

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

In the Matter of

**CERTAIN PRODUCTS CONTAINING
INTERACTIVE PROGRAM GUIDE AND
PARENTAL CONTROLS TECHNOLOGY**

Investigation No. 337-TA-_____

**VERIFIED COMPLAINT UNDER SECTION 337
OF THE TARIFF ACT OF 1930, AS AMENDED**

Complainants

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I. INTRODUCTION

1. This Complaint is filed by Rovi Corporation, Rovi Guides, Inc., United Video Properties, Inc., and Gemstar Development Corporation (collectively “Rovi” or “Complainants”) pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”). Rovi respectfully requests that the U.S. International Trade Commission (“Commission”) institute an investigation relating to the unlawful importation into the United States, the sale for importation, and/or the sale within the United States after importation of products containing interactive program guide (IPG) and parental controls technology, including televisions, without Rovi’s authorization, that use the inventions claimed in Rovi’s valid patents.

2. The Respondents, defined in Section II.B below, currently manufacture, sell for importation into the United States, import, and/or sell within the United States after importation certain products (e.g., televisions and Blu-Ray players) that use the inventions claimed in Rovi’s valid patents without Rovi’s authorization.

3. Through the current manufacture, sale for importation into the United States, importation, and/or sale within the United States after importation of the accused televisions, Respondents are infringing the following United States Patents (collectively “the Rovi Patents”), all of which are owned by Rovi through its subsidiaries:

U.S. Patent Number	Claims Infringed	Abbreviated Reference	Title
6,305,016	1-3, 13-16, 20, 26, 27	'016 Patent	Systems and Methods for Displaying Information with a Perceived Partial Transparency Over a Television Program
7,493,643	1-4, 7-10, 13-16	'643 Patent	Program Guide System with Video-On-Demand Browsing
RE41,993	18-21, 23-25, 30, 31, 38, 39, 41, 43, 44, 49, 56, 57, 59, 61, 62, 67	'993 Patent	Apparatus and Method for Improved Parental Control of Television Use

4. The current sale for importation into the United States, importation, and/or sale within the United States after importation of certain televisions that use the inventions claimed in the Rovi Patents are unlawful and constitute infringement of the valid and enforceable Rovi Patents in violation of Section 337.

5. An industry in the United States relating to articles protected by the Rovi Patents exists within the meaning of 19 U.S.C. §§ 1337(a)(2) and 1337(a)(3). *See* Section VIII below and Exhibit 67.

6. Rovi seeks a permanent limited exclusion order, specifically directed to each named Respondent, excluding from entry into the United States all infringing Sharp products. Rovi also seeks a cease and desist order pursuant to 19 U.S.C. § 1337(f), prohibiting the importation, sale for importation, use, offering for sale, sale after importation, inventory for distribution, distribution, licensing, or otherwise transferring within the United States, of infringing Sharp products. Further, Rovi requests that the Commission impose a bond upon Respondents' importation of infringing products during the 60-day Presidential review period pursuant to 19 U.S.C. § 1337(j) to prevent further injury to Rovi's domestic industry relating to the Rovi Patents.

II. THE PARTIES

A. The Complainants

7. Complainant Rovi Corporation is incorporated in Delaware and is located at 2830 De La Cruz Blvd., Santa Clara, California 95050. Rovi is a global leader in digital entertainment technology solutions. Rovi provides guidance technology, entertainment data, content protection and content networking technology to customers for use in the consumer electronics, cable and satellite, entertainment and online distribution markets to enable them to deliver a unique

entertainment experience for television, movies, music and photos. Rovi also licenses its patents to third parties who develop their own digital entertainment solutions.

8. Rovi Guides, Inc. (f/k/a Gemstar-TV Guide International Inc.) is incorporated in Delaware and is located at 2830 De La Cruz Blvd., Santa Clara, California 95050. Rovi Guides, Inc. is a wholly-owned subsidiary of Rovi Corporation.

9. Complainant United Video Properties, Inc. is incorporated in Delaware and is located at 2830 De La Cruz Blvd., Santa Clara, California 95050. United Video Properties, Inc. is the owner of U.S. Patent Nos. 6,305,016 and 7,493,643. United Video Properties, Inc. is a wholly-owned subsidiary of complainant Rovi Guides, Inc.

10. Complainant Gemstar Development Corporation is incorporated in California and is located at 2830 De La Cruz Blvd., Santa Clara, California 95050. Gemstar Development Corporation is the owner of U.S. Patent No. RE41,993. Gemstar Development Corporation is a wholly-owned subsidiary of complainant Rovi Guides, Inc.

11. Complainants have led the digital entertainment industry in the development and improved functionality of interactive program guide (“IPG”) and related technology for televisions, recorders, set-top boxes, and other devices. Complainants have developed many, if not most, of the fundamental concepts of this technology. Complainants sell or offer products, software and data embodying this technology, as well as license their patents to third parties who develop their own IPG technology. Complainants’ customers include manufacturers and providers of televisions, recorders, set-top boxes, and other related hardware and software components, as well as those companies that provide television services to end-users such as operators of cable, satellite, IP and wireless networks. To maintain their leadership position in this industry, Complainants have made significant investments in the design, development and

licensing of IPG technology for televisions, recorders, set-top boxes and other components protected by the Rovi Patents. A copy of the February 15, 2011, 10-K annual report for Rovi Corporation accompanies this Complaint as Exhibit 55. A copy of Rovi's May 10, 2011, 10-Q quarterly report accompanies this Complaint as Exhibit 56.

12. Complainants' business also depends, in significant part, on protecting its inventions through patents. Complainants' long-term financial success depends, in significant part, on its ability to establish, maintain, and protect its proprietary technology through enforcement of its patent rights. The proposed Respondents' infringement presents significant and ongoing damages to Rovi's business.

B. The Proposed Respondents

13. The proposed Respondents include various commonly owned Sharp entities that either manufacture, sell for importation into the United States, import, and/or sell within the United States after importation the Accused Sharp Products. With respect to the Respondents, Rovi alleges the following upon information and belief:

14. Sharp Corp. is a corporation organized under the laws of Japan and has its principal place of business at 22-22 Nagaike-cho, Abeno-ku, Osaka 545-8522, Japan. *See* Exhibit 58. Sharp and its subsidiaries have facilities worldwide, including offices in the United States, Japan, Canada, China, Great Britain, Korea and Taiwan. Sharp Corp. is involved in the manufacture, sale for importation into the United States, importation, and/or sale within the United States after importation of the Accused Sharp Products. *See* Exhibit 59.

15. Sharp Electronics Corp. is a subsidiary of Sharp Corp. It is incorporated in the state of New York and has its principal place of business at 1 Sharp Plaza, Mahwah, New Jersey 07495. *See* Exhibits 60. Sharp Electronics Corp. is involved in the sale for importation into the

United States, importation, and/or sale within the United States after importation of the Accused Sharp Products.

16. Sharp Electronics Manufacturing Company of America, Inc. is a subsidiary of Sharp Corp. It is incorporated in the state of California and has its principal place of business at 1 Sharp Plaza, Mahwah, New Jersey 07495. *See* Exhibits 61. Sharp Electronics Manufacturing Company of America, Inc. is involved in the sale for importation into the United States, importation, and/or sale within the United States after importation of the Accused Sharp Products.

17. In addition to the Respondents identified above, the investigation may also reveal other potential respondents. Rovi may request that one or more of these entities be added as additional respondents to the investigation.

C. The Accused Products

18. Generally, the Sharp Products at issue include LCD televisions and Blu-Ray players. The Sharp products contain IPG technology that allow the products to, for example, display information regarding television programs and/or provide video-on-demand functionality. A significant number of Sharp products also include parental controls technology that allow parents to restrict viewing of television programs and movies.

19. The accused Sharp products include LC-19LS410UT, LC-19SB28UT, LC-22LS510UT, LC-22SB28UT, LC-26DV28UT, LC-32D59U, LC-32DV28UT, LC-32LS510UT, LC-40D78UN, LC-40LE830U, LC-40LE832U, LC-40LE835U, LC-42D69U, LC-46LE830U, LC-46LE832U, LC-46LE835U, LC-52LE830U, LC-52LE832U, LC-52LE835U, LC-52LE925U, LC-60E78UN, LC-60E88UN, LC-60LE632U, LC-60LE633U, LC-60LE830U, LC-60LE831U, LC-60LE832U, LC-60LE835U, LC-60LE925UN, LC-70LE732U, LC-70LE733U,

BD-HP25U, BD-HP35U, BD-HP75U, BD-HP80U, and BD-HP90U. The accused Sharp products were listed on Sharp's website in July 2011. *See* Exhibits 64-65.

20. Upon information and belief, all Sharp television models within a product series perform the patented functionalities in substantially the same way. For example, the LC-40LE835U is functionally identical to the LC-46LE835U, LC-52LE835U, and LC-60LE835U because these models belong to the same product series. The Sharp 2011 Home Entertainment Full Line Brochure suggests that Blu-Ray players BD-HP25U, BD-HP35U, and BD-HP75U belong in one product family and BD-HP80U and BD-HP90U belong in another product family and that products within a given family have similar functionality. *See* Exhibit 63.

21. Similarly, all Sharp televisions that are described by the same operation manual are believed to perform the patented functionalities in substantially the same way. For example, the LC-60LE633U and LC-70LC733U models share an operation manual, which describes the features of these products in the same manner. *See, e.g.*, Appendix A. The Sharp products that include VUDU are believed to have similar video-on-demand functionality.

22. The bases for Complainant's conclusions as to infringement are shown in the Claim Charts at Exhibits 4-38.

III. THE TECHNOLOGY AT ISSUE

23. In general, the Rovi Patents relate to IPG and parental controls technology.

24. IPG technology was first developed in the late 1980s and early 1990s and has since continued to evolve to provide users with access to television program information, and in some cases, other features and functionality that facilitate television viewers' use and enjoyment of television programming. For example, an early type of IPG was a full-screen grid guide that displayed television program listings by time and channel in a two-dimensional grid. Using a

remote control, a user could interact with the guide to quickly see, for example, what was on television at a later time or on a different channel.

25. While such a grid is one example of an IPG, other formats have been used to provide users with access to program information. For example, IPGs may take the form of a single channel guide providing access to program information for only a single channel at different times throughout the day. Alternatively, IPGs may be provided in the form of a partial-screen overlay on top of a program that is currently being watched by a user, where such overlays provide information about one program or more than one program at a time. In an aspect of one of the Rovi Patents, the program guide may be displayed simultaneously with television programming, where the program guide has a perceived partial transparency. This approach minimizes the disruption to the television viewing experience.

26. In some instances, additional guide functionalities, such as digital recording and integration of on-demand content, have been added to IPGs. Video-on-demand (VOD) is a popular type of on-demand content that is becoming more and more commonplace. In VOD, a user can request a television show or movie for instant viewing. Typically, the user equipment communicates with a server that provides the requested content on a streaming basis. One of the Rovi Patents is directed towards the process of selecting, previewing, and ordering video-on-demand content.

27. While the particular format, features and functions of an IPG may vary, the focus of IPG development is and has always been on enhancing users' enjoyment of media, whether it be television programming or other related media.

28. Parental controls technology can be implemented on consumer electronic devices that provide access to content, such as televisions, digital video recorders, and set-top boxes. For

television programming, the U.S. Congress mandated the creation of a uniform television ratings system to assist parents in controlling the types of television programming children could watch when it enacted the Telecommunications Act of 1996. The Telecommunications Act also required televisions 13 inches and larger to include a V-chip to block television programs based on program ratings (*e.g.*, TV-MA).

29. Aside from these high-level requirements, neither Congress nor the FCC regulates the implementation of parental controls. Consumer electronics (CE) manufacturers have leeway in designing the user interfaces for setting parental controls. Similarly, CE manufacturers can determine how to allow users to override or suspend parental controls. Overriding parental controls is a useful function, for example, to allow a parent to watch a program that has been blocked for the benefit of their children. The ability to override and reinstate the blocking function is the subject of another Rovi Patent.

IV. THE PATENTS IN SUIT

A. The '016 Patent

1. Identification of the Patent and Ownership

30. United States Patent No. 6,305,016 entitled "Systems and Methods for Displaying Information with a Perceived Partial Transparency Over a Television Program" issued on October 16, 2001. The '016 Patent expires on April 28, 2014 and is based on U.S. patent application No. 09/421,953, filed on October 20, 1999. The '016 Patent claims priority as a continuation of U.S. patent application No. 08/599,143, filed Feb. 9, 1996 (now U.S. Patent No. 5,828,420), which claims priority as a continuation of U.S. patent application No. 08/234,060, filed April 28, 1994 (now U.S. Patent No. 5,502,504). The earliest filing date for the '016 Patent is April 28, 1994. *See* Appendix J.

31. United Video Properties, Inc. is the owner of the '016 Patent by way of assignment. The inventors of the '016 Patent, Connie T. Marshall, Thomas R. Lemmons, and Donald W. Allison, assigned their rights to the '016 Patent to Prevue Networks, Inc. See Exhibit 160. Prevue Networks, Inc. changed its name to TV Guide Networks, Inc. and assigned its right to the '016 Patent to United Video Properties, Inc. See Exhibit 160.

32. As discussed below in Section V, Respondents are infringing at least claims 1-3, 13-16, 20, 26, 27 of the '016 Patent.

33. A copy of the '016 Patent has been submitted as Exhibit 2. A copy of the U.S. Patent and Trademark Office file history for the '016 Patent, as well as three (3) copies, are submitted with this Complaint as Appendix H, and copies of the patents and applicable pages of each technical reference mentioned in the file history are submitted with this Complaint as Appendix I.

2. Non-Technical Description of the Patented Invention¹

34. The '016 Patent describes a system for displaying program guide data with a perceived transparency over a selected television channel and methods for simultaneously presenting information (or alternatively, a computer-generated image using digital data) with a television program, where the information is displayed with a perceived partial transparency.

3. Foreign Counterparts

35. The following is a list of foreign counterparts to the '016 Patent:

Country	Patent No.	Status
Australia	688035	Granted

¹ This non-technical description of the '016 Patent is provided for purposes of general information and understanding and is not meant to be a position with respect to claims construction and/or other technical aspects of patent law.

Belgium	0757873	Appeal following opposition
Brazil	9507541	Granted
European Patent Convention	0757873	Appeal following opposition
France	0757873	Appeal following opposition
Germany	0757873	Appeal following opposition
Great Britain	0757873	Appeal following opposition
Italy	0757873	Appeal following opposition
Japan	4444080	Granted
Korea	0336197	Granted
Netherlands	0757873	Appeal following opposition
Russia	2154351	Abandoned
Sweden	95917756.9	Appeal following opposition

Country	Patent Application No.	Status
Japan	7-528422	Rejected
Japan	2008-182722	Rejected
Japan	2009-153189	Pending
Japan	2010-146800	Pending

36. To the best of Rovi's knowledge, information, and belief, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected corresponding to the '016 Patent.

B. The '643 Patent

1. Identification of the Patent and Ownership

37. United States Patent No. 7,493,643 entitled "Program Guide System with Video-On-Demand Browsing" issued on February 17, 2009. The '643 Patent expires on May 24, 2022 and is based on U.S. patent application No. 10/865,699, filed on June 9, 2004. The '643 Patent claims priority as a divisional of application No. 09/262,870 filed on March 4, 1999 and provisional application No. 60/086,046 filed on May 19, 1998. The earliest filing date of the '643 Patent is May 19, 1998. *See Appendix G.*

38. United Video Properties, Inc. is the owner of the '643 Patent by way of assignment. The inventor of the '643 Patent, Michael D. Ellis, assigned his rights to the '643

Patent to Prevue Networks, Inc. See Exhibit 159. Prevue Networks, Inc. changed its name to TV Guide Networks, Inc. and assigned its right to the '643 Patent to United Video Properties, Inc.

39. As discussed below in Section V, Respondents are infringing at least claims 1-4, 7-10, 13-16 of the '643 Patent.

40. A copy of the '643 Patent has been submitted as Exhibit 3. A copy of the U.S. Patent and Trademark Office file history for the '643 Patent, as well as three (3) copies, are submitted with this Complaint as Appendix E, and copies of the patents and applicable pages of each technical reference mentioned in the file history are submitted with this Complaint as Appendix F.

2. Non-Technical Description of the Patented Invention²

41. The '643 Patent describes a system and method for providing an interactive television program guide with a video-on-demand (VOD) browsing capabilities. The program guide allows a viewer to browse through and select VOD programs. The user may also preview each VOD program and, after viewing the preview, is given the option to order the VOD program.

3. Foreign Counterparts

42. The following is a list of foreign counterparts to the '643 Patent:

Country	Patent No.	Status
Argentina	AR016033B1	Issued
Argentina	AR051490B2	Issued
Australia	761403	Issued

² This non-technical description of the '643 Patent is provided for purposes of general information and understanding and is not meant to be a position with respect to claims construction and/or other technical aspects of patent law.

Country	Patent No.	Status
Australia	2002300813	Issued
Australia	2007209841	Issued
Belgium	1080581	Revoked
Canada	2332343	Issued
Canada	2388167	Issued
Canada	2509937	Issued
China	ZL99807599.X	Issued
China	ZL200410049118.X	Issued
European Patent Office	1080581	Revoked
France	1080581	Revoked
Germany	1080581	Revoked
Hong Kong	HK1036542	Revoked
Italy	1080581	Revoked
Mexico	251218	Issued
Netherlands	1080581	Revoked
Republic of Korea	0753894	Issued
Republic of Korea	0887697	Issued
Republic of Korea	0908307	Issued
Republic of Korea	0907676	Issued
Republic of Korea	0992474	Issued
Republic of Korea	1013044	Issued
Singapore	77394	Issued
Spain	1080581	Revoked
Switzerland	1080581	Revoked
Taiwan R.O.C.	NI-130757	Issued
United Kingdom	1080581	Revoked

Country	Patent Application No.	Status
Australia	2011201696	Pending
Brazil	PI99106124	Pending
Canada	2583078	Pending
Chile	103499	Abandoned
China	031787916	Abandoned
China	200410059202X	Abandoned
European Patent Office	020789194	Abandoned
European Patent Office	050251214	Abandoned
European Patent Office	081031593	Pending
European Patent Office	101795995	Pending
European Patent Office	99924339.7	Revoked

Country	Patent Application No.	Status
Hong Kong	031042559	Abandoned
Japan	2000550276	Abandoned
Japan	200420574	Abandoned
Japan	2007174655	Pending
Japan	2007174656	Pending
Japan	2007174657	Abandoned
Japan	2010229134	Pending
Mexico	2007011725	Allowed
Mexico	2008014033	Allowed
Mexico	2011002523	Pending
PCT	PCTUS9911015	National
Philippines	1199901168	Abandoned
Republic of Korea	1020097025410	Abandoned
Republic of Korea	1020117003110	Pending
Republic of Korea	1020047007587	Abandoned

43. To the best of Rovi's knowledge, information, and belief, there are no other foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected corresponding to the '643 Patent.

C. The '993 Patent

1. Identification of the Patent and Ownership

44. United States Reissued Patent No. RE41,993 entitled "Apparatus and Method for Improved Parental Control of Television Use" issued on December 7, 2010. The '993 Patent expires on July 29, 2013 and is based on U.S. patent application No. 10/720,006, filed on November 20, 2003. The '993 Patent is a reissue of U.S. Patent No. 6,321,381, which was filed on April 26, 2000 and issued on November 20, 2001, which is a continuation of application No. 09/344,634, filed on June 25, 1999, (now U.S. Patent No. 6,072,520), which was a continuation of application No. 08/684,678, filed on July 19, 1996, (now U.S. Patent No. 5,949,471), which was a continuation of application No. 08/138,632, filed on October 15, 1993, now abandoned, and a continuation-in-part of application No. 08/118,001, filed on September 8, 1993, (now U.S.

Patent No. 5,382,983), which was a continuation of application No. 08/100,616, filed on July 29, 1993, now abandoned. The earliest filing date for the '993 Patent is July 29, 1993. *See* Appendix D.

45. Gemstar Development Corporation is the owner of the '993 Patent by way of assignment. The inventors of the '993 Patent, Henry Yuen, Roy Mankovitz and Daniel Kwoh, assigned their rights to the '993 Patent to Gemstar Development Corporation. *See* Exhibit 161.

46. As discussed below in Section V, Respondents are infringing at least independent claims 18, 24, 38, 43, 56, 61, and dependent claims 19-21, 23, 25, 30, 31, 39, 41, 44, 49, 57, 59, 62, 67 of the '993 Patent.

47. A copy of the '993 Patent has been submitted as Exhibit 1. A copy of the U.S. Patent and Trademark Office file history for the '993 Patent, as well as three (3) copies, are submitted with this Complaint as Appendix B, and copies of the patents and applicable pages of each technical reference mentioned in the file history are submitted with this Complaint as Appendix C.

2. Non-Technical Description of the Patented Invention³

48. The '993 Patent describes a system and method for restricting access to television programs. A viewer may set criteria for blocking television programs, *e.g.*, program rating. Television programs corresponding to the selected criteria will be blocked, unless the viewer overrides the blocking by, for example, entering a code. The override is effective until the

³ This non-technical description of the '993 Patent is provided for purposes of general information and understanding and is not meant to be a position with respect to claims construction and/or other technical aspects of patent law.

system is shut off, which means the viewer can watch other television programs meeting the selected blocking criteria until the television is turned off and back on.

3. Foreign Counterparts

49. To the best of Rovi's knowledge, information, and belief, there are no foreign patents or foreign patent applications pending, filed, abandoned, withdrawn or rejected corresponding to the '993 Patent.

V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS

50. Upon information and belief, Respondents currently manufacture, sell for importation, import, and/or sell within the United States after importation televisions that infringe the Rovi Patents either literally or under the doctrine of equivalents. These activities by Respondents constitute direct infringement, pursuant to 35 U.S.C. § 271(a).

51. Upon information and belief, the Respondents manufacture, sell for importation, import, and/or sell within the United States after importation televisions that constitute a material part of the inventions claimed in the Rovi Patents, knowing the same to be especially made and/or adapted for use in an infringement of the Rovi Patents, and not staple articles of commerce suitable for substantial non-infringing use. The Respondents, therefore, are contributory infringers, pursuant to 35 U.S.C. § 271(c).

52. The Respondents were made aware of the Rovi Patents at least as early as July 21, 2011. In addition, upon information and belief, this Complaint and the notice of investigation that will be published by the Commission in the Federal Register, should the Commission initiate this investigation, will serve as notice to the Respondents of the Rovi Patents, should the Respondents contend that they did not previously have knowledge of the Rovi Patents. Upon information and belief, the Respondents actively and knowingly aid, abet, and induce

infringement of Rovi Patents by the Respondents' customers, which activities constitute active inducement to infringe under 35 U.S.C. § 271(b).

53. Upon information and belief, the Respondents infringe the Rovi Patents because they manufacture, sell for importation into the United States, import and/or sell within the United States after importation a product that infringe the Rovi Patents. *See* Exhibits 4-38.

54. Claim 1 of the '016 patent is infringed by the following Sharp products: LC-40D78UN, LC-40LE830U, LC-40LE832U, LC-40LE835U, LC-46LE830U, LC-46LE832U, LC-46LE835U, LC-52LE830U, LC-52LE832U, LC-52LE835U, LC-52LE925UN, LC-60E78UN, LC-60E88UN, LC-60LE632U, LC-60LE633U, LC-60LE830U, LC-60LE831U, LC-60LE832U, LC-60LE835U, LC-60LE925UN, LC-70LE732U, and LC-70LE733U. Claims 2, 3, 13-16, 20, 26, and 27 of the '016 patent is infringed by the following Sharp products: LC-19LS410UT, LC-19SB28UT, LC-22LS510UT, LC-22SB28UT, LC-26DV28UT, LC-32D59U, LC-38DV28UT, LC-32LS510UT, LC-40D78UN, LC-40LE830U, LC-40LE832U, LC-40LE835U, LC-42D69U, LC-46LE830U, LC-46LE832U, LC-46LE835U, LC-52LE830U, LC-52LE832U, LC-52LE835U, LC-52LE925UN, LC-60E78UN, LC-60E88UN, LC-60LE632U, LC-60LE633U, LC-60LE830U, LC-60LE831U, LC-60LE832U, LC-60LE835U, LC-60LE925UN, LC-70LE732U, LC-70LE733U.

55. Claims 1-4, 7-10, 13-16 of the '643 patent are infringed by the following Sharp products: LC-40LE830U, LC-40LE832U, LC-40LE835U, LC-46LE830U, LC-46LE832U, LC-46LE835U, LC-52LE830U, LC-52LE832U, LC-52LE835U, LC-52LE925UN, LC-60LE632U, LC-60LE633U, LC-60LE830U, LC-60LE831U, LC-60LE832U, LC-60LE835U, LC-60LE925UN, LC-70LE732U, LC-70LE733U, BD-HP25U, BD-HP35U, BD-HP75U, BD-HP80U, and BD-HP90U.

56. Claims 18-21, 23-25, 30, 31, 38, 39, 41, 43, 44, 49, 56, 57, 59, 61, 62, and 67 of the '993 patent are infringed by the following Sharp products: LC-19LS410UT, LC-22LS510UT, LC-32D59U, LC-32LS510UT, LC-40D78UN, LC-40LE830U, LC-40LE832U, LC-40LE835U, LC-42D69U, LC-46LE830U, LC-46LE832U, LC-46LE835U, LC-52LE830U, LC-52LE832U, LC-52LE835U, LC-52LE925UN, LC-60E78UN, LC-60E88UN, LC-60LE632U, LC-60LE633U, LC-60LE830U, LC-60LE831U, LC-60LE832U, LC-60LE835U, LC-60LE925UN, LC-70LE732U, and LC-70LE733U.

57. Claim charts reading the asserted independent claims of the Rovi Patents on the Sharp Products are attached as Exhibits 4-38.

VI. RELATED LITIGATIONS AND REEXAMINATION REQUESTS

A. Related Litigations

58. The '016 Patent was the subject of litigation at the U.S. International Trade Commission in *Certain Products Containing Interactive Program Guide and Parental Controls Technology*, Investigation No. 337-TA-747, and in the District of Delaware in *Rovi Corporation et al. v. Toshiba Corporation et al.*, Case No.1:10-cv-00931. Toshiba agreed to take a license to settle these matters.

59. The '016 Patent counterpart European Patent (EP0757873) has successfully been litigated in Europe, resulting in a judgment of infringement and several Europe-wide licenses. In particular, in *Starsight Telecast, Inc. & United Video Properties, Inc. v. Sharp Electronics GmbH*, Mannheim District Court, Case No. 7 O 313/07 (2007), Rovi received a judgment of infringement, which led to a settlement with Sharp Electronics GmbH. In *Starsight Telecast, Inc. & United Video Properties, Inc. v. Toshiba Europe GmbH*, Mannheim District Court, Case No.7 O 347/08 (2008), Toshiba Europe GmbH agreed to take a Europe-wide license to settle the

matter. In *Starsight Telecast, Inc. & United Video Properties, Inc. v. TechniSat Digital GmbH*, Mannheim District Court, Case No.7 O 9/09 (2009), TechniSat agreed to take a Europe-wide license to settle the matter.

60. The '643 Patent is the subject of litigation in the U.S. in the District of Delaware in *Rovi Corporation et al. v. Amazon.com, Inc. et al.*, 1:2011-cv-00003. The case is pending.

B. Related Reexaminations

61. The '016 patent is currently subject of an *ex parte* reexamination. The request for this reexamination was filed on September 16, 2010 by a third party requester. A copy of the reexamination file history is provided as Appendix K. While all claims are currently rejected, the reexamination proceeding is ongoing and has not reached final resolution. Another third party attempted to request reexamination of the '016 patent in April 2011. The PTO denied the request for failing to raise a substantial new question of patentability.

VII. INSTANCES OF UNFAIR IMPORTATION AND SALE AND HARMONIZED TARIFF SCHEDULE INFORMATION

62. Upon information and belief, the Respondents are engaged in the design, manufacture, test and assembly of televisions at their foreign facilities. The Respondents then sell for importation into the United States, import, and/or sell within the United States after importation those products. Respondents' imported televisions are widely available for purchase in the United States.

63. The Sharp LC-19SB28UT and LC-26SB28UT products infringe certain claims of the '016 patent, as described above in Section V. On July 5, 2011, Rovi purchased a Sharp LC-19SB28UT in the United States that was imported into the United States from Thailand. *See* Exhibit 41, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

64. The Sharp LC-26DV28UT and LC-32DV28UT products infringe certain claims of the '016 patent, as described above in Section V. On July 3, 2011, Rovi purchased a LC-26DV28UT in the United States that was imported into the United States from Thailand. *See* Exhibit 42, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

65. The Sharp LC-32D59U and LC-42D69U products infringe certain claims of the '016 and '993 patents, as described above in Section V. On July 3, 2011, Rovi purchased a LC-42D69U in the United States that was imported into the United States from China. *See* Exhibit 47, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

66. The Sharp LC-19LS410UT, LC-22LS510UT, and LC-32LS510UT products infringe certain claims of the '016 and '993 patents, as described above in Section V. On July 3, 2011, Rovi purchased a LC-32LS510UT in the United States that was imported into the United States from China. *See* Exhibit 43, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

67. The Sharp LC-40D78UN product infringes certain claims of the '016 and '993 patents, as described above in Section V. On July 1, 2011, Rovi purchased a LC-40D78UN in the United States that was imported into the United States from Mexico. *See* Exhibit 44, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

68. The Sharp LC-60E78UN product infringes certain claims of the '016 and '993 patents, as described above in Section V. On July 3, 2011, Rovi purchased a LC-60E78UN in the United States that was imported into the United States from Mexico. *See* Exhibit 49, which

includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

69. The Sharp LC-60E88UN product infringes certain claims of the '016 and '993 patents, as described above in Section V. On July 3, 2011, Rovi purchased a LC-60E88UN in the United States that was imported into the United States from Mexico. *See* Exhibit 50, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

70. The Sharp LC-60LE632U and LC-70LE732U products infringe certain claims of the '016, '643, and '993 patents, as described above in Section V. On July 1, 2011, Rovi purchased a LC-60LE632U in the United States that was imported into the United States from Mexico. *See* Exhibit 51, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

71. The Sharp LC-60LE633U and LC-70LE733U products infringe certain claims of the '016, '643, and '993 patents, as described above in Section V. On July 5, 2011, Rovi purchased a LC-60LE633U in the United States that was imported into the United States from Mexico. *See* Exhibit 52, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

72. The Sharp LC-40LE830U, LC-46LE830U, LC-52LE830U, and LC-60LE830U products infringe certain claims of the '016, '643, and '993 patents, as described above in Section V. On July 1, 2011, Rovi purchased a LC-40LE830U in the United States that was imported into the United States from Mexico. *See* Exhibit 45, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

73. The Sharp LC-60LE831U product infringes certain claims of the '016, '643, and '993 patents, as described above in Section V. On July 3, 2011, Rovi purchased a LC-60LE831U in the United States that was imported into the United States from Mexico. *See* Exhibit 53, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

74. The Sharp LC-40LE832U, LC-46LE832U, LC-52LE832U, and LC-60LE832U products infringe certain claims of the '016, '643, and '993 patents, as described above in Section V. On July 3, 2011, Rovi purchased a LC-46LE832U in the United States that was imported into the United States from Mexico. *See* Exhibit 48, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

75. The Sharp LC-40LE835U, LC-46LE835U, LC-52LE835U, and LC-60LE835U products infringe certain claims of the '016, '643, and '993 patents, as described above in Section V. On July 1, 2011, Rovi purchased a LC-40LE835U in the United States that was imported into the United States from Mexico. *See* Exhibit 46, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

76. The Sharp LC-52LE925U and LC-60LE925UN products infringe certain claims of the '016, '643, and '993 patents, as described above in Section V. On July 3, 2011, Rovi purchased a LC-60LE925UN in the United States that was imported into the United States from Mexico. *See* Exhibit 54, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

77. The Sharp BD-HP25U, BD-HP35U, BD-HP75U products infringe certain claims of the '643 patent, as described above in Section V. On July 9, 2011, Rovi purchased a BD-HP25U in the United States that was imported into the United States from China. *See* Exhibit

39, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

78. The Sharp BD-HP80U and BD-HP90U products infringe certain claims of the '643 patent, as described above in Section V. On July 9, 2011, Rovi purchased a BD-HP80U in the United States that was imported into the United States from China. *See* Exhibit 40, which includes a copy of a receipt showing the purchase of the item and a picture of the item indicating the place of manufacture.

79. Rovi cannot at this time identify all devices sold for importation into the United States, imported, and/or sold within the United States after importation that infringe the Rovi Patents and may supplement this information and may need to add respondents in the future.

80. The Respondents' televisions are believed to fall within, at least, Heading Nos. 8525 and 8528 of the Harmonized Tariff Schedule of the United States ("HTS"). More specifically, the televisions may be classified under Subheading Nos. 8525.50.10, 8525.50.30, 8528.12.92, 8528.49.70, 8528.59 8528.71, 8528.72 and/or 8529.90.13. These HTS numbers are intended for illustration only and are not intended to be restrictive of the devices or products accused.

VIII. LICENSING AND DOMESTIC INDUSTRY

81. Rovi maintains a domestic industry under 19 U.S.C. § 1337(a)(3). In particular, a domestic industry is present for the Rovi Patents as a result of Rovi's substantial investment in its exploitation of the Rovi Patents, including engineering, research and development, and licensing efforts. Section 1337(a)(3)(C). A domestic industry is also present as a result of Rovi's significant investment in plant and equipment and substantial employment of labor and capital with respect to articles protected by the Rovi Patents. Section 1337(a)(3)(A)-(B). In addition, a

domestic industry is present because several licensees of the Rovi Patents practice the inventions claimed in the Rovi Patents within the United States, and because these licensees have made and/or are making a significant investment in labor and capital in the United States with respect to products that practice the Rovi Patents.

A. Rovi's Substantial Investment in Exploitation, Enforcement and Licensing Satisfies the Domestic Industry Requirement

82. Rovi, directly and through its subsidiaries, is actively engaged and makes substantial investments in licensing and enforcing the U.S. patents contained in its patent portfolio, including the Rovi Patents. In fact, Rovi has a long a successful history of patent licensing, including licenses to some of the world's leading consumer electronics manufacturers and video service providers. As a result, a domestic industry exists as a result of Rovi's substantial investment in the exploitation of the Rovi Patents through its licensing and enforcement operations. *See Exhibit 67 (Declaration of Samir Armaly Regarding Rovi Corporation's Financial Information Relating to the Domestic Industry Requirement).*

83. Rovi licenses its patent portfolio to many of the leading consumer electronics and television service provider companies in the United States, including numerous competitors of Respondents. *See Exhibit 67.* The licensing revenues received by Rovi represent a substantial return on Rovi's investment in the enforcement and licensing of its patent rights.

84. Rovi employs full-time legal and technical staff in the United States to perform market analysis, identify potential licensing activities, and engage in licensing and enforcement activities. *See Exhibit 67.* Rovi also employs several staff members outside of the United States, who are also involved in licensing activities. Rovi maintains 10 offices across the United States and the U.S. based employees described above are located in Rovi's offices in Santa Clara and Burbank, California. Rovi's salary expenses for these employees is substantial. *See Exhibit 67.*

Through the expenditure of compensation and benefits for its personnel responsible for licensing activities, Rovi invests a significant amount of money in support of its licensing activities. *See* Exhibit 67.

85. The Rovi Patents play an important role in Rovi's licensing efforts. The Rovi Patents are practiced by many leading companies in the United States, which include both potential and existing licensees. *See* Exhibits 67 and 68. This demonstrates the widespread need for licenses under the Rovi Patents. The Rovi Patents are specifically identified in several license agreements. *See* Exhibits 66 and 67. In many instances, Rovi has emphasized the importance of the Rovi Patents in presentations and claim charts sent to potential licensees in connection with licensing negotiations. *Id.* Rovi has also issued cease and desist letters specifically mentioning the '016 Patent, further establishing that the '016 Patent plays a fundamental role in Rovi's patent portfolio. *Id.* Additionally, Rovi has asserted the Rovi Patents in litigation within the United States in furtherance of its licensing efforts. *See* Exhibits 67. The large number of licenses granted under the Rovi Patents and the significant revenue derived from those licenses demonstrate the value recognized by the market for those patents.

B. Rovi's Significant Investments With Respect to Its RoxioNow Product Satisfies the Domestic Industry Requirement

86. Rovi practices the Rovi Patents in its own software products and services that are licensed by manufacturers for use in consumer electronics like televisions. Rovi spends significant sums in the development, sales and support of its software products and services. *See* Exhibit 67.

87. In December 2010, Rovi acquired Sonic Solutions ("Sonic"), the makers of the RoxioNow platform, which powers digital entertainment services – like BestBuy's CinemaNow and Blockbuster On Demand – that are available as applications on many televisions and

consumer electronic devices. The RoxioNow platform is a software product that is covered by the '643 Patent. An example of how the RoxioNow application practices the '643 Patent is illustrated in Exhibit 154. Rovi has made significant investments in plant and equipment, labor and capital, and engineering and research and development with respect to the RoxioNow platform. *See Exhibit 67.*

C. The Activities of Rovi's Licensees Are Also Sufficient to Satisfy the Domestic Industry Requirement

88. Rovi can establish a domestic industry based on its activities alone. In addition, Rovi can also establish a domestic industry based on an illustrative licensee who sells products in the United States that practice at least one claim of the Asserted Patents. Furthermore, Rovi can establish a domestic industry based on investments in labor and capital made by its licensees in the United States.

89. One such licensee is a major international electronics manufacturer with a large U.S. presence. *See Exhibit 67.* This licensee has made a significant investment in labor and capital, a substantial portion of which relates to the products that practice the claims of the Rovi Patents. *Id.* This licensee sells products that practice the Rovi Patents, as shown in the claim charts at Exhibits 152 and 153. This licensee has a large U.S. market share based on sales of its licensed products. *See Exhibit 67.*

IX. RELIEF

WHEREFORE, by reason of the foregoing, Complainant requests that the United States International Trade Commission:

A. Institute an immediate investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to Respondents' violations of Section 337 based on the sale for importation into the United States, importation, and/or sale within the

United States after importation of certain products containing IPG and parental controls technology that infringe one or more claims of Rovi's Patents;

B. Schedule and conduct a hearing on permanent relief pursuant to 19 U.S.C. § 1337(d) and (f);

C. Issue a permanent Limited Exclusion Order specifically directed to each named Respondent, pursuant to 19 U.S.C. § 1337(d), excluding from entry into the United States products containing IPG and parental controls technology that infringe the Rovi Patents, including but not limited to the products described in Section V;

D. Issue a cease and desist order, pursuant to 19 U.S.C. § 1337(f), prohibiting the importation, sale for importation, use, offering for sale, sale after importation, inventory for distribution, distribution, licensing, or otherwise transferring within the United States, products containing IPG and parental controls technology;

E. Impose a bond upon Respondents who continue to import infringing articles during the 60-day Presidential review period per 19 U.S.C. §1337(j); and

F. Issue such other and further relief as the Commission deems just and proper under the law, based upon the facts determined by the investigation and the authority of the Commission.

Date: July 26, 2011

Respectfully submitted,



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