IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TV GUIDE ONLINE, INC. AND TV GUIDE ONLINE, LLC, Plaintiffs, v. TRIBUNE MEDIA SERVICES, INC. Defendant.	C.A. No.: 05-CV-725-KAJ

TV GUIDE'S OPPOSITION TO TMS'S MOTION FOR A PROTECTIVE ORDER QUASHING THE DEPOSITION OF DENNIS FITZSIMONS

TMS's infringing website, www.zap2it.com, and its infringing affiliate network appear to have revenue-generating and strategic value to the overall information-providing business of the Tribune Company, well beyond that which they provide as discrete profit centers. The value of www.zap2it.com to the Tribune Company's overall information-providing business strategy is an important basis for determining a reasonable royalty and lost profits, and is therefore relevant to TV Guide's damages claims in this action. TV Guide anticipates that Dennis FitzSimons, as the Chairman and CEO of Tribune Company, has knowledge and information concerning the value of www.zap2it.com to the overall business strategy of the Tribune Company. Mr. FitzSimons's declaration, submitted in support of TMS's motion, does not address this issue.

"In a civil case, a party is entitled as a general matter to discovery of any information sought if it appears 'reasonably calculated to lead to the discovery of admissible

evidence.' ... It is axiomatic that the discovery rules are to be construed liberally in favor of the party seeking discovery." *Falkenberg Capital Corp. v. Dakota Cellular, Inc.*, 1998 WL 552966, at *4 (D. Del. Aug. 4, 1998) (Ex. A); *see also Siegman v. Columbia Pictures Entertainment, Inc.*, 1993 WL 133068, at *1-*2 (Del. Ch. Apr. 14, 1993) (allowing depositions of a president and a former president and CEO because "the information sought by plaintiffs is relevant to their theory of damages and is discoverable") (Ex. B).

For these reasons, TMS's Motion for a Protective Order Quashing the Deposition of Dennis FitzSimons should be denied.

Frederick L. Cottrell, III (#2555)
Jeffrey L. Moyer (#3309)
Steven J. Fineman (#4025)
RICHARDS, LAYTON & FINGER PA
One Rodney Square
920 North King Street
Wilmington, Delaware 19801
(302) 651-7700
cottrell@rlf.com
moyer@rlf.com
fineman@rlf.com

Attorneys for Plaintiffs TV Guide Online, Inc. and TV Guide Online, LLC

OF COUNSEL:

Robert C. Morgan
Christopher J. Harnett
Ching-Lee Fukuda
Stuart W. Yothers
Danielle C. Schillinger
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 Avenue of the Americas
New York, New York 10020
(212) 596-9000

Ronald E. Naves, Jr.
Sr. Vice President
Legal Affairs and Litigation
Gemstar-TV Guide International, Inc.
6922 Hollywood Boulevard
Hollywood, California 90028
(323) 817-4600

Dated: October 16, 2006

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2006 I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing(s) and Hand Delivered to the following:

Richard K. Herrmann, Esquire
Morris James Hitchens & Williams
222 Delaware Avenue, 10th Floor
Wilmington, DE 19899-0951

I hereby certify that on October 16, 2006, I have sent by Federal Express, the foregoing document to the following non-registered participant:

Mark A. Pals, P.C., Esquire
Kirkland & Ellis, LLP
200 East Randolph Drive
Chicago, IL 60601

Steven J. Fineman (#4025)