at CCISTBOKC 00024319) – CCISTBOKC 00024319 Monthly Operations Review Report for May 2010	None	
DX-135	CCISTBOKC 00024320 (produced in native at	None	



<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	CCISTBOKC 00024430) – CCISTBOKC 00024430 Monthly Operations Review Report for June 2010		
DX-136	CCISTBOKC 00024431 (produced in native at CCISTBOKC 00024545) – CCISTBOKC 00024545 Monthly Operations Review Report for July 2010	None	
DX-137	CCISTBOKC 00024546 (produced in native at CCISTBOKC 00024660) – CCISTBOKC 00024660 Monthly Operations Review Report for August 2010	None	
DX-138	CCISTBOKC 00024661 (produced in native at CCISTBOKC 00024756) – CCISTBOKC 00024756 Monthly Operations Review Report for September 2010	None	
DX-139	CCISTBOKC 00024757 (produced in native at CCISTBOKC 00024856) – CCISTBOKC 00024856 Monthly Operations Review Report for October 2010	None	
DX-140	CCISTBOKC 00024857 (produced in native at CCISTBOKC 00024955) – CCISTBOKC 00024955 Monthly Operations Review Report for November 2010	None	
DX-141	CCISTBOKC 00024956 (produced in native at CCISTBOKC 00025054) – CCISTBOKC 00025054 Monthly Operations Review Report for December 2010	None	
DX-142	CCISTBOKC 00025055 (produced in native at CCISTBOKC 00025154) – CCISTBOKC 00025154 Monthly Operations Review Report for January 2011	None	
DX-143	CCISTBOKC 00025155 (produced in native at CCISTBOKC 00025267) – CCISTBOKC 00025267 Monthly Operations Review Report for February 2011	None	
DX-144	CCISTBOKC 00025268 (produced in native at CCISTBOKC 00025382) – CCISTBOKC 00025382 Monthly Operations Review Report for March 2011	None	
DX-145	CCISTBOKC 00025383 (produced in native at CCISTBOKC 00025497) – CCISTBOKC 00025497 Monthly Operations Review Report for April 2011	None	
DX-146	CCISTBOKC 00025498 (produced in native at CCISTBOKC 00025604) – CCISTBOKC 00025604	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Monthly Operations Review Report for May 2011		
DX-147	CCISTBOKC 00025605 (produced in native at CCISTBOKC 00025749) – CCISTBOKC 00025749 Monthly Operations Review Report for June 2011	None	
DX-148	CCISTBOKC 00025750 (produced in native at CCISTBOKC 00025879) – CCISTBOKC 00025879 Monthly Operations Review Report for July 2011	None	
DX-149	CCISTBOKC 00025880 (produced in native at CCISTBOKC 00026006) – CCISTBOKC 00026006 Monthly Operations Review Report for August 2011	None	
DX-150	CCISTBOKC 00026007 (produced in native at CCISTBOKC 00026127) – CCISTBOKC 00026127 Monthly Operations Review Report for September 2011	None	
DX-151	CCISTBOKC 00026128 (produced in native at CCISTBOKC 00026254) – CCISTBOKC 00026254 Monthly Operations Review Report for October 2011	None	
DX-152	CCISTBOKC 00026255 (produced in native at CCISTBOKC 00026381) – CCISTBOKC 00026381 Monthly Operations Review Report for November 2011	None	
DX-153	CCISTBOKC 00026382 (produced in native at CCISTBOKC 00026509) – CCISTBOKC 00026509 Monthly Operations Review Report for December 2011	None	
DX-154	CCISTBOKC 00026510 (produced in native at CCISTBOKC 00026632) – CCISTBOKC 00026632 Monthly Operations Review Report for January 2012	None	
DX-155	CCISTBOKC 00026633 (produced in native at CCISTBOKC 00026755) – CCISTBOKC 00026755 Monthly Operations Review Report for February 2012	None	
DX-156	CCISTBOKC 00026756 (produced in native at CCISTBOKC 00026894) – CCISTBOKC 00026894 Monthly Operations Review Report for March 2012	None	
DX-157	CCISTBOKC 00026895 (produced in native at CCISTBOKC 00027033) – CCISTBOKC 00027033	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Monthly Operations Review Report for April 2012		
DX-158	CCISTBOKC 00027034 (produced in native at CCISTBOKC 00027143) – CCISTBOKC 00027143 Monthly Operations Review Report for May 2012	None	
DX-159	CCISTBOKC 00027144 (produced in native at CCISTBOKC 00027255) – CCISTBOKC 00027255 Monthly Operations Review Report for June 2012	None	
DX-160	CCISTBOKC 00027256 (produced in native at CCISTBOKC 00027367) – CCISTBOKC 00027367 Monthly Operations Review Report for July 2012	None	
DX-161	CCISTBOKC 00027480 (produced in native at CCISTBOKC 00027591) – CCISTBOKC 00027591 Monthly Operations Review Report for September 2012	None	
DX-162	CCISTBOKC 00027592 (produced in native at CCISTBOKC 00027692) – CCISTBOKC 00027692 Monthly Operations Review Report for October 2012	None	
DX-163	CCISTBOKC 00027693 (produced in native at CCISTBOKC 00027797) – CCISTBOKC 00027797 Monthly Operations Review Report for November 2012	None	
DX-164	CCISTBOKC 00027798 (produced in native at CCISTBOKC 00027899) – CCISTBOKC 00027899 Monthly Operations Review Report for December 2012	None	
DX-165	CCISTBOKC 00027916 (produced in native at CCISTBOKC 00028020) – CCISTBOKC 00028020 Monthly Operations Review Report for January 2013	402, 403 (outside relevant time period)	
DX-166	CCISTBOKC 00028021 (produced in native at CCISTBOKC 00028060) – CCISTBOKC 00028060 Monthly Operations Review Report for February 2013	402, 403 (outside relevant time period)	
DX-167	CCISTBOKC 00029418 – CCISTBOKC 00029418 Cox Promotion Flyer	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-168	CCISTBOKC 00037368 (produced in native at CCISTBOKC 00027479) CCISTBOKC 00027479) Monthly Operations Review Report for August 2012	None	
DX-169	CCISTBOKC 00065638 – CCISTBOKC 00065646 2011 Rate Change Power Point	None	
DX-170	CCISTBOKC 00174441 – CCISTBOKC 00174442 Email from S. Westerman to OKC Employees re Stake Our Claim Incentive Program Kick-Off, June 29, 2007	None	
DX-171	CCISTBOKC 00180217 – CCISTBOKC 00180243 Oklahoma's Competitive Playbook, Cox Oklahoma, Feb. 2008	None	
DX-172	CCISTBOKC 00180884 – CCISTBOKC 00180902 Competitive Update, Cox Oklahoma Managers Meeting, Mar. 4, 2006	None	
DX-173	CCISTBOKC 00199429 – CCISTBOKC 00199438 U-Verse Video product/pricing comparisons, Apr. 2011	None	
DX-174	CCISTBOKC 00201289 – CCISTBOKC 00201296 2011-2014 Strategic Initiatives	None	
DX-175	CCISTBOKC 00202706 – CCISTBOKC 00202796 Cox Custom Segmentation - Deep Dive, Dec. 16, 2011	None	
DX-176	CCISTBOKC 00208161 – CCISTBOKC 00208166 Test Cox Bill, Jan. 20, 2011	None	
DX-177	CCISTBOKC 00245107 – CCISTBOKC 00245109 Email from B. Berkinshaw to S. Osborn re: Tru2Way for Cox newsletter, Jan. 7, 2009	None	
DX-178	CCISTBOKC 00373523 – CCISTBOKC 00373541 Competitive Update, Cox Oklahoma Managers Meeting, Mar. 4, 2006	None	
DX-179	CCISTBOKC 00479343 – CCISTBOKC 00479403 Navigating the Separable Security and OpenCable Waters!, S. Necessary, Dec. 2006	None	
DX-180	CCISTBOKC 00480345 – CCISTBOKC 00480345 Email from P. Kirk to K. Peck re: Your article - is this more in line with your thinking?, Aug. 30, 2011	None	
DX-181	CCISTBOKC 00515912 – CCISTBOKC 00515915 Price Lock Guarantee	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-182	CCISTBOKC 00540490 – CCISTBOKC 00540498 Cox Introduces Price Lock Service Agreements to Residential Customers	None	
DX-183	CCISTBOKC 00540528 – CCISTBOKC 00540544 Cox Introduces Special Cost Saving Contract Options to Residential Customers	None	
DX-184	CCISTBOKC 00554531 – CCISTBOKC 00554536 No Surprise Bundles, July 1, 2010	None	
DX-185	CCISTBOKC 00561747 – CCISTBOKC 00561748 Cox Promotion	None	
DX-186	CCISTBOKC 00601449 – CCISTBOKC 00601464 Oklahoma Customer Experience 2012, Jan. 31, 2012	None	
DX-187	CCISTBOKC 00696671 – CCISTBOKC 00696714 Cox OKC Offers/Campaigns	None	
DX-188	CCISTBOKC 00696715 – CCISTBOKC 00696779 Cox OKC Offers/Campaigns	None	
DX-189	CCISTBOKC 00696780 – CCISTBOKC 00696795 Cox OKC Offers/Campaigns	None	
DX-190	CCISTBOKC 00696796 – CCISTBOKC 00696812 Cox OKC Offers/Campaigns	None	
DX-191	CCISTBOKC 00698397 – CCISTBOKC 00698405 Cox Custom Segmentation – OKC	None	
DX-192	CCISTBOKC 00698411 – CCISTBOKC 00698419 Cox OKC Offers/Campaigns	None	
DX-193	CCISTBOKC 00698431 – CCISTBOKC 00698440 Cox OKC Offers/Campaigns	None	
DX-194	CCISTBOKC 00698441 – CCISTBOKC 00698456 Cox OKC Offers/Campaigns	None	
DX-195	CCISTBOKC 00698457 – CCISTBOKC 00698461 Cox OKC Offers/Campaigns	None	
DX-196	CCISTBOKC 00698462 – CCISTBOKC 00698470 Cox OKC Offers/Campaigns	None	
DX-197	CCISTBOKC 00698471 – CCISTBOKC 00698476 Cox OKC Offers/Campaigns	None	
DX-198	CCISTBOKC 00698477 – CCISTBOKC 00698487 Cox OKC Offers/Campaigns	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-199	CCISTBOKC 00698488 – CCISTBOKC 00698506 Cox OKC Offers/Campaigns	None	
DX-200	CCISTBOKC 00698507 – CCISTBOKC 00698526 Cox OKC Offers/ Campaigns	None	
DX-201	CCISTBOKC-FA 001192 – CCISTBOKC-FA 001193 Woodlawn Park First Amendment to Franchise Agreement, June 12, 2012	None	
DX-202	CCISTBOKC-FA 001234 – CCISTBOKC-FA 001238 Smith Village First Amendment to Franchise Agreement, Dec. 13, 2012	None	
DX-203	CCISTBOKC-FA 001236 – CCISTBOKC-FA 001238 Smith Village Franchise Agreement, Nov. 12, 2007	None	
DX-204	CCISTBOKC-FA 001239 – CCISTBOKC-FA 001243 Woodlawn Park Franchise Agreement, Nov. 12, 2007	None	
DX-205	Cox15 – Cox15 Email from J. Cove to R. Perry, et al. re CableLabs Meeting Notes, Feb. 28, 2008	None	
DX-206	Cox17 – Cox17 Proposal for Tru2Way TV Collaboration, Dec. 4, 2008	None	
DX-207	Cox21 – Cox21 Email from R. Perry to V. Carlson, J. Cove re Our Discussions Tomorrow, Feb. 27, 2008	802, 901	
DX-208	COXOKCSTB-MAP 01 – COXOKCSTB-MAP 01 OKC Big Map	None	
DX-209	DTV_HEALY 000001 – DTV_HEALY 000005 Healy DirecTV Customer History	None	
DX-210	DTV_HEALY 000006 – DTV_HEALY 000007 Healy DirecTV Bill, Apr. 25, 2013	None	
DX-211	DTV_HEALY 000008 – DTV_HEALY 000009 Healy DirecTV Bill, Mar. 25, 2013	None	
DX-212	DTV_HEALY 000010 – DTV_HEALY 000011 Healy DirecTV Bill, Feb. 25, 2013	None	
DX-213	DTV_HEALY 000012 – DTV_HEALY 000013 Healy DirecTV Bill, Jan. 25, 2013	None	
DX-214	DTV_HEALY 000014 – DTV_HEALY 000015 Healy DirecTV Bill, Dec. 25, 2012	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-215	DTV_HEALY 000016 – DTV_HEALY 000017 Healy DirecTV Bill, Nov. 25, 2012	None	
DX-216	DTV_HEALY 000018 – DTV_HEALY 000020 Healy DirecTV Bill, Oct. 25, 2012	None	
DX-217	DTV_HEALY 000021 – DTV_HEALY 000023 Healy DirecTV Bill, Sept. 25, 2012	None	
DX-218	DTV_HEALY 000024 – DTV_HEALY 000026 Healy DirecTV Bill, Aug. 25, 2012	None	
DX-219	DTV_HEALY 000027 – DTV_HEALY 000028 Healy DirecTV Bill, July 25, 2012	None	
DX-220	DTV_HEALY 000029 – DTV_HEALY 000030 Healy DirecTV Bill, June 25, 2012	None	
DX-221	DTV_HEALY 000031 – DTV_HEALY 000032 Healy DirecTV Bill, May 25, 2012	None	
DX-222	DTV_HEALY 000035 – DTV_HEALY 000036 Healy DirecTV Bill, Apr. 25, 2012	None	
DX-223	DTV_HEALY 000037 – DTV_HEALY 000038 Healy DirecTV Bill, Mar. 25, 2012	None	
DX-224	DTV_HEALY 000039 – DTV_HEALY 000040 Healy DirecTV Bill, Feb. 25, 2012	None	
DX-225	DTV_HEALY 000041 – DTV_HEALY 000043 Healy DirecTV Bill, Jan. 25, 2012	None	
DX-226	DTV_HEALY 000044 – DTV_HEALY 000047 Healy DirecTV Bill, Dec. 25, 2011	None	
DX-227	DTV_HEALY 000048 – DTV_HEALY 000049 Healy DirecTV Bill, Dec. 14, 2011	None	
DX-228	DTV_HEALY 000050 – DTV_HEALY 000052 Healy DirecTV Bill, Nov. 13, 2011	None	
DX-229	DTV_HEALY 000055 – DTV_HEALY 000081 Healy Customer Data - DirecTV, May 22, 2013	402, 403	
DX-230	FN00023 – FN00083 Tru2Way Set Top Box Operating Instructions	106	
DX-231	FN00330 – FN00366 Cox OpenCable Program Host Guide for Funai 1728FST, Aug. 31, 2008	None	
DX-232	FN00572 – FN00573	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Email from K. Aikawa to S. Necessary re: Product plans (Cox), Feb. 18, 2009		
DX-233	HARTE001701 – HARTE001707 Rogers - Hardware Printout	None	
DX-234	HARTE001708 – HARTE001709 Index of Cox Cable Boxes	None	
DX-235	HARTE001712 – HARTE001715 Reference List for Expert Report of Lawrence J. Harte	None	
DX-236	HEALY000001 HEALY000008 Healy Cox Bill, Feb. 26, 2013	None	
DX-237	HEALY000010 – HEALY000010 Healy Cox Bill, Mar. 28, 2013	None	
DX-238	MOT0004816 – MOT0004827 Tru2Way (Open Cable) Program Update Presentation	None	
DX-239	NCTACX055426 – NCTACX055426 Mandating DCR+ Is Not In The Public Interest, Jan. 2008	802	
DX-240	STA 000001 – STA 000028 Samsung Digital Media's OpenCable STB Proposal for Cox Communications, J. Kang, Nov. 1, 2006	None	
DX-241	STA 000050 – STA 000053 Cox & Samsung OCAP Trial Status	None	
DX-242	STA 000147 – STA 000148 Cox Meeting at Summer Conf (Aug. 6, 2007)	802,901	
DX-243	TiVO 0001 – TiVO 0001 Guide – "Why Settle for a DVR"	None	
DX-244	TIVOCOX000298 – TIVOCOX000375 VOD Integration and Co-Marketing Agreement between TiVo and Cox	None	
DX-245	TIVOCOX000477 – TIVOCOX000478 In the Matter of Video Device Competition: Implementation of Section 304 of the Telecommunications Act of 1996: Commercial Availability of Navigation Devices; Compatibility Between Cable Systems and Consumer Electronics Equipment, Joint Letter from TiVo and Cox to M. Dortch, MB Docket No. 10-91, CS Docket No. 97-80,	None	



<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	PP Docket No. 00-667, Sept. 14, 2010		
DX-246	“A Compass for Understanding and Using American Community Survey Data, What General Data Users Need to Know”, Oct. 2008, US Census Bureau, <a href="http://www.census.gov/acs/www/Downloads/handbooks/ACSGeneralHandbook.pdf">http://www.census.gov/acs/www/Downloads/handbooks/ACSGeneralHandbook.pdf</a> (accessed July 22, 2014)	402,403	
DX-247	“About Us”, Hulu, <a href="http://www.hulu.com/about">http://www.hulu.com/about</a> (accessed July 23, 2014)	402, 403 (outside relevant time frame)	
DX-248	“Althos”, <a href="http://www.althos.com">http://www.althos.com</a> (accessed July 23, 2014)	402,403	
DX-249	“Amazon.com Launches Amazon Unbox(TM), a Digital Video Download Service with DVD-Quality Picture”, Sept. 7, 2006, Business Wire, <a href="http://phx.corporate-ir.net/phoenix.zhtml?c=176060&amp;p=irol-newsArticle&amp;ID=903244&amp;highlight">http://phx.corporate-ir.net/phoenix.zhtml?c=176060&amp;p=irol-newsArticle&amp;ID=903244&amp;highlight</a> (accessed July 22, 2014)	802	
DX-250	“Amazon.com starts video download service”, Sept. 7, 2006, Associated Press via NBC News, <a href="http://www.nbcnews.com/id/14721729/ns/technology_and_science-tech_and_gadgets/t/amazoncom-starts-video-download-service/">http://www.nbcnews.com/id/14721729/ns/technology_and_science-tech_and_gadgets/t/amazoncom-starts-video-download-service/</a> (accessed July 21, 2014)	802	
DX-251	“American Fact Finder”, U.S. Census Bureau, <a href="http://factfinder2.census.gov">http://factfinder2.census.gov</a> (accessed July 23, 2014)	402, 403	
DX-252.	“Best DVR for Cable TV”, TiVo, <a href="http://www.tivo.com/discover/cable">http://www.tivo.com/discover/cable</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-253	“Best DVR for Cable TV, HD Antenna and Web Entertainment”, TiVo, <a href="http://www.tivo.com/">http://www.tivo.com/</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-254	“Cisco and Rogers Reinvent the Cable TV Experience with Cisco Videoscape”, Feb. 24, 2012, Cisco Press Release, <a href="http://newsroom.cisco.com/press-release-">http://newsroom.cisco.com/press-release-</a>	402, 403, 802, 901	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	content?articleId=677598 (accessed July 23, 2014)		
DX-255	“Cox Communications Launches HDTV in Phoenix”, Sept. 4, 2002, Cox Communications Press Release, <a href="http://cox.mediaroom.com/index.php?s=43&amp;item=332&amp;printable">http://cox.mediaroom.com/index.php?s=43&amp;item=332&amp;printable</a> (accessed July 22, 2014)	402, 403 (outside relevant time frame)	
DX-256	“Cox Communications Launches TV Online: Thousands of TV shows and movies now available to view at cox.com/tv”, May 10, 2011, Cox Communications Press Release via Newswire, <a href="http://cox.mediaroom.com/index.php?s=43&amp;item=542">http://cox.mediaroom.com/index.php?s=43&amp;item=542</a> (accessed July 23, 2014)	802	
DX-257	“Cox Communications shuts down its mobile phone service for good”, Nov. 16, 2011, Wireless Industry News, <a href="http://www.wirelessindustrynews.org/news-nov-2011/2861-111611-win-news.html">http://www.wirelessindustrynews.org/news-nov-2011/2861-111611-win-news.html</a> (accessed July 21, 2014)	402, 403, 802	
DX-258	“Cox Dispatch”, <a href="http://ww2.cox.com/dispatch/4629435930830298053/splash.cox">http://ww2.cox.com/dispatch/4629435930830298053/splash.cox</a> (accessed July 23, 2014)	402	
DX-259	“Digital Set Top Box”, Samsung, <a href="http://www.samsung.com/us/support/owners/product/MT-H3090/TWC">http://www.samsung.com/us/support/owners/product/MT-H3090/TWC</a> (accessed July 22, 2014)	402, 402 (outside relevant time frame), 901	
DX-260	“Digital Television”, FCC Encyclopedia, <a href="http://www.fcc.gov/digital-television">http://www.fcc.gov/digital-television</a> (accessed July 23, 2014)	None	
DX-261	“Evolution of Cable Television”, FCC Encyclopedia, <a href="http://www.fcc.gov/encyclopedia/evolution-cable-television">http://www.fcc.gov/encyclopedia/evolution-cable-television</a> (accessed July 22, 2014)	None	
DX-262	“Free Online Tutorials”, Althos, <a href="http://www.althos.com/tutorials.html">http://www.althos.com/tutorials.html</a> (accessed July 23, 2014)	402, 403	
DX-263	“Frequently Asked Questions”, Moxi, <a href="http://www.moxi.com/us/faq.html">http://www.moxi.com/us/faq.html</a> (accessed July 23, 2014)	106, 402, 403 (outside relevant	

Ex. No.	Title/Description	Basis for Objection (Federal Rule of Evidence)	Ruling
		time frame), 901	
DX-264	“Geographic Terms and Concepts - Block”, U.S. Census Bureau, <a href="http://www.census.gov/geo/reference/gtc/gtc_block.html">http://www.census.gov/geo/reference/gtc/gtc_block.html</a> (accessed by July 23, 2014)	402, 403	
DX-265	“Global Internet Phenomena, Your Gateway to the Evolution of Internet Traffic”, 2012, <a href="http://www.sandvine.com/downloads/documents/Phenomena_2H_2012/Sandvine_Global_Internet_Phenomena_Report_2H_2012.pdf">http://www.sandvine.com/downloads/documents/Phenomena_2H_2012/Sandvine_Global_Internet_Phenomena_Report_2H_2012.pdf</a> (accessed July 22, 2014)	402, 403, 802	
DX-266	“Great Deals on Motorola Car Accessories”, Amazon, <a href="http://www.amazon.com/b?ie=UTF8&amp;node=2422369011">http://www.amazon.com/b?ie=UTF8&amp;node=2422369011</a> (accessed July 23, 2014)	402, 403	
DX-267	“HD Terminal”, Videotron, <a href="http://www.videotron.com/residential/television/terminals-and-accessories/terminals/hd-terminal">http://www.videotron.com/residential/television/terminals-and-accessories/terminals/hd-terminal</a> (accessed July 23, 2014)	402, 403	
DX-268	“History”, Outerwall, <a href="http://www.outerwall.com/company/history">http://www.outerwall.com/company/history</a> (accessed July 23, 2014)	402, 403, 802	
DX-269	“Hulu Launches Preview of Subscription Service Hulu Plus”, June 29, 2010, Hulu, <a href="http://www.hulu.com/press/hulu_plus_press_release.html">http://www.hulu.com/press/hulu_plus_press_release.html</a> (accessed July 22, 2014)	802	
DX-270	“Hulu Plus Launches Out of Preview for \$7.99/month”, Nov. 17, 2010, Hulu, <a href="http://blog.hulu.com/2010/11/17/hulu-plus-launches-out-of-preview-for-7-99month/">http://blog.hulu.com/2010/11/17/hulu-plus-launches-out-of-preview-for-7-99month/</a> (accessed July 22, 2014)	802	
DX-271	“Introduction to TV Set Top Boxes - STBs”, TV Dictionary, <a href="http://www.tvdictionary.com/tutorial/TV-Set-Top-Box-STB-tutorial-title-slide.html">http://www.tvdictionary.com/tutorial/TV-Set-Top-Box-STB-tutorial-title-slide.html</a> (accessed July 23, 2014)	None	
DX-272	“Monthly Fees”, Moxi, <a href="http://www.moxi.com/us/monthly_fees.html">http://www.moxi.com/us/monthly_fees.html</a> (accessed July 23, 2014)	None	

Ex. No.	Title/Description	Basis for Objection (Federal Rule of Evidence)	Ruling
DX-273	"Motorola", Best Buy, <a href="http://www.bestbuy.com/site/Brands/Motorola/pcmcat159400050006.c?id=pcmcat159400050006">http://www.bestbuy.com/site/Brands/Motorola/pcmcat159400050006.c?id=pcmcat159400050006</a> (accessed July 23, 2014)	402, 403 (outside relevant time frame)	
DX-274	"New Three-Tuner Moxi(R) HD DVR and Reduced Pricing for Moxi Multi-Room Packages Unwrapped for Holiday Season", Nov. 10, 2009, ARRIS Press Release, <a href="http://phx.corporate-ir.net/phoenix.zhtml?c=87823&amp;p=irol-newsArticle_print&amp;ID=1353354">http://phx.corporate-ir.net/phoenix.zhtml?c=87823&amp;p=irol-newsArticle_print&amp;ID=1353354</a> (accessed July 23, 2014)	None	
DX-275	"Panasonic", Best Buy, <a href="http://www.bestbuy.com/site/Brands/Panasonic/pcmcat151900050007.c?id=pcmcat151900050007">http://www.bestbuy.com/site/Brands/Panasonic/pcmcat151900050007.c?id=pcmcat151900050007</a> (accessed July 23, 2014)	402, 403 (outside relevant time frame)	
DX-276	"Panasonic", <a href="http://shop.panasonic.com/">http://shop.panasonic.com/</a> (accessed July 23, 2014)	402, 403 (outside relevant time frame)	
DX-277	"Receivers: Dish Player-DVR Receivers", Dish Network via Wayback Machine, <a href="http://web.archive.org/web/20050101021225/http://www.dishnetwork.com/content/products/receivers/dvr/index.shtml">http://web.archive.org/web/20050101021225/http://www.dishnetwork.com/content/products/receivers/dvr/index.shtml</a> (accessed July 12, 2014)	None	
DX-278	"Receivers: Dish Player-DVR Receivers", Dish Network via Wayback Machine, <a href="http://web.archive.org/web/20050316062049/http://www.dishnetwork.com/content/products/receivers/dvr/index.shtml">http://web.archive.org/web/20050316062049/http://www.dishnetwork.com/content/products/receivers/dvr/index.shtml</a> (accessed July 23, 2014)	None	
DX-279	"Receivers: High Definition Receivers", Dish Network via Wayback Machine, <a href="http://web.archive.org/web/20050101022400/http://www.dishnetwork.com/content/products/receivers/hd/index.shtml">http://web.archive.org/web/20050101022400/http://www.dishnetwork.com/content/products/receivers/hd/index.shtml</a> (accessed July 23, 2014)	None	
DX-280	"Receivers: Standard Receivers", Dish Network via Wayback Machine, <a href="http://web.archive.org/web/20050926161251/http://www">http://web.archive.org/web/20050926161251/http://www</a>	None	

Ex. No.	Title/Description	Basis for Objection (Federal Rule of Evidence)	Ruling
	w.dishnetwork.com/content/products/receivers/standard/index.shtml (accessed July 23, 2014)		
DX-281	“Receivers: Standard Receivers”, Dish Network via Wayback Machine, <a href="http://web.archive.org/web/20050101025041/http://www.dishnetwork.com/content/products/receivers/standard/index.shtml">http://web.archive.org/web/20050101025041/http://www.dishnetwork.com/content/products/receivers/standard/index.shtml</a> (accessed July 23, 2014)	None	
DX-282	“Samsung Signs Agreement with Videotron to Provide Tru2Way Service in Canada”, Asia Pacific Foundation of Canada, Dec. 17, 2009, <a href="http://www.asiapacific.ca/news/samsung-signs-agreement-videotron-provide-tru2way-service-ca">http://www.asiapacific.ca/news/samsung-signs-agreement-videotron-provide-tru2way-service-ca</a> (accessed July 23, 2014)	None	
DX-283	“Shaw’s New Motorola DCX Series HDTV Cable Boxes”, Nov. 27, 2010, Tech Tips and Toys, <a href="http://techtipsandtoys.wordpress.com/2010/11/27/shaw-hdtv-cable-boxes/">http://techtipsandtoys.wordpress.com/2010/11/27/shaw-hdtv-cable-boxes/</a> (accessed July 22, 2014)	None	
DX-284	“Sony DHG CableCard HD DVR”, Jan. 13, 2005, C/NET, <a href="http://reviews.cnet.com/digital-video-recorders-dvrs/sony-dhg-hdd250/4505-6474_7-31155637.html">http://reviews.cnet.com/digital-video-recorders-dvrs/sony-dhg-hdd250/4505-6474_7-31155637.html</a> (accessed July 23, 2014)	None	
DX-285	“Sony”, Best Buy, <a href="http://www.bestbuy.com/site/Brands/Sony-Store/cat15063.c?id=cat15063">http://www.bestbuy.com/site/Brands/Sony-Store/cat15063.c?id=cat15063</a> (accessed July 23, 2014)	402, 403	
DX-286	“Sony”, <a href="http://store.sony.com/">http://store.sony.com/</a> (accessed July 23, 2014)	402, 403	
DX-287	“Telecommunications: Direct Broadcast Satellite Subscribership Has Grown Rapidly, but Varies across Different Types of Markets”, Apr. 2005, U.S. Government Accountability Office, GAO-05-257, 13-14, <a href="http://www.gao.gov/new.items/d05257.pdf">http://www.gao.gov/new.items/d05257.pdf</a> (accessed July 22, 2014)	None	
DX-288	“Thank you for your interest in the Moxi HD DVR”, Moxi, <a href="http://www.moxi.com/us/">http://www.moxi.com/us/</a> (accessed July 23, 2014)	402, 403 (outside relevant time frame)	
DX-289	“The beginning of the end for analog cable at Videotron”, Aug. 17, 2012, Fagstein,	402, 403, 802	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	<a href="http://blog.fagstein.com/2012/08/17/videotron-analog-cable/">http://blog.fagstein.com/2012/08/17/videotron-analog-cable/</a> (accessed July 22, 2014)		
DX-290	“The beginning of the end for analog cable at Videotron”, Aug. 17, 2012, Fagstein, <a href="http://blog.fagstein.com/2012/08/17/videotron-analog-cable/">http://blog.fagstein.com/2012/08/17/videotron-analog-cable/</a> (accessed July 23, 2014)	402, 403, 802	
DX-291	“Three-Tuner Moxi(R) HD DVR Now Available for Standalone Purchase: Moxi HD DVR and Moxi Mate Bundles Still Available for Premiere Whole-Home Entertainment Experience”, Mar. 1, 2010, ARRIS Press Release, <a href="http://phx.corporate-ir.net/phoenix.zhtml?c=87823&amp;p=irol-newsArticle_print&amp;ID=1396858">http://phx.corporate-ir.net/phoenix.zhtml?c=87823&amp;p=irol-newsArticle_print&amp;ID=1396858</a> (accessed July 23, 2014)	None	
DX-292	“TIGER/Line Shapefiles and TIGER/LINE Files”, U.S. Census Bureau, <a href="http://www.census.gov/geo/maps-data/data/tiger-line.html">http://www.census.gov/geo/maps-data/data/tiger-line.html</a> (accessed by July 23, 2014)	402, 403	
DX-293	“TiVo Apps – Netflix, Hulu plus, Comcast Xfinity, Amazon Instant Video, iTunes, YouTube”, TiVo, <a href="http://www.tivo.com/discover/apps">http://www.tivo.com/discover/apps</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-294	“TiVo Debuts Revolutionary Series3 High Definition Digital Media Recorder”, Sept. 12, 2006, TiVo, <a href="http://investor.tivo.com/phoenix.zhtml?c=106292&amp;p=irol-newsArticle&amp;ID=1254234&amp;highlight=">http://investor.tivo.com/phoenix.zhtml?c=106292&amp;p=irol-newsArticle&amp;ID=1254234&amp;highlight=</a> (accessed July 22, 2014)	None	
DX-295	“TiVo Digital Video Recorder (DVR) User Interface Features”, TiVo, <a href="http://www.tivo.com/discover/features">http://www.tivo.com/discover/features</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-296	“TiVo Digital Video Recorder (DVR) User Interface Features”, TiVo, <a href="http://www.tivo.com/discover/features">http://www.tivo.com/discover/features</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-297	“TiVo Digital Video Recorder (DVR) User Interface Features”, TiVo, <a href="http://www.tivo.com/discover/features">http://www.tivo.com/discover/features</a> (accessed	402, 403 (outside relevant	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	7/23/2014)	time frame)	
DX-298	“TiVo Digital Video Recorder (DVR) User Interface Features”, TiVo, <a href="http://www.tivo.com/discover/features">http://www.tivo.com/discover/features</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-299	“TiVo Digital Video Recorder (DVR) User Interface Features”, TiVo, <a href="http://www.tivo.com/discover/features">http://www.tivo.com/discover/features</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-300	“TiVo Digital Video Recorder (DVR) User Interface Features”, TiVo, <a href="http://www.tivo.com/discover/features">http://www.tivo.com/discover/features</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-301	“TiVo Digital Video Recorder (DVR) User Interface Features”, TiVo, <a href="http://www.tivo.com/discover/features">http://www.tivo.com/discover/features</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-302	“TiVo Digital Video Recorder (DVR) User Interface Features”, TiVo, <a href="http://www.tivo.com/discover/features">http://www.tivo.com/discover/features</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-303	“TiVo Digital Video Recorder (DVR) User Interface Features”, TiVo, <a href="http://www.tivo.com/discover/features">http://www.tivo.com/discover/features</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-304	“TiVo Digital Video Recorder (DVR) User Interface Features”, TiVo, <a href="http://www.tivo.com/discover/features">http://www.tivo.com/discover/features</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-305	“TiVo Products: Roamio, Mini, Stream”, TiVo, <a href="https://www.tivo.com/shop">https://www.tivo.com/shop</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	
DX-306	“TiVo Remote Access - Streaming & Downloading”, TiVo, <a href="http://www.tivo.com/discover/tivo-anywhere">http://www.tivo.com/discover/tivo-anywhere</a> (accessed 7/23/2014)	402, 403 (outside relevant time frame)	

Ex. No.	Title/Description	Basis for Objection (Federal Rule of Evidence)	Ruling
DX-307	"TiVo Shop", <a href="https://www3.tivo.com/store/premiere.do?WT.ac=witsummary_shopgrid2&amp;WT.z_success=buy_cta">https://www3.tivo.com/store/premiere.do?WT.ac=witsummary_shopgrid2&amp;WT.z_success=buy_cta</a> (accessed July 23, 2014)	402, 403 (outside relevant time frame)	
DX-308	"UPDATE 3-Media owners keep Hulu website, may bring in partners", July 12, 2013, Reuters, <a href="http://www.reuters.com/article/2013/07/12/hulu-investment-idUSL4N0FI3NS20130712">http://www.reuters.com/article/2013/07/12/hulu-investment-idUSL4N0FI3NS20130712</a> (accessed July 22, 2014)	402, 403 (outside relevant time frame)	
DX-309	"Video Franchising", Aug. 26, 2011, California Public Utilities Commission, <a href="http://www.cpuc.ca.gov/PUC/Telco/Information+for+providing+service/videofranchising.htm">http://www.cpuc.ca.gov/PUC/Telco/Information+for+providing+service/videofranchising.htm</a> (accessed July 22, 2014)	402, 403	
DX-310	"Videotron Orders Pace Set-top Boxes For its illico Digital TV Service", June 16, 2005, Mediacaster Magazine, <a href="http://www.mediacaftermagazine.com/pressroom/productdetail.aspx?id=3070">http://www.mediacaftermagazine.com/pressroom/productdetail.aspx?id=3070</a> (accessed July 22, 2014)	None	
DX-311	"What WAS Sky Angel?", EchoStar, <a href="http://www.dishuser.org/skyangel.php">http://www.dishuser.org/skyangel.php</a> (accessed July 22, 2014)	402, 403	
DX-312	"Where is Fios Available?", Aug. 26, 2011, Fiber Experts, <a href="http://www.fiberexperts.com/fios-availability.html">http://www.fiberexperts.com/fios-availability.html</a> (accessed July 22, 2014)	402, 403	
DX-313	"Wide Open West", <a href="http://www.wowway.com">http://www.wowway.com</a> (accessed July 23, 2014)	402, 403	
DX-314	"Wow! Is Expanding And We're Coming to Your Neighborhood", Wild Open West, <a href="http://www.wowway.com/comingsoon">http://www.wowway.com/comingsoon</a> (accessed July 23, 2014)	402, 403	
DX-315	"ZIP Code Tabulation Areas (ZCTAs)", U.S. Census Bureau, <a href="http://www.census.gov/geo/reference/zctas.html">http://www.census.gov/geo/reference/zctas.html</a> (July 23, 2014)	402, 403	
DX-316	2010-2011 Nielsen Media DMA Local Television Market Universe Estimates, 2010	402, 403	



<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-317	Adalian, Josef, "Streaming Scorecard: Is Hulu Plus Still the TV King?", July 24, 2013, Vulture, <a href="http://www.vulture.com/2013/07/streaming-scorecard-hulu-plus.html">http://www.vulture.com/2013/07/streaming-scorecard-hulu-plus.html</a> (accessed July 21, 2014)	402, 403 (outside relevant time frame), 802	
DX-318	Anderson, Nate, "Tru2way plug-and-play digital cable support still AWOL", Oct. 20, 2009, ARS Technica, <a href="http://arstechnica.com/tech-policy/2009/10/tru2way-plug-and-play-digital-cable-support-still-awol/">http://arstechnica.com/tech-policy/2009/10/tru2way-plug-and-play-digital-cable-support-still-awol/</a> (accessed July 23, 2014)	None	
DX-319	Answers of Plaintiff, Richard Healy, to Defendant Cox Communications, Inc.'s First Set of Interrogatories, Apr. 8, 2013	None	
DX-320	AT&T U-verse and Dish Network Availability, Aug. 26, 2011	802, 901	
DX-321	Baumgartner, Jeff, "Cable's Tru2way Build Continues", Jan. 8, 2010, Light Reading, <a href="http://www.lightreading.com/dvrs/cables-tru2way-build-continues/240119097">http://www.lightreading.com/dvrs/cables-tru2way-build-continues/240119097</a> (accessed July 21, 2014)	802	
DX-322	Baumgartner, Jeff, "Cox, Motorola launch retail set-top program in Hampton Roads", Oct. 29, 2002, CED Magazine, <a href="http://www.cedmagazine.com/news/2002/10/cox,-motorola-launch-retail-set-top-program-in-hampton-roads">http://www.cedmagazine.com/news/2002/10/cox,-motorola-launch-retail-set-top-program-in-hampton-roads</a> (accessed July 21, 2014).	402, 403 (outside relevant time frame and geographic area)	
DX-323	Burtis Rpt. (10/8/2013) Exhibit 1: Materials Considered by M. Burtis	None	
DX-324	Burtis Rpt. (10/8/2013) Exhibit 2: Number of Cox Subscribers in Plaintiff's New Proposed Class Based on Dr. Hastings' Methodology Under Different Assumptions	402, 403, 802	
DX-325	Burtis Rpt. (10/8/2013) Exhibit 3: Percent of New Proposed Class Members Not Impacted Based on Dr. Hastings' Methodology Using Cox's Wholesale Cost of Set-Top Boxes	402, 403, 802	
DX-326	Burtis Rpt. (10/8/2013) Exhibit 4: Damages Based on	402, 403,	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Dr. Hastings' Methodology Using Cox's Wholesale Cost of Set-Top Boxes	802	
DX-327	Burtis Rpt. (8/19/2013) Exhibit 1: M. Burtis Curriculum Vitae	None	
DX-328	Burtis Rpt. (8/19/2013) Exhibit 10: Examples of Set-Top Box Prices Available at Retail	802	
DX-329	Burtis Rpt. (8/19/2013) Exhibit 11: Length of Time Set-Top Boxes Are Kept on Cox Subscriber Accounts as a Percentage of Set-Top Box Installments in Oklahoma City 2005-2012	802	
DX-330	Burtis Rpt. (8/19/2013) Exhibit 12: Percentage of Cox's Monthly Set-Top Box Rental Charges At or Below Dr. Hastings' "Competitive" Rates 2005-2015	402, 403, 802	
DX-331	Burtis Rpt. (8/19/2013) Exhibit 13A: Damages Based on Dr. Hastings' Methodology Using Cox's Wholesale Cost of Set-Top Boxes	402, 403, 802	
DX-332	Burtis Rpt. (8/19/2013) Exhibit 13B: Damages Based on Dr. Hastings' Methodology Using Canadian Set-Top Box Retail Pricing	402, 403, 802	
DX-333	Burtis Rpt. (8/19/2013) Exhibit 14: HD DVR Retail Prices in Canada Identified by Dr. Hastings, June 2007	402, 403, 802	
DX-334	Burtis Rpt. (8/19/2013) Exhibit 15A: Comparison of Dr. Hastings' Calculated "Competitive" Rental Rates for Rogers and Actual Rental Rates Charged by Rogers for SD Receivers	402, 403, 802	
DX-335	Burtis Rpt. (8/19/2013) Exhibit 15B: Comparison of Dr. Hastings' Calculated "Competitive" Rental Rates for Rogers and Actual Rental Rates Charged by Rogers for HD Receivers	402, 403, 802	
DX-336	Burtis Rpt. (8/19/2013) Exhibit 15C: Comparison of Dr. Hastings' Calculated "Competitive" Rental Rates for Rogers and Actual Rental Rates Charged by Rogers for SD DVRs	402, 403, 802	
DX-337	Burtis Rpt. (8/19/2013) Exhibit 2: Materials Considered by M. Burtis	402, 403, 802	
DX-338	Burtis Rpt. (8/19/2013) Exhibit 3: Percentage of Proposed Class Members with Payments to Cox No	402, 403, 802	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	More Than Dr. Hastings' But-For Payments in Every Month Using Cox's Wholesale Cost of Set-Top Boxes		
DX-339	Burtis Rpt. (8/19/2013) Exhibit 4: Percentage of Proposed Class Members With Payments to Cox No More Than Dr. Hastings' But-For Payments in Every Month Using Canadian Set-Top Box Retail Prices	402, 403, 802	
DX-340	Burtis Rpt. (8/19/2013) Exhibit 5A: Examples of Oklahoma City Subscribers with Scientific Atlanta Set-Top Boxes Purchased at Retail 2005-2012	402, 403, 802, inadmissible pursuant to court's previous orders	
DX-341	Burtis Rpt. (8/19/2013) Exhibit 5B: Additional Potential Examples of Cox Oklahoma City Subscribers with Subscriber-Owned Set-Top Boxes 2005-2012	402, 403, 802, inadmissible pursuant to court's previous orders	
DX-342	Burtis Rpt. (8/19/2013) Exhibit 6: Examples of Oklahoma City Subscribers Renting CableCards from Cox 2005-2012	402, 403, 802	
DX-343	Burtis Rpt. (8/19/2013) Exhibit 7: Percentage of Proposed Class Members Purchasing VOD 2005-2012	402, 403, 802	
DX-344	Burtis Rpt. (8/19/2013) Exhibit 8.1: Sample Addresses Without Access to U-Verse TV in Valley Brook	402, 403, 802	
DX-345	Burtis Rpt. (8/19/2013) Exhibit 8.10: Sample Addresses Without Access to U-Verse TV in Zip Code 73169	402, 403, 802	
DX-346	Burtis Rpt. (8/19/2013) Exhibit 8.11: Sample Addresses Without Access to U-Verse TV in Zip Code 73173	402, 403, 802	
DX-347	Burtis Rpt. (8/19/2013) Exhibit 8.2: Sample Addresses Without Access to U-Verse TV in Zip Code 73003	402, 403, 802	
DX-348	Burtis Rpt. (8/19/2013) Exhibit 8.3: Sample Addresses Without Access to U-Verse TV in Zip Code 73012	402, 403, 802	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-349	Burtis Rpt. (8/19/2013) Exhibit 8.4: Sample Addresses Without Access to U-Verse TV in Zip Code 73020	402, 403, 802	
DX-350	Burtis Rpt. (8/19/2013) Exhibit 8.5: Sample Addresses Without Access to U-Verse TV in Zip Code 73034	402, 403, 802	
DX-351	Burtis Rpt. (8/19/2013) Exhibit 8.6: Sample Addresses Without Access to U-Verse TV in Zip Code 73071	402, 403, 802	
DX-352	Burtis Rpt. (8/19/2013) Exhibit 8.7: Sample Addresses Without Access to U-Verse TV in Zip Code 73120	402, 403, 802	
DX-353	Burtis Rpt. (8/19/2013) Exhibit 8.8: Sample Addresses Without Access to U-Verse TV in Zip Code 73130	402, 403, 802	
DX-354	Burtis Rpt. (8/19/2013) Exhibit 8.9: Sample Addresses Without Access to U-Verse TV in Zip Code 73160	402, 403, 802	
DX-355	Burtis Rpt. (8/19/2013) Exhibit 8: Sample Addresses without Access to U-Verse TV as of August 2013	402, 403, 802	
DX-356	Burtis Rpt. (8/19/2013) Exhibit 9: Cox Complete Channel Guide Effective Aug. 2013 Oklahoma City Area	None	
DX-357	Burtis Rpt. (8/19/2013) Figure 1: Actual Rental Rates vs. Dr. Hastings' "Competitive" Rates, SD Set-Top Box Rental for Account 10005706, March 2008 – September 2010	402, 403, 802	
DX-358	Burtis Rpt. (8/19/2013) Figure 2: Actual Rental Rates vs. Dr. Hastings' "Competitive" Rates, SD Set-Top Box Rental for Account 10000605, January 2005 – May 2009	402, 403, 802	
DX-359	Burtis Rpt. (8/19/2013) Figure 3: HD Receiver Retail Prices in Canada Identified by Dr. Hastings, January 2009	402, 403, 802	
DX-360	Burtis Rpt. (8/19/2013) Figure 4: Comparison of Dr. Hastings' Calculated "Competitive" Rental Rates for Rogers and Actual Rental Rates Charged by Rogers for HD DVRs, 2005–2012	402, 403, 802	
DX-361	Burtis Rpt. (8/19/2013) Table 1: Dr. Hastings' Results Show Not All Proposed Class Members Were Impacted	402, 403, 802	
DX-362	Burtis Rpt. (8/19/2013) Table 2: Percentage of Proposed Class Members With Total Payments to Cox No More than Dr. Hastings' But-For Payments Using	402, 403, 802	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Cox's Wholesale Cost of Set-Top Boxes		
DX-363	Burtis Rpt. (8/19/2013) Table 3: Percentage of Proposed Class Members With Total Payments to Cox No More than Dr. Hastings' But-For Payments Using Canadian Set-Top Box Retail Prices	402, 403, 802	
DX-364	Burtis Rpt. (8/19/2013) Table 4: Dr. Hastings' Damage Calculations Taking into Account the Plaintiff's Claimed Tied Product Market	402, 403, 802	
DX-365	Burtis Rpt. (8/19/2013) Table 5: Impact of Dr. Hastings' Addition of DVR Fee to Alleged Overcharge	None	
DX-366	Burtis Rpt. (8/19/2013) Table 6: Dr. Hastings' Damage Calculations Based on Set-Top Box Rental Rates Only and Not Including DVR Fees	None	
DX-367	Burtis Rpt. (8/19/2013) Table 7: Dr. Hastings' Damage Calculations Based on All Canadian Retail Set-Top Box Prices Identified by Dr. Hastings	402, 403, 802	
DX-368	Cable Box and Television photos	402, 403, 902 (unclear what product this is)	
DX-369	Canadian Radio-Television and Telecommunications Commission Communications Monitoring Report, July 2011 (Excerpts)	402, 403	
DX-370	CenturyLink, Annual Report (Form 10-K), pp. 9-10, Mar. 1, 2010	402, 403	
DX-371	Cisco Response to Converged Services Gateway Request for Information, Proposal to Cox, May 1, 2009	None	
DX-372	Cisco Tru2way Set-Back-Box RFP for Cox, Apr. 16, 2010	None	
DX-373	City of Laguna Hills, California, City Council Regular Meeting Minutes, Feb. 23, 2010	402, 403	
DX-374	Connecting America: The National Broadband Plan, FCC, Ch. 4 Excerpts	None	
DX-375	Cox Communications Converged Services Gateway	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	RFI, Mar. 20, 2009		
DX-376	Cox Communications Multi-Room CPE RFP, Nov. 25, 2008	None	
DX-377	Cox Oklahoma City Transaction Data from ICOMS	Reserved (data not provided)	
DX-378	Cox Tru2way Set-Back-Box RFP Response	None	
DX-379	Declaration of Justine S. Hastings (Oct. 9, 2013)	None	
DX-380	Supplemental and Amended Answers of Plaintiff Richard Healy to Defendant Cox Communications, Inc.'s First Set of Interrogatories	None	
DX-381	EchoStar Satellite L.L.C. v. Federal Communications Commission and the United States of America, On Petitions for Review of Orders of the Federal Communications Commission, 2010 FCC Notice of Inquiry, Jan. 15, 2013	402, 403	
DX-382	Email from C. St. Amant to H. Guyton and J. Kim re: Expert Report Back-Up, Aug. 8, 2013	None	
DX-383	Expert Report of Justine S. Hastings (July 19, 2013)	None	
DX-384	Expert Report of Lawrence J. Harte (July 19, 2013)	None	
DX-385	FCC Consumer Facts, Digital Cable Compatibility: CableCARD-Ready Devices	None	
DX-386	Gillette, Felix, "TiVo's Slo-Mo Trip Toward Profitability", May 12, 2011, Bloomberg Businessweek, <a href="http://www.businessweek.com/magazine/content/11_21/b4229036058154.htm">http://www.businessweek.com/magazine/content/11_21/b4229036058154.htm</a> (accessed July 22, 2014)	802	
DX-387	Healy Customer Maintenance Report	None	
DX-388	[Exhibit Withdrawn]		
DX-389	[Exhibit Withdrawn]		
DX-390	[Exhibit Withdrawn]		
DX-391	[Exhibit Withdrawn]		
DX-392	[Exhibit Withdrawn]		
DX-393	[Exhibit Withdrawn]		
DX-394	[Exhibit Withdrawn]		
DX-395	[Exhibit Withdrawn]		

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-396	[Exhibit Withdrawn]		
DX-397	[Exhibit Withdrawn]		
DX-398	[Exhibit Withdrawn]		
DX-399	[Exhibit Withdrawn]		
DX-400	[Exhibit Withdrawn]		
DX-401	ICOMS database	Reserved (data not provided)	
DX-402	In the Matter of Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, Eleventh Annual Report, MB Docket No. 04-227, FCC 065-13, Feb. 5, 2005	None	
DX-403	In the Matter of Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, Fifteenth Annual Report, MB Docket No. 12-203, FCC 13-99, rel. July 22, 2013	None	
DX-404	In the Matter of Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, MB Docket No. 07-269, Fourteenth Annual Report, FCC 12-81, rel. July 20, 2012	None	
DX-405	In the Matter of Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, Thirteenth Annual Report, MB Docket No. 06-189, FCC 07-206, rel. Jan. 6, 2009	None	
DX-406	In the Matter of Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming, Twelfth Annual Report, MB Docket No. 05-255, FCC 06-11, rel. Mar. 3, 2006	None	
DX-407	In the Matter of Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc., For Consent to Assign Licenses and Transfer Control of Licenses, MB Docket No. 10-56, Memorandum Opinion and Order, FCC 11-4, rel. Jan. 20, 2011	402, 403	
DX-408	In the Matter of CoxCom, Inc. d/b/a Cox Communications Oklahoma City and Cox Communications Tulsa, Petitions for Determination of Effective Competition in Various Oklahoma	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	Communities, Memorandum Opinion and Order, 25 FCC Rcd 4936, rel. May 13, 2010		
DX-409	In the Matter of CoxCom, Inc. d/b/a Cox Communications Oklahoma City and Cox Communications Tulsa, Petitions for Determination of Effective Competition in Various Oklahoma Communities, Memorandum Opinion and Order, 26 FCC Rcd 9309, rel. June 30, 2011	None	
DX-410	In the Matter of CoxCom, Inc. d/b/a Cox Communications Oklahoma City, Petition for Determination of Effective Competition in Fourteen Oklahoma Communities, Memorandum Opinion and Order, 23 FCC Rcd 5737, rel. Apr. 8, 2008	None	
DX-411	In the Matter of CoxCom, Inc. d/b/a Cox Communications Phoenix, Petition for Determination of Effective Competition in Eleven Arizona Communities, Memorandum Opinion and Order, 17 FCC 22183, DA 02-2982, rel. Nov. 4, 2002	402, 403	
DX-412	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 Commercial Availability of Navigation Devices, Compatibility Between Cable Systems and Consumer Electronics Equipment, Joint Reply Comments of Program Networks, CS Docket 97-80, PP Docket No. 00-67, Sept. 10, 2007	None	
DX-413	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 Commercial Availability of Navigation Devices, Compatibility Between Cable Systems and Consumer Electronics Equipment, Second Report and Order and Second Further Notice of Proposed Rulemaking, CS Docket 97-80, PP Docket No. 00-67, FCC 03-225, rel. Oct. 9, 2002	None	
DX-414	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996 Commercial Availability of Navigation Devices, Report and Order, CS Docket 97-80, FCC 98-116, rel. June 24, 1998	None	



<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-415	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, Compatibility Between Cable Systems and Consumer Electronics Equipment, Third Further Notice of Proposed Rulemaking, FCC 07-120A1, rel. June 29, 2007	None	
DX-416	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, CS Docket No. 97-80, Second Report and Order, FCC 05-76, rel. Mar. 17, 2005	None	
DX-417	In the Matter of Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, CS Docket No. 97-80, Statement of Commissioner Michael K. Powell, Dissenting in Part, June 11, 1998	None	
DX-418	In the Matter of Implementation of Section 304 of the Telecommunications Act, Third Report and Order and Order on Reconsideration, FCC 10-181A1, rel. Oct. 14, 2010	None	
DX-419	In the Matter of Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992; Rate Regulation, Report and Order and Further Notice of Proposed Rulemaking, MM Docket 92-266, May 3, 1993	None	
DX-420	In the Matter of United States, et al. v. Comcast Corp, et al., Case: 1:11-cv-00106, U.S. Department of Justice Competitive Impact Statement, Jan. 18, 2011	402, 403	
DX-421	In the Matter of Video Device Competition, Implementation of Section 304 of the Telecommunications Act of 1996, Commercial Availability of Navigation Devices, Compatibility Between Cable Systems and Consumer Electronics Equipment, Notice of Inquiry, FCC 10-60, rel. Apr. 21, 2010	None	
DX-422	Introduction to Cable Television (CATV): Analog and Digital Cable Television and Modems, Lawrence Harte	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	(2d ed.)		
DX-423	Kruger, Lennard G. and Gilroy, Angele A., "Broadband Internet Access and the Digital Divide: Federal Assistance Programs", July 17, 2013, Congressional Research Service, <a href="http://www.fas.org/sgp/crs/misc/RL30719.pdf">http://www.fas.org/sgp/crs/misc/RL30719.pdf</a> (accessed July 22, 2014)	402, 403	
DX-424	Kumar, Vishesh, "Dish Network's Deal With AT&T Will End", July 2, 2008, Wall Street Journal	None	
DX-425	Lawler, Richard, "500GB Moxi HD DVR now available, really", Dec. 11, 2008, Engadget, <a href="http://www.engadget.com/2008/12/11/500gb-moxi-hd-dvr-now-available-really/">http://www.engadget.com/2008/12/11/500gb-moxi-hd-dvr-now-available-really/</a> (accessed July 21, 2014).	None	
DX-426	Lawler, Richard, "Arris brings Moxi HD DVR sales to an end, plans to cut off guide data after 2013...maybe", Feb. 11, 2012, Engadget, <a href="http://www.engadget.com/2012/02/11/arris-brings-moxi-hd-dvr-sales-to-an-end-plans-to-cut-off-guide/">http://www.engadget.com/2012/02/11/arris-brings-moxi-hd-dvr-sales-to-an-end-plans-to-cut-off-guide/</a> (accessed July 21, 2014)	None	
DX-427	Lawrence Harte Resume	None	
DX-428	Lella, Adam, "comScore Releases April 2011 U.S. Online Video Rankings", May 18, 2011, comScore., <a href="http://www.comscore.com/Press_Events/Press_Releases/2011/5/comScore_Releases_April_2011_U.S._Online_Video_Rankings">http://www.comscore.com/Press_Events/Press_Releases/2011/5/comScore_Releases_April_2011_U.S._Online_Video_Rankings</a> (accessed July 21, 2014)	802, insufficient foundation for admissible survey	
DX-429	Letter to M. Dortch from N. Goldberg re: CS Docket No. 97-80; PP Docket No. 00-67, Nov. 1, 2007	None	
DX-430	Letter to M. Desai from J. Wiginton and K. Zachem re: CS Docket No. 97-80; PP Docket No. 00-67, June 10, 2008 attaching Memorandum of Understanding Among Cable Operators and Consumer Electronics Adopters Regarding Interactive Digital Cable Ready Products, Apr. 25, 2008	None	
DX-431	Letter to M. Dortch from J. Wiginton re: CSR-7012-Z, CS Docket No. 97-80, Nov. 21, 2008	None	
DX-432	Letter to M. Dortch from N. Goldberg re: CS Docket	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	No. 97-80; PP Docket No. 00-67, Oct. 30, 2007		
DX-433	Letter to M. Dortch from P. Fannon re: Notice of Ex Parte Presentation, CS Docket No. 97-80, PP Docket No. 00-67, Oct. 3, 2007	None	
DX-434	Letter to M. Dortch from P. Fannon re: Notice of Ex Parte Presentation, CS Docket No. 97-80, PP Docket No. 00-67, Sept. 29, 2007	None	
DX-435	Letter to M. Powell, FCC, from Cable Companies and Consumer Electronics Companies attaching Memorandum of Understanding Among Cable MSOs and Consumer Electronics Manufacturers, Dec. 12, 2002, FCC 03-3A2	None	
DX-436	Letter to M. Powell from Cable Companies and Consumer Electronics Companies re: Consensus Cable MSO-Consumer Electronics Industry Agreement on “Plug & Play” Cable Compatibility and Related Issues, Dec. 19, 2012	None	
DX-437	Motorola and Cox Communications Announce First Retail Launch of the Motorola DCP501 Home Theater System”, Oct. 30, 2002, PR Newswire, <a href="http://www.prnewswire.com/news-releases/motorola-and-cox-communications-announce-first-retail-launch-of-the-motorola-dcp501-home-theater-system-76552282.html">http://www.prnewswire.com/news-releases/motorola-and-cox-communications-announce-first-retail-launch-of-the-motorola-dcp501-home-theater-system-76552282.html</a> (accessed July 21, 2014)	402, 403 (outside relevant area)	
DX-438	Multi-Room CPE RFP Proposal for Cox Appendix I	None	
DX-439	Multi-Room CPE RFP Proposal for Cox Appendix II	None	
DX-440	Multi-Room CPE RFP Proposal for Cox Appendix III	None	
DX-441	Multi-Room CPE RFP Proposal for Cox, Jan. 21, 2009	None	
DX-442	Murph, Darren, “Digeo readies two Moxi set-top-boxes for release”, Sept. 17, 2008, engadget, <a href="http://hd.engadget.com/2008/09/17/digeo-readies-two-moxi-set-top-boxes-for-release/">http://hd.engadget.com/2008/09/17/digeo-readies-two-moxi-set-top-boxes-for-release/</a> (accessed July 21, 2014)	None	
DX-443	NCTA CableCard Status Report, Apr. 27, 2012	None	
DX-444	NCTA CableCard Status Report, Apr. 30, 2013	402, 403 (outside relevant area)	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
		time period)	
DX-445	NCTA CableCard Status Report, Dec. 22, 2008	None	
DX-446	NCTA CableCard Status Report, Dec. 22, 2009	None	
DX-447	NCTA CableCard Status Report, Dec. 22, 2010	None	
DX-448	NCTA CableCard Status Report, Jan. 30, 2012	None	
DX-449	NCTA CableCard Status Report, Jan. 31, 2013	402, 403 (outside relevant time period)	
DX-450	NCTA CableCard Status Report, Jan. 31, 2014	402, 403 (outside relevant time period)	
DX-451	NCTA CableCard Status Report, July 30, 2012	None	
DX-452	NCTA CableCard Status Report, July 31, 2013	402, 403 (outside relevant time period)	
DX-453	NCTA CableCard Status Report, June 23, 2008	None	
DX-454	NCTA CableCard Status Report, June 26, 2009	None	
DX-455	NCTA CableCard Status Report, June 23, 2010	None	
DX-456	NCTA CableCard Status Report, June 30, 2011	None	
DX-457	NCTA CableCard Status Report, Mar. 25, 2008	None	
DX-458	NCTA CableCard Status Report, Mar. 23, 2009	None	
DX-459	NCTA CableCard Status Report, Mar. 31, 2010	None	
DX-460	NCTA CableCard Status Report, Mar. 31, 2011	None	
DX-461	NCTA CableCard Status Report, May 9, 2014	402, 403 (outside relevant time period)	
DX-462	NCTA CableCard Status Report, Oct. 31, 2012	None	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-463	NCTA CableCard Status Report, Oct. 31, 2013	402, 403 (outside relevant time period)	
DX-464	NCTA CableCard Status Report, Sept. 22, 2008	None	
DX-465	NCTA CableCard Status Report, Sept. 29, 2009	None	
DX-466	NCTA CableCard Status Report, Sept. 30, 2010	None	
DX-467	NCTA CableCard Status Report, Sept. 30, 2011	None	
DX-468	Netflix Letter to Shareholders, Jan. 23, 2013, <a href="http://files.shareholder.com/downloads/NFLX/2283953696x0x630304/acc43d70-6613-4845-bec8-8b9a1ef26822/Investor%20Letter%20Q42012%2001.23.13.pdf">http://files.shareholder.com/downloads/NFLX/2283953696x0x630304/acc43d70-6613-4845-bec8-8b9a1ef26822/Investor%20Letter%20Q42012%2001.23.13.pdf</a> (accessed July 22, 2014)	None	
DX-469	Photo of Healy Residence, July 19, 2013	None	
DX-470	Reardon, Marguerite, "Set-top shakeup is in the cards", July 1, 2007, C/NET, <a href="http://news.cnet.com/Set-top-shakeup-is-in-the-cards/2100-1033_3-6194323.html">http://news.cnet.com/Set-top-shakeup-is-in-the-cards/2100-1033_3-6194323.html</a> (accessed July 21, 2014)	802	
DX-471	Response of Plaintiff Richard Healy to Defendant Cox Communications, Inc.'s Amended First Set of Requests for Production of Documents, Apr. 8, 2013	None	
DX-472	Resume of Justine S. Hastings	None	
DX-473	Rodriguez, Paul, "Clearing the air on CableCards & tru2way", June 30, 2008, NCTA, <a href="https://www.ncta.com/platform/technology-devices/tech-discussions/clearing-the-air-on-cablecards-tru2way/">https://www.ncta.com/platform/technology-devices/tech-discussions/clearing-the-air-on-cablecards-tru2way/</a> (accessed July 23, 2014)	802	
DX-474	Rojas, Peter, "Panasonic's new Onyx XVS series of plasma TVs", Sept. 16, 2004, Engadget, <a href="http://www.engadget.com/2004/09/16/panasonics-new-onyx-xvs-series-of-plasma-tvs/">http://www.engadget.com/2004/09/16/panasonics-new-onyx-xvs-series-of-plasma-tvs/</a> (accessed July 22, 2014)	None	
DX-475	Search for "Cisco", Best Buy, <a href="http://www.bestbuy.com/site/searchpage.jsp?_dynchars">http://www.bestbuy.com/site/searchpage.jsp?_dynchars</a> et=ISO-8859-1&_dynSessConf=-	402, 403, 901	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
	5596221392748601363&id=pcat17071&type=page&ks=960&st=cisco&sc=Global&cp=1&sp=&qp=brand_facet%3DSAAS~Brand~Cisco&list=y&usc=All+Categories&nrp=50&fs=saas&iht=n (accessed July 16, 2014)		
DX-476	Spangler, Todd, "Tru2way Stalls At Retail", Aug. 3, 2010, Multichannel News, <a href="http://www.multichannel.com/content/tru2way-stalls-retail">http://www.multichannel.com/content/tru2way-stalls-retail</a> (accessed July 23, 2014)	None	
DX-477	Supplemental and Amended Answers of Plaintiff, Richard Healy, to Defendant Cox Communications, Inc.'s First Set of Interrogatories, May 3, 2013	None	
DX-478	Supplemental Expert Report of Justine S. Hastings (Sept. 9, 2013)	None	
DX-479	Thomas, Christopher R. and Maurice, S. Charles, "Managerial Decisions for Firms with Market Power", Managerial Economics, <a href="http://highered.mcgraw-hill.com/sites/0073402818/student_view0/chapter12/">http://highered.mcgraw-hill.com/sites/0073402818/student_view0/chapter12/</a> (accessed July 22, 2014)	402, 403, 802	
DX-480	Thompson, Hugh, "Guidelines for buying a used Cable set top box in Canada", May 5, 2012, Digital Home, <a href="http://www.digitalhome.ca/2011/05/buying-a-used-cable-set-top-box-in-canada/">http://www.digitalhome.ca/2011/05/buying-a-used-cable-set-top-box-in-canada/</a> (accessed July 22, 2014)	None	
DX-481	Thompson, Hugh, "Shaw introduces new cable set top boxes", Oct. 5, 2009, Digital Home, <a href="http://www.digitalhome.ca/2009/10/shaw-introduces-new-cable-set-top-boxes/">http://www.digitalhome.ca/2009/10/shaw-introduces-new-cable-set-top-boxes/</a> (accessed July 22, 2014)	None	
DX-482	TiVo Form 10-K for fiscal year ended Jan. 31, 2011, filed Mar. 14, 2011	402, 403	
DX-483	Tombes, Jonathan, "Videotron Preps For Upgraded Illico Service", Mar. 28, 2012, Videonet, <a href="http://www.v-net.tv/videotron-preps-for-upgraded-illico-service/">http://www.v-net.tv/videotron-preps-for-upgraded-illico-service/</a> (accessed July 22, 2014)	None	
DX-484	Tru2way Set-Back-Box RFP, Mar. 24, 2010	None	
DX-485	U.S. Department of Justice and Federal Trade Commission, "ANTITRUST GUIDELINES FOR COLLABORATIONS AMONG COMPETITORS", Apr. 2000	402, 403	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-486	U.S. Department of Justice and Federal Trade Commission Horizontal Merger Guidelines, Apr. 8, 1997 at Section 1.5	402, 403	
DX-487	Wall Rpt. (8/19/2013) Chart 1: Standard Definition (SD) STB Rental Rate Comparison Cox versus Rogers (excluding Digital Service Fee)	402, 403, 802	
DX-488	Wall Rpt. (8/19/2013) Chart 2: High Definition (HD) STB Rental Rate Comparison Cox versus Rogers (excluding Digital Service Fee)	402, 403, 802	
DX-489	Wall Rpt. (8/19/2013) Chart 3: HD-PVR Rental Rate Comparison Cox versus Rogers (excluding Digital Service Fee)	402, 403, 802	
DX-490	Wall Rpt. (8/19/2013) Chart 4: Standard Definition (SD) STB Rental Rate Comparison Cox versus Rogers (with and without the Digital Service Fee)	402, 403, 802	
DX-491	Wall Rpt. (8/19/2013) Chart 5: High Definition (HD) STB Rental Rate Comparison Cox versus Rogers (with and without the Digital Service Fee)	402, 403, 802	
DX-492	Wall Rpt. (8/19/2013) Chart 6: HD-PVR Rental Rate Comparison Cox versus Rogers (with and without the Digital Service Fee)	402, 403, 802	
DX-493	Wall Rpt. (8/19/2013) Chart 7 (Revised*): Rogers and Best Buy HD and HD-PVR STB Prices	402, 403, 802	
DX-494	Wall Rpt. (8/19/2013) Chart 7: Rogers and Best Buy HD and HD-PVR STB Prices	402, 403, 802	
DX-495	ABB Setback Box	Reserved for physical inspection	
DX-496	Cisco Explorer 1642HDC	Reserved for physical inspection	
DX-497	Cisco Explorer 8642DC DVR Equipment	Reserved for physical inspection	

<b>Ex. No.</b>	<b>Title/Description</b>	<b>Basis for Objection (Federal Rule of Evidence)</b>	<b>Ruling</b>
DX-498	Cisco PowerKey Card Equipment	Reserved for physical inspection	
DX-499	Moto Blue MCard Equipment	Reserved for physical inspection	
DX-500	Moto Red MCard Equipment	Reserved for physical inspection	
DX-501	Moto Standard Box Equipment	Reserved for physical inspection	
DX-502	Panasonic HD Plasma Television	Reserved for physical inspection	
DX-503	SA Explorer 8240HDC	Reserved for physical inspection	
DX-504	SA Explorer 8300	Reserved for physical inspection	
DX-505	SA Standard Box Equipment Photograph	Reserved for physical inspection	
DX-506	Samsung Box Equipment	Reserved for physical inspection	
DX-507	Samsung OCAP Television	Reserved	



Ex. No.	Title/Description	Basis for Objection (Federal Rule of Evidence)	Ruling
		for physical inspection	
DX-508	TiVo Premiere	Reserved for physical inspection	
DX-509	Reserved for F.R.E. 1006 summaries	Reserved	
DX-510	Demonstratives	Reserved	

7. **WITNESSES:** The following exclusionary language **MUST** be included:

Unlisted witnesses in chief will not be permitted to testify unless, by order of the court, the final pretrial order is amended to include them.

A. Plaintiff:

No.	Name	Address	Proposed Testimony
1.	Richard Healy	c/o Michael J. Blaschke, P.C. 3037 N.W. 63 <sup>rd</sup> , Suite 205 Oklahoma City, OK 73116	Mr. Healy is the named plaintiff and will testify about the Cox video and related services he receives and the equipment required to access such services. He will also authenticate documents relating to such services.
2.	Justine S. Hastings, Ph.D.	c/o Michael J. Blaschke, P.C. 3037 N.W. 63 <sup>rd</sup> , Suite 205 Oklahoma City, OK 73116	Professor Hastings has been designated as an expert witness pursuant to FRE 702. She will offer the opinions disclosed in her report, supplemental report, and declaration filed on October 9, 2013.
3.	Lawrence Harte	c/o Michael J. Blaschke, P.C. 3037 N.W. 63 <sup>rd</sup> , Suite 205 Oklahoma City, OK 73116	Mr. Harte has been designated as an expert witness pursuant to FRE 702. He will offer the

			opinions disclosed in his report.
4.	David Park	c/o Michael J. Blaschke, P.C. 3037 N.W. 63 <sup>rd</sup> , Suite 205 Oklahoma City, OK 73116	Mr. Park works for Competition Economics LLC and assisted Professor Hastings in the preparation of her report. Mr. Park will be offered to authenticate summary exhibits pursuant to FRE 1006 based on Cox's customer data if such authentication is required.
5.	Percy Kirk  (by deposition and/or live testimony)	Cox Communications, Inc. 6301 Waterford Blvd. Suite 200 Oklahoma City, OK 73118	Mr. Kirk will testify as to the topics for which he was offered as a 30b6 designee by Cox and the topics on which he was deposed, including but not limited to the pricing of Cox's video services and equipment in the Oklahoma City market, revenues received by Cox in connection with rental of set top boxes, the geographic boundaries of Cox's Oklahoma City market, and rate regulation for Cox's video services and equipment in the Oklahoma City market. Mr. Kirk will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
6.	Mollie Andrews  (by deposition and/or live testimony)	Cox Communications, Inc. 6301 Waterford Blvd. Suite 200 Oklahoma City, OK 73118	Ms. Andrews will testify as to the topics for which she was offered as a 30b6 designee by Cox and the topics on which she was deposed, including but not limited to whether Cox's Oklahoma City subscribers can subscribe to Cox's digital services without also subscribing to Cox's basic services, pricing of Cox's

			video services and equipment in the Oklahoma City market, other set top boxes available in the Oklahoma City market, Cox's competitors for video services in the Oklahoma City market, Cox's market shares in the Oklahoma City market, Cox's pricing and competitive strategies relating to its competitors, and the Retail Pricing Comparison spreadsheet. Ms. Andrews will also authenticate documents relating to the subject matters of her testimony and other documents to which she has a connection.
7.	Marcia Sauzek  (by deposition and/or live testimony)	Cox Communications, Inc. 6301 Waterford Blvd. Suite 200 Oklahoma City, OK 73118	Ms. Sauzek will testify as to the topics for which she was offered as a 30b6 designee by Cox and the topics on which she was deposed, including but not limited to revenues received by Cox in connection with rental of set top boxes, costs to Cox for the set top boxes it leases to subscribers, rate regulation for Cox's video services and equipment in the Oklahoma City market, and Cox's programming costs. Ms. Sauzek will also authenticate documents relating to the subject matters of her testimony and other documents to which she has a connection.
8.	Kevin Rider	Cox Communications, Inc. 6301 Waterford Blvd. Suite 200 Oklahoma City, OK 73118	Mr. Rider will testify as to the matters referred to and/or reflected in Plaintiff's Exhibit 36 and will authenticate that document.
9.	Sean Prince	Cox Communications, Inc.	Mr. Prince will testify as to the

		6301 Waterford Blvd. Suite 200 Oklahoma City, OK 73118	matters referred to and/or reflected in Plaintiff's Exhibit 36 and will authenticate that document.
10.	Mark Ader  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Mr. Ader will testify as to the topics on which he was deposed, including but not limited to costs and revenues associated with rental of set top boxes, the possibility of Cox offering set top boxes for sale, Cox's policy and practices relating to set top boxes, Cox's support and deployment of CableCard, technical problems associated with CableCard, Cox's support and deployment of Tru2Way, the nature and value of the services available only by renting a set top box from Cox, the development and evolution of the video products offered by Cox, and Cox's competitors for video services. Mr. Ader will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
11.	Charles Brady  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Mr. Brady will testify as to the topics for which he was offered as a 30b6 designee by Cox and the topics on which he was deposed, including but not limited to the documents attached as exhibits to his deposition. Mr. Brady will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.

12.	John Civileto  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive NE Atlanta, GA 30319	Mr. Civileto will testify as to the topics on which he was deposed, including but not limited to the development of Cox's cable business, Cox's approach to product development, Cox's competitive strategies, Cox's marketing and market share, set top box technology and usage across markets, regulations governing set top box pricing and technology, Cox's policies and practices regarding set top boxes, Cox's relationships with set top box manufacturers, Cox's analysis of product performance and return on set top box leases, Cable Card, Tru2Way, and OpenCable products, and Cox's role in Cable Labs. Mr. Civileto will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
13.	Dallas Clement  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Mr. Clement will testify as to the topics on which he was deposed, including but not limited to general corporate information about Cox, the development of Cox's cable business, Cox's approach to product development, Cox's competitive strategies, Cox's marketing and market share, set top box technology and usage across markets, regulations governing set top pricing and technology, Cox's policies and practices regarding set top boxes, market

			research regarding set top boxes, Cox's analysis of product performance and return on STB leases, Cable Card, Tru2Way, and OpenCable products, and Cox's role in Cable Labs. Mr. Clement will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
14.	James Kelso  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Mr. Kelso will testify as to the topics on which he was deposed, including but not limited to general corporate information about Cox, the development of Cox's cable business, Cox's approach to product development, Cox's competitive strategies, Cox's marketing and market share, set top box technology and usage across markets, regulations governing set top box pricing and technology, Cox's policies and practices regarding set top boxes, Cox's relationships with set top box manufacturers, and Cable Card, Tru2Way, and OpenCable products. Mr. Kelso will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
15.	Colleen Langner  (by deposition and/or live testimony)	Cox Communications – Orange County	Ms. Langer will testify as to the topics on which she was deposed, including but not limited to Cox's marketing, Cox's development and pricing of video products, set top box

			costs and pricing, the supply chain for Cox set top boxes, and rate regulation of Cox's video services and equipment. Ms. Langer will also authenticate documents relating to the subject matters of her testimony and other documents to which she has a connection.
16.	Sanford Mencher  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Mr. Mencher will testify as to the topics for which he was offered as a 30b6 designee by Cox and the topics on which he was deposed, including but not limited to revenue and costs associated with set top boxes Cox leases to customers and Cox's annual budget reports and related documents. Mr. Mencher will also testify as to the possibility of offering set top boxes for sale, Cox's policy and practices relating to set top boxes, Cox's support and deployment of CableCard, technical problems associated with CableCard, and Cox's support and deployment of Tru2Way. Mr. Mencher will also testify as to the declaration he offered in this action and the documents referenced in that declaration. Mr. Mencher will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
17.	Steve Necessary  (by deposition and/or live	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Mr. Necessary will testify as to the topics for which he was offered as a 30b6 designee by Cox and the topics on which he

	testimony)		<p>was deposed, including but not limited to the video services offered to Cox subscribers and the equipment necessary to access such services, Cox's Interactive Programming Guide, other set top boxes available to subscribers, Cox's competitors for video services, technical issues associated with Cox's interactive and two-way programming, Tru2Way development and deployment, alternatives to Tru2Way, Cox's participation in industry lobbying and trade associations, Cox's statements regarding the availability of two-way capable set top boxes at retail, Cox's scorecard reports, and Cox's annual budget reports and related documents. Mr. Necessary will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.</p>
18.	<p>David Pugliese</p> <p>(by deposition and/or live testimony)</p>	<p>Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319</p>	<p>Mr. Pugliese will testify as to the topics for which he was offered as a 30b6 designee by Cox and the topics on which he was deposed, including but not limited to the pricing of Cox's video services and equipment, marketing and advertising by Cox for its video services and equipment (including set top boxes and CableCards), substitute products for Cox's cable service, Cox's market share, Cox's business metrics, Cox's local markets and the</p>



			relationship between such local markets and Cox headquarters, Cox's market research and surveys regarding its video services, Cox's contracts with its customers, Cox's Mosaic reports, Cox's Market Share reports, and Cox's Competition Reports. Mr. Pugliese will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
19.	Jennifer Rich  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Ms. Rich will testify as to the topics for which she was offered as a 30b6 designee by Cox and the topics on which she was deposed, including but not limited to Cox's competitors for video services, the extent to which Cox subscribers also subscribe to certain video services such as Netflix, and the extent to which the availability of such services has caused Cox subscribers to terminate their Cox services. Ms. Rich will also authenticate documents relating to the subject matters of her testimony and other documents to which she has a connection.
20.	Craig Smithpeters  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Mr. Smithpeters will testify as to the topics on which he was deposed, including but not limited to the technical aspects of set top boxes and the cable systems accessed by the set top boxes, the development of Cox's cable business; set top box technology and usage across markets, regulations

			governing set top box pricing and technology, Cox's policies and practices regarding set top boxes, Cox's relationships with set top box manufacturers, and Cable Card, Tru2Way, and OpenCable products. Mr. Smithpeters will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
21.	Steve Watkins  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Mr. Watkins will testify as to the topics for which he was offered as a 30b6 designee by Cox and the topics on which he was deposed, including but not limited to the development and capabilities of set top boxes, relationships with vendors or manufacturers of set top boxes purchased by Cox, development and capabilities of CableCards, relationship with vendors or manufacturers of CableCards, technical issues associated with Cox's interactive and two-way video services, and the development and deployment of Tru2Way and alternatives to Tru2Way. Mr. Watkins will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
22.	Charles Wise  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Mr. Wise will testify as to the topics for which he was offered as a 30b6 designee by Cox and the topics on which he was deposed, including but not

			limited to installation and service of Cox's cable services, set top boxes, and CableCards, including installation and service calls. Mr. Wise will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
23.	Cox custodians of records	Cox Communications, Inc. 6301 Waterford Blvd. Suite 200 Oklahoma City, OK 73118	A custodian of records for Cox will be offered to authenticate and lay the foundation for the admissibility of documents produced by Cox in this litigation.
24.	Brian Markwalter  (by deposition and/or live testimony)	Through John Kelly General Counsel Consumer Electronics Association 1919 South Eads Street Arlington, VA 22202 (703) 907-7515	Mr. Markwalter will testify as to the topics on which he was deposed, including but not limited to the shortcomings of CableCards as compared to leased set top boxes, the cable industry's inadequate support for CableCard deployment, CEA market research and consumer surveys regarding the demand and potential market for retail set top boxes, CEA's views on the FCC's decision to allow cable operators to maintain their market power over set top boxes, the role of CableLabs in maintaining the cable company's power with respect to set top boxes through its device certification requirements, issues associated with the deployment of Tru2way, the NCTA's lack of commitment to competition despite consumer electronics companies' interest in

			<p>manufacturing Tru2way STBs, the FCC's enforcement of anti-bundling provisions and its effect on consumers and competition, and the cable industry's rejection of CEA's DCR plus proposal to solve the problem of retail availability of set top boxes or TVs able to attach to cable systems. Mr. Markwalter will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.</p>
25.	<p>Jeffrey Cove</p> <p>(by deposition and/or live testimony)</p>	<p>Through Robert L. Nowicki General Counsel Panasonic Corporation of North America One Panasonic Way 3C-1 Secaucus, NJ 07094 (201) 348-7619</p>	<p>Mr. Cove will testify as to the topics on which he was deposed, including but not limited to Panasonic's manufacture and marketing of Tru2way set top boxes and TVs, cost differential analysis outlining the advantages afforded to consumers from purchasing Tru2way set top boxes at retail and the demand for Tru2way, customer issues with CableCARD reliability, Panasonic's negotiations with various cable companies and reasons for failing to execute any common download agreements, negotiations with Cox regarding a common download agreement and determination of a designated retailer, and discussions with retailers regarding deployment of Tru2way. Mr. Cove will also authenticate documents relating to the subject matters of his testimony and other</p>

			documents to which he has a connection.
26.	Hiroshi Nakayama  (by deposition and/or live testimony)	Through Jason E. Gettleman Morgan, Lewis & Bockius LLP 2 Palo Alto Square 3000 El Camino Real Suite 700 Palo Alto, CA 94306 (650) 843-7593	Mr. Nakayama will testify as to the topics on which he was deposed, including but not limited to Funai's efforts to manufacture set top boxes and enter the American market, the development of Funai's Tru2Way set top box, overtures made to major cable companies about such development, discussions with Cox regarding Funai's Tru2Way set top boxes and concerns with middleware compatibility, and the reasons for Funai's inability to obtain CableLab certification and reach agreements with cable companies. Mr. Nakayama will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
27.	Jeff Klugman  (by deposition and/or live testimony)	Through Joshua H. Lerner and Durie Tangri 217 Leidesdorf St. San Francisco, CA 94111 (415) 362-6666	Mr. Klugman will testify as to the topics on which he was deposed, including but not limited to TiVo's agreements with Cox regarding the integration of TiVo capability with Cox-distributed set top boxes, the factors that were considered in negotiating these agreements, TiVo's desire to use set top boxes capable of two-way services that could be sold at retail, communications with the FCC regarding retail device competition for MVPD services, the cable industry's impediments to developing a

			competitive market for retail set top boxes, and the requirements for achieving a competitive market for retail devices, such as access to switch digital and future IP-delivered programming, and guide metadata. Mr. Klugman will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
28.	Jud Cary  (by deposition and/or live testimony)	Through Mary V. Sooter and Megan M. Farooqui Faegre & Benson 1900 Ninth Street Boulder, CO 80302 (303) 447-7767	Mr. Cary will testify as to the topics on which he was deposed, including but not limited to the structure and function of CableLabs, CableLabs' membership requirements, the procedure for CableLabs device certification, the Memorandum of Understanding and license agreements with major cable companies regarding the implementation of CableCard interface in set top boxes, various issues encountered with the CableCard specification, the OpenCable project, and CableLabs' agreement with tru2way manufacturers and the CableCARD Host Interface License Agreement. Mr. Cary will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
29.	Neal Goldberg  (by deposition	1020 19 <sup>th</sup> Street, N.W. Suite 620 Washington, DC 20036	Mr. Goldberg will testify as to the topics on which he was deposed, including but not

	and/or live testimony)		limited to the historical development of CableCard, the NCTA's issues with the FCC's integration ban requirement, correspondence with CableLabs regarding issues with the deployment of CableCards, the development and deployment of Tru2way technology and devices, NCTA's FCC lobbying efforts, discussion of the set top box retail market, and problems associated with deployment of DCAS. Mr. Goldberg will also authenticate documents relating to the subject matters of his testimony and other documents to which he has a connection.
30.	Breanna Irish-Consier  (by deposition and/or live testimony)	Cox Communications, Inc. 1400 Lake Hearn Drive, NE Atlanta, GA 30319	Ms. Irish-Consier will testify as to the topics on which she was offered as a 30b6 designee by Cox and the topics on which she was deposed, including but not limited to Cox's ICOMs database and related documents and the documents on which she was questioned at her deposition. Ms. Irish-Consier will also authenticate documents relating to the subject matters of her testimony and other documents to which she has a connection.
31.	Plaintiff reserves the right to call any Cox representative that appears at trial		
32.	Plaintiff reserves the right to call any witness listed on Defendant's		

	witness list		
33.	Plaintiff reserves the right to call witnesses not listed above for rebuttal		

B. Defendant:

In addition to the below listed witnesses, Cox reserves the right to call any witness listed on Plaintiff's witness list and reserves the right to call witnesses not listed for rebuttal.

No.	Name	Address	Proposed Testimony
1.	Mollie Andrews  Cox expects to call Ms. Andrews live at trial. If Ms. Andrews should become unavailable for trial, Cox may present her testimony by deposition.	c/o Latham & Watkins LLP Suite 1000 555 11th Street, NW Washington, DC 20001	Ms. Andrews is the Vice President of Marketing for the Residential Services Division of Cox Oklahoma. Ms. Andrews will establish that Cox faces vigorous competition in the Oklahoma City area for the provision of cable services, including premium cable services, to subscribers. She will also establish that Cox's marketing programs and communications in Oklahoma City are designed to provide customers with choices as to the programming and equipment that Cox offers to its subscribers, and to inform them of those options, and that Cox does not have a policy of precluding subscribers from using navigation devices purchased from retail to access Cox's cable services.
2.	Dr. Michelle Burtis  Cox expects to call Dr. Burtis live at trial.	c/o Latham & Watkins LLP Suite 1000 555 11th Street, NW Washington, DC 20001	Dr. Burtis will provide expert testimony relating to each element of plaintiff's tying claim, impact and damages, and rebut plaintiff's experts'



			testimony regarding the same.
3.	<p>Jud Cary</p> <p>Cox expects to call Mr. Cary live at trial. If Mr. Cary should become unavailable for trial, Cox may present his testimony by deposition.</p>	<p>CableLabs 858 Coal Creek Circle Louisville, CO 80027</p>	<p>Mr. Cary is the Deputy General Counsel and Vice President of Video Technology for CableLabs. Mr. Cary will provide testimony about CableLabs, including its makeup, the functions it performs, and the way in which it develops technical standards. He will also testify about CableLabs testing and certification/qualification for set-top boxes and other devices.</p>
4.	<p>Dallas Steven Clement</p> <p>Cox expects to call Mr. Clement live at trial. If Mr. Clement should become unavailable for trial, Cox may present his testimony by deposition.</p>	<p>c/o Latham &amp; Watkins LLP Suite 1000 555 11th Street, NW Washington, DC 20001</p>	<p>During part of the relevant time period, Mr. Clement was the Senior Vice President of Strategy and Development for Cox. Mr. Clement will establish Cox' strategies and the implementation of those strategies for Cox's product, programming and service options. He will also describe Cox's role in implementing choices for customers to access Cox's video programming, including the implementation of CableCARD, tru2way and Cox's interface with consumer electronics manufacturers in bringing navigation devices to market.</p>
5.	<p>Jeffrey Cove</p> <p>Cox will present Mr. Cove's testimony either live or by deposition.</p>		<p>Mr. Cove is the former Vice President of Technology and Corporate Development at Panasonic. He will provide testimony regarding Panasonic's manufacture and sales of set-top boxes and tru2way televisions, as well as Panasonic's relationships with</p>

			cable operators and consumer electronics retailers.
6.	<p>David Davies</p> <p>Cox expects to call Mr. Davies live at trial. If Mr. Davies should become unavailable for trial, Cox may present his testimony by deposition.</p>	<p>c/o Samantha Rein Counsel to Cisco Systems, Inc. 5030 Sugarloaf Parkway Lawrenceville, GA 30044</p>	<p>Mr. Davies is the Senior Director for Strategy and Product Management within the Connected Devices Business Unit at Cisco Systems, Inc. He will testify about Cisco's manufacture and sale of set-top boxes, CableCARDS and other infrastructure and technology provided to cable operators; he will also testify about Cisco's contracts and licensing practices with respect to its products and technology.</p>
7.	<p>Neal Goldberg</p> <p>Cox expects to call Mr. Goldberg live at trial. If Mr. Goldberg should become unavailable for trial, Cox may present his testimony by deposition.</p>	<p>The National Cable Television Association 25 Massachusetts Ave. NW Washington, DC 20001</p>	<p>Mr. Goldberg is the Vice President and General Counsel of the National Cable Television Association. He will testify about the NCTA generally, the NCTA's positions on behalf of its members related to set-top boxes, CableCARDS and their associated technologies, and positions that the NCTA has taken before the Federal Communications Commission on behalf of its members.</p>
8.	<p>Stephen Goldstein</p> <p>Cox expects to call Mr. Goldstein live at trial. If Mr. Goldstein should become unavailable for trial, Cox may present his testimony by deposition.</p>	<p>c/o Kenneth Murata Senior Legal Counsel Samsung Electronics America, Inc. 85 Challenger Road Ridgefield Park, NJ 07660</p>	<p>Mr. Goldstein is the Vice President and General Manager of Sales and Marketing at Samsung Electronics. He will testify about Samsung's development, manufacture and sale of set-top boxes, development of tru2way televisions, and Samsung's work with Cox.</p>

9.	Dr. Alexander Holmes  Cox expects to call Dr. Holmes live at trial.	c/o Latham & Watkins LLP Suite 1000 555 11th Street, NW Washington, DC 20001	Dr. Holmes will provide expert testimony relating to product and geographic market definition and market power and rebut plaintiff's experts' testimony regarding the same.
10.	Percy Kirk  Cox expects to call Mr. Kirk live at trial. If Mr. Kirk should become unavailable for trial, Cox may present his testimony by deposition.	c/o Latham & Watkins LLP Suite 1000 555 11th Street, NW Washington, DC 20001	Mr. Kirk is the Senior Vice President and General Manager of Cox Oklahoma. Mr. Kirk will establish that Cox's business in Oklahoma City is built around subscriber trust and the delivery of excellence in service across all phases of its business.
11.	Jeffrey Klugman  Cox expects to call Mr. Klugman live at trial. If Mr. Klugman should become unavailable for trial, Cox may present his testimony by deposition.	c/o Matt Zinn General Counsel TiVo, Inc. 2160 Gold Street San Jose, CA 95002	Mr. Klugman is the Vice President and General Manager of TiVo's Service Provider Division. Mr. Klugman will testify regarding TiVo's products and business decisions and strategies, and TiVo's business relationships with Cox and other companies.
12.	Sanford Mencher  Cox expects to call Mr. Mencher live at trial. If Mr. Mencher should become unavailable for trial, Cox may present his testimony by deposition.	c/o Latham & Watkins LLP Suite 1000 555 11th Street, NW Washington, DC 20001	Mr. Mencher is the Vice President of Finance and Accounting for Cox. Mr. Mencher will establish facts concerning Cox's revenue for its product, programming and service options.
13.	Steve Necessary	c/o Latham & Watkins LLP Suite 1000	Mr. Necessary is the Vice President of Video Product

	Cox expects to call Mr. Necessary live at trial. If Mr. Necessary should become unavailable for trial, Cox may present his testimony by deposition.	555 11th Street, NW Washington, DC 20001	Development and Management for Cox. Mr. Necessary will establish facts concerning Cox's product, programming and service options, the implementation of tru2way and Cox's contracts and work with consumer electronics manufacturers, including TiVo, Samsung and Panasonic, to develop navigation devices.
14.	Jennifer Rich  Cox expects to call Ms. Rich live at trial. If Ms. Rich should become unavailable for trial, Cox may present her testimony by deposition.	c/o Latham & Watkins LLP Suite 1000 555 11th Street, NW Washington, DC 20001	Ms. Rich is the Director of Competitive Strategy for Cox. Ms. Rich will establish that Cox's role and relative size within the cable industry does not enable it to control the go-to-market decisions of consumers electronics manufacturers or retailers about set-top boxes or other devices capable of two-way communications.
15.	Craig Smithpeters  Cox will present Mr. Smithpeter's testimony either live or by deposition.	c/o Samantha Rein Counsel to Cisco Systems, Inc. 5030 Sugarloaf Parkway Lawrenceville, GA 30044	During part of the relevant time period, Mr. Smithpeters was the Executive Director of Interactive Services Engineering for Cox. Mr. Smithpeters will establish facts concerning Cox's work on navigation devices, including set-top boxes, and CableCARDS, as well as the implementation of tru2way and Cox's work with consumer electronics manufacturers to develop navigation devices.
16.	Dr. Gerry Wall  Cox expects to call Dr. Wall live at trial.	c/o Latham & Watkins LLP Suite 1000 555 11th Street, NW Washington, DC 20001	Dr. Wall will provide expert testimony rebutting plaintiff's expert's testimony regarding rentals and sales of set-top boxes in Canada.
17.	Steven Watkins	c/o Latham & Watkins LLP	Mr. Watkins is the Senior

	Cox expects to call Mr. Watkins live at trial. If Mr. Watkins should become unavailable for trial, Cox may present his testimony by deposition.	Suite 1000 555 11th Street, NW Washington, DC 20001	Director for Advanced Video Technology for Cox. Mr. Watkins will establish facts concerning the technology underpinning Cox's programming, services and products, Cox's successful implementation of the FCC's requirements and industry recommendations relating to set-top boxes and CableCARDS, and Cox's contracts and work with consumer electronics manufacturers to develop navigation devices.
18.	James Kelso	c/o Latham & Watkins LLP Suite 1000 555 11th Street, NW Washington, DC 20001	During part of the relevant period, Mr. Kelso was the Vice President of Video Engineering for Cox. Mr. Kelso will describe Cox's video products and services, including set-top boxes and CableCARDS, and will establish Cox's efforts as to the implementation of tru2way and Cox's work with consumer electronics manufacturers to develop navigation devices.
19.	Marcia Sauzek	c/o Latham & Watkins LLP Suite 1000 555 11th Street, NW Washington, DC 20001	Ms. Sauzek is the Vice President of Finance and Business Operations for Cox Oklahoma. Ms. Sauzek will establish that the pricing for Cox's product, programming and service options is multi-faceted and provides subscribers with choice.

**8. ESTIMATED TRIAL TIME:**

A. Plaintiff's Case: 8 trial days

B. Defendant's Case: 8 trial days

9. **BIFURCATION REQUESTED:** Yes \_\_\_\_\_ No x\_\_\_\_\_

10. **POSSIBILITY OF SETTLEMENT:**

Good \_\_\_\_\_ Fair \_\_\_\_\_ Poor x\_\_\_\_\_

All parties approve this report and understand and agree that this report supersedes all pleadings, shall govern the conduct of the trial, and shall not be amended except by order of the Court.

/s/ Michael J. Blaschke

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