

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

Rovi Corporation

2830 De La Cruz Blvd.
Santa Clara, CA 95050
Telephone: 408.562.8400

Rovi Guides, Inc.

(f/k/a Gemstar-TV Guide International Inc.)
2830 De La Cruz Blvd.
Santa Clara, CA 95050
Telephone: 408.562.8400

United Video Properties, Inc.

2830 De La Cruz Blvd.
Santa Clara, CA 95050
Telephone: 408.562.8400

Gemstar Development Corporation

2830 De La Cruz Blvd.
Santa Clara, CA 95050
Telephone: 408.562.8400

Index Systems, Inc.

Craigmuir Chambers
P.O. Box 71
Road Town, Tortola
British Virgin Islands, VG
Telephone: 408.562.8400

Proposed Respondents

Vizio, Inc.

39 Tesla
Irvine, CA 92618
Telephone: 949.428.2525

Haier Group Corp.

1 Haier Rd., Hi-Tech Zone
Qingdao, Shandong 266101
People's Republic of China
Phone: 86.532.889.39999
Fax: 86.532.889.38666

Haier America Trading, LLC

1356 Broadway
New York, NY 10018
Telephone: 212.594.3330

Counsel for Complainants

Yar R. Chaikovsky

David L. Larson

Hong S. Lin

Jeremiah A. Armstrong

Cary Chien

McDermott Will & Emery LLP

275 Middlefield Road, Suite 100

Menlo Park, CA 94025

650.815.7400

650.815.7401 (facsimile)

Joel M. Freed

Christopher G. Paulraj

Alexander P. Ott

McDermott Will & Emery LLP

600 Thirteenth Street, NW

Washington, DC 20005

202.756.8000

202.756.8087 (facsimile)

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I. INTRODUCTION

1. This Complaint is filed by Rovi Corporation, Rovi Guides, Inc., United Video Properties, Inc., Gemstar Development Corporation, and Index Systems, Inc. (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. Rovi has attempted to negotiate a license with the Respondents on numerous occasions. Vizio was a licensee to Rovi’s patents until earlier this year, when the license expired. Since the expiration, Rovi has discussed with Vizio a new license to the Rovi patents, but Vizio has not agreed to a new license.

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 No.	Claims Infringed	Abbreviated Reference	Title
7,493,643	1*, 3-4, 7*, 8-10, 13*, 14-16	'643 Patent	Program Guide System with Video-On-Demand Browsing
RE41,993	18*, 19-21, 23, 24*, 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
6,701,523	1*, 2-5, 7, 8, 10, 11*, 12	'523 Patent	V-Chip Plus In-Guide User Interface Apparatus and Method for Programmable Blocking of Television and Other Viewable Programming, Such as for Parental Control of a Television Receiver
7,047,547	1*, 2, 4, 6, 8, 10-14, 16, 17*, 18, 20, 22, 24, 26-30, 32, 33*, 34, 36, 38, 40, 42-46, 48, 49*, 50, 52, 54, 56, 58-62, 64	'547 Patent	Electronic Television Program Guide Schedule System and Method

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 41.

6. Rovi seeks a permanent limited exclusion order, specifically directed to each named Respondent, excluding from entry into the United States all infringing products. Rovi also seeks a cease and desist order pursuant to 19 U.S.C. § 1337(f) prohibiting the importation,

* Denotes independent claim.

sale for importation, use, offer for sale, sale after importation, inventory for distribution, distribution, licensing, or otherwise transfer within the United States of infringing 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. 7,493,643 and 7,047,547. 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. Complainant Index Systems, Inc. is incorporated in the British Virgin Islands and is located at Craigmuir Chambers, P.O. Box 71, Road Town, Tortola, British Virgin Islands, VG. Index Systems, Inc. is the owner of U.S. Patent No. 6,701,523. Index Systems, Inc. is a wholly-owned subsidiary of complainant Rovi Guides, Inc.

12. Complainants have led the digital entertainment industry in the development and improved functionality of the 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 25. A copy of Rovi’s June 30, 2011, 10-Q quarterly report accompanies this Complaint as Exhibit 26.

13. 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

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

15. Vizio, Inc. ("Vizio") is a corporation organized under the laws of Delaware and has its principal place of business at 39 Tesla, Irvine, California 92618. *See Exhibits 27-30.* Vizio, Inc. 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 Vizio Products. *See Exhibit 29.*

16. Haier Group Corp. is organized under the laws of the People's Republic of China, has its principal place of business at 1 Haier Rd., Hi-Tech Zone, Qingdao, Shandong 266101, People's Republic of China. Haier Group 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 Haier Products.

17. Haier America Trading, LLC is a subsidiary of Haier Group Corp., which is headquartered in Qingdao, People's Republic of China (collectively or interchangeably referred to hereinafter as "Haier"). Haier America Trading, LLC is incorporated in the state of New York and has its principal place of business at 1356 Broadway, New York, NY 10018. *See Exhibits 31 and 32.* Haier America Trading, LLC is involved in the sale for importation into the United

States, importation, and/or sale within the United States after importation of the Accused Haier Products. *See* Exhibit 32.

18. 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

19. Generally, the Accused Products at issue include LCD televisions and Blu-Ray players. *See* Appendix A (product manuals). Certain Accused Products contain IPG technology that allow the products to, for example, provide video-on-demand functionality and/or display video clips relating to television programs. Certain Accused Products also include parental controls technology that allow parents to restrict viewing of television programs.

1. Accused Vizio Products

20. The Accused Vizio Products include at least Vizio television models E371VL, M420SV, VF552XVT, and Vizio Blu-Ray player model VBR133. The Accused Vizio Products were listed on Vizio's website in October 2011. *See* Exhibits 33, 35, 38, and 39. The bases for Rovi's conclusions as to Vizio's infringement are shown in the Claim Charts at Exhibits 9-17.

2. Accused Haier Products

21. The Accused Haier Products include at least Haier television model HL46XSL2, which was purchased by Complainants in October 2011. The bases for Complainants' conclusions as to Haier's infringement are shown in the Claim Charts at Exhibits 18 and 19.

III. THE TECHNOLOGY AT ISSUE

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

23. 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.

24. While such a grid is one example of an IPG, other formats have been used to provide users with access to program information. In some instances, a user could interact with the IPG to access video clips for television programs. One of the Rovi Patents is directed towards allowing the user to access video clips for television programs from an IPG.

25. As IPG technology continued to advance, 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.

26. 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.

27. 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).

28. 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. One of the Rovi Patents is directed toward an innovative approach to allowing users to block television programs based on a combination of ratings and content.

29. 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 '643 Patent

1. Identification of the Patent and Ownership

30. 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 U.S. Patent Application No. 09/262,870 filed on March 4, 1999 and also claims priority to U.S. 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 B and D.

31. 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 5 and Appendix D. Prevue Networks, Inc. changed its name to TV Guide Networks, Inc. and assigned its right to the '643 Patent to United Video Properties, Inc. See Exhibit 5 and Appendix D.

32. As discussed below in Section V, Respondent Vizio infringes at least claims 1-4, 7-10, and 13-16 of the '643 Patent.

33. A copy of the '643 Patent has been submitted as Exhibit 1. 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 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 Invention *

34. 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

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

* 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.

a. Issued Foreign Patents

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

b. Pending Patent Applications

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

Country	Patent Application No.	Status
European Patent Office	101795995	Pending
European Patent Office	99924339.7	Revoked
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

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

B. The '993 Patent

1. Identification of the Patent and Ownership

37. 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 E and G.

38. 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 6 and Appendix G.

39. As discussed below in Section V, Respondent Vizio infringes at least claims 18-21, 23-25, 30, 31, 38, 39, 41, 43, 44, 49, 56, 57, 59, 61, 62, and 67 of the '993 Patent.

40. A copy of the '993 Patent has been submitted as Exhibit 2. 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 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 Invention[†]

41. 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

[†] 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

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

C. The '523 Patent

1. Identification of the Patent and Ownership

43. United States Patent No. 6,701,523 entitled "V-Chip Plus+In-Guide User Interface Apparatus and Method for Programmable Blocking of Television and Other Viewable Programming, such as for Parental Control of a Television Receiver" issued on March 2, 2004. The '523 Patent expires on September 16, 2019 and is based on United States patent application No. 09/398,963, filed on September 16, 1999. The '523 Patent claims priority to United States provisional application No. 60/100,575, filed on September 16, 1998. The earliest filing date for the '523 Patent is September 16, 1998. *See* Appendix H and J.

44. Index Systems, Inc., is the owner of the '523 Patent by way of assignment. The inventors of the '523 Patent, Kenneth Hancock, Thomas Ward, Douglas Macrae, and Jacques Hugon, assigned their rights to the '523 Patent to Index Systems, Inc. *See* Exhibit 7 and Appendix J.

45. As discussed below in Section V, Respondents Vizio and Haier infringe at least claims 1-5, 7, 8, and 10-12 of the '523 Patent.

46. A copy of the '523 Patent has been submitted as Exhibit 3. A copy of the U.S. Patent and Trademark Office file history for the '523 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 Invention[‡]

47. The '523 Patent describes a system and method for restricting access to television programs. A display depicts a two-dimensional matrix composed of rows and columns of tiles. The rows (or columns) correspond to overall program ratings and the columns (or rows) correspond to specific program content indications. A viewer may use an input (*e.g.*, remote control) to highlight and select a tile. Television programs are blocked or allowed for viewing based on the program ratings and specific content indications of the rows and columns corresponding to the highlighted tiles.

3. Foreign Counterparts

48. Foreign counterpart patent applications corresponding to the '523 Patent are identified below:

Country	Patent Application No.	Status
Australia	3064399	Abandoned
Canada	2321914	Abandoned
European Patent Convention	1066721	Withdrawn
Japan	2002-505558	Rejected

49. To the best of Rovi's knowledge, information, and belief, there are no other foreign patents issued or foreign patent applications pending, filed, abandoned, withdrawn or rejected corresponding to the '523 Patent.

[‡] This non-technical description of the '523 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.

D. The '547 Patent

1. Identification of the Patent and Ownership

50. United States Patent No. 7,047,547 entitled "Electronic Television Program Guide Schedule System and Method" issued on May 16, 2006. The '547 Patent expires on August 17, 2015 and is based on U.S. Patent Application No. 10/351,737, filed on January 24, 2003. The '547 Patent claims priority as a continuation of U.S. Patent Application No. 09/114,811 filed on July 13, 1998 (issued as U.S. Patent No. 6,661,468), which is a continuation of U.S. Application No. 08/247,101 filed on May 20, 1994 (issued as U.S. Patent No. 5,781,246). The earliest filing date of the '547 Patent is May 20, 1994. *See* Appendix K and M.

51. United Video Properties, Inc. is the owner of the '547 Patent by way of assignment. The inventors of the '547 Patent, Jerry Alten, Bruce Davis, Michael Morris, and Roger Youman, assigned their rights to U.S. Patent Application No. 08/247101 and any continuations to News America Publishing, Inc., and Telecommunications of Colorado, Inc. *See* Exhibit 8 and Appendix M. News America Publishing, Inc. assigned its rights to U.S. Patent Application No. 08/247101 and any continuations to News America Publications, Inc. *Id.* News America Publications, Inc. changed its name to TV Guide Magazine Group, Inc., which transferred its rights to U.S. Patent Application No. 08/247101 and any continuations to TV Guide, Inc. *Id.* TV Guide, Inc. assigned its rights to U.S. Patent Application No. 08/247101 and any continuations to United Video Properties, Inc. *Id.* Telecommunications of Colorado, Inc. transferred its rights to U.S. Patent Application No. 08/247101 and any continuations to TCI-TVGOS, Inc. *Id.* TCI-TVGOS, Inc. transferred its rights to U.S. Patent Application No. 08/247101 and any continuations to United Video Properties, Inc. *Id.* This series of transfers also granted United Video Properties, Inc. ownership over U.S. Patent 7,047,547, which resulted from a continuation application of U.S. Patent Application No. 08/247101. *Id.*

52. As discussed below in Section V, Respondent Haier infringes at least claims 1, 2, 4, 6, 8, 10-14, 16-18, 20, 22, 24, 26-30, 32-34, 36, 38, 40, 42-46, 48-50, 52, 54, 56, 58-62, and 64 of the '547 Patent.

53. A copy of the '547 Patent has been submitted as Exhibit 4. A copy of the U.S. Patent and Trademark Office file history for the '547 Patent, as well as three (3) copies, are submitted with this Complaint as Appendix K, and copies of the patents and applicable pages of each technical reference mentioned in the file history are submitted with this Complaint as Appendix L.

2. Non-Technical Description of the Patented Invention[§]

54. The '547 Patent is directed towards an electronic program guide that restricts access to program schedule information. A user may set parental control options and program schedule information may be restricted from view based on the parental control options. The user may enter a code to view the restricted program schedule information.

3. Foreign Counterparts

55. The following is a list of foreign counterparts to the '547 Patent:

a. Issued Foreign Patents

Country	Patent No.	Status
Australia	2005234652	Issued
Australia	701683	Issued
Australia	730507	Issued
Australia	754696	Issued
Australia	2003200576	Issued
Australia	2004203044	Issued
Austria	1763234	Issued

[§] This non-technical description of the '547 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
Belgium	1763234	Issued
Canada	2190744	Issued
Canada	2363052	Issued
Canada	2362627	Issued
Canada	2362630	Issued
Canada	2363051	Issued
Canada	2662685	Issued
Canada	2548637	Issued
Denmark	1763234	Issued
European Patent Office	1763234	Issued
European Patent Office	0775417	Issued
France	0775417	Issued
France	1763234	Issued
Germany	1763234	Issued
Germany	69427041.5.08	Issued
Italy	0775417	Issued
Italy	1763234	Issued
Japan	4415033	Issued
Japan	4564839	Issued
Japan	4083525	Issued
Japan	4512618	Issued
Japan	4415032	Issued
Japan	4415034	Issued
Japan	4382116	Issued
Netherlands	0775417	Issued
Netherlands	1763234	Issued
Portugal	1763234	Issued
Spain	1763234	Issued
Spain	2157262T3	Issued
Sweden	1763234	Issued
Switzerland	1763234	Issued
United Kingdom	0775417	Issued
United Kingdom	1763234	Issued

b. Pending Patent Applications

Country	Patent Application No.	Status
Australia	2009225270	Pending
Brazil	PI94085862	Abandoned
Canada	2662689	Pending
Canada	2662691	Allowed?
European Patent Office	101787299	Pending
European Patent Office	101789899	Pending

Country	Patent Application No.	Status
European Patent Office	101800241	Pending
European Patent Office	002009157	Abandoned
European Patent Office	040755993	Pending
European Patent Office	101800050	Pending
European Patent Office	101802817	Pending
European Patent Office	101803054	Pending
European Patent Office	050759968	Pending
European Patent Office	060763158	Pending
European Patent Office	060763166	Pending
European Patent Office	060763141	Abandoned
Hong Kong	011008152	Abandoned
Hong Kong	061012589	Pending
Hong Kong	071028312	Pending
Hong Kong	071099799	Abandoned
Japan	Not Yet Assigned	Pending
Japan	2004382106	Abandoned
Japan	3821072004	Abandoned
Japan	7530243	Abandoned
Japan	2008314985	Pending
Japan	2009138286	Pending
Japan	2008314984	Pending
Japan	201068990	Pending
Japan	2006318620	Abandoned
Japan	2006318674	Abandoned
Japan	2006318675	Abandoned
Japan	201068991	Pending
Japan	2010800113	Pending
Japan	2011232232	Pending
PCT	9405498	National

V. UNLAWFUL AND UNFAIR ACTS OF PROPOSED RESPONDENTS

56. Upon information and belief, Respondents currently manufacture, sell for importation, import, and/or sell within the United States after importation products 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).

57. Upon information and belief, the Respondents manufacture, sell for importation, import, and/or sell within the United States after importation products 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).

58. Vizio was made explicitly aware of at least two of the asserted Rovi Patents at least as early as April 2011. Haier was made explicitly aware of at least three of the asserted Rovi Patents at least as early as 2009. 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).

59. 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 products that infringe the Rovi Patents. *See Exhibits 20-24.*

60. Claims 1-4, 7-10, and 13-16 of the '643 patent are infringed by at least the following Vizio products: M420SV, VF552XVT and VBR133.

61. 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 at least the following Vizio products: E371VL, M420SV, and VF552XVT.

62. Claims 1-5, 7, 8, and 10-12 of the '523 patent are infringed by at least the following Vizio products: E371VLM420SV and VF552XVT.

63. Claims 1-5, 7, 8, and 10-12 of the '523 patent are infringed by at least the following Haier product: HL46XSL2.

64. Claims 1, 2, 4, 6, 8, 10-14, 16-18, 20, 22, 24, 26-30, 32-34, 36, 38, 40, 42-46, 48, 49, 50, 52, 54, 56, 58-62, and 64 of the '547 patent are infringed by at least the following Haier product: HL46XSL2.

65. Claim charts showing how the Accused Vizio Products infringe the asserted independent claims of the Rovi Patents are attached as Exhibits 9-17.

66. A claim chart showing how the Accused Haier Product infringes the asserted independent claims of the Rovi Patents is attached as Exhibit 18-19.

VI. RELATED LITIGATIONS AND REEXAMINATION REQUESTS

A. Related Litigations

67. The '643 and '993 Patents were 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-801, and in the Eastern District of Virginia in *Rovi Corporation et al. v. Sharp Corporation et al.*, Case No. 3:11-cv-00533. Sharp agreed to settle these matters.

68. The '523 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.

69. 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

70. The '643 and '993 Patents are not currently the subject of reexamination proceedings.

71. The '523 Patent is the subject of two reexamination proceedings bearing reexamination control nos. 90/011,528 and 90/011,550, both of which are still pending. *See* Appendix N.

72. European Patent No. EP 1763234, which is related to the '547 patent, is currently undergoing an opposition proceeding. The opposition is pending.

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

73. 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.

74. The Vizio E371VL product infringes certain claims of the '993 and '523 Patents, as described above in Section V. On October 3, 2011, Rovi purchased a Vizio E371VL in the United States that was imported into the United States from China. *See* Exhibit 20, 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 Vizio M420SV product infringes certain claims of the '643, '993, and '523 Patents, as described above in Section V. On October 3, 2011, Rovi purchased a Vizio M420SV in the United States that was imported into the United States from China. *See* Exhibit 21, 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 Vizio VF552XVT product infringes certain claims of the '643, '993, and '523 Patents, as described above in Section V. On October 3, 2011, Rovi purchased a Vizio VF552XVT in the United States that was imported into the United States from China. *See* Exhibit 22, 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 Vizio VBR133 Blu-Ray Player product infringes certain claims of the '643 Patent, as described above in Section V. On October 3, 2011, Rovi purchased a Vizio VBR133 in the United States that was imported into the United States from China. *See* Exhibit 23, 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 Haier HL46XSL2 product infringes certain claims of the '523 and '547 Patents, as described above in Section V. On October 6, 2011, Rovi purchased a Haier HL46XSL2 in the United States that was imported into the United States from China. *See* Exhibit 24, 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, 8528.59.05, 8528.71.10, 8528.72.04 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 41 (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 41. 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 41. Rovi also employs several staff members outside of the United States, who are also involved in licensing activities. Rovi maintains many 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 41. 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 41.

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 41 and 42. This demonstrates the widespread need for licenses under the Rovi Patents. The Rovi Patents are specifically identified in several license agreements. *See* Exhibits 40 and 41. 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 Rovi Patents, further establishing that the Rovi Patents play 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* Exhibit 41. 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 Rovi Entertainment Store and i-Guide Platforms Satisfy the Domestic Industry Requirement

86. Rovi can establish a domestic industry based on its licensing activities alone. In addition, Rovi practices the Rovi Patents in its own software products and services that are licensed by manufacturers and cable operators for use in consumer electronics like televisions and set top boxes. Rovi spends significant sums in the development, sales and support of its software products and services. *See Exhibit 41.*

87. In December 2010, Rovi acquired Sonic Solutions ("Sonic"), the makers of the Rovi Entertainment Store ("RES")** 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 RES platform is a software product that is covered by the '643 Patent. An example of how an RES application practices the '643 Patent is illustrated in Exhibit 146. Rovi has made significant investments in plant and equipment, labor and capital, and engineering and research and development with respect to the RES platform. *See Exhibit 41.*

88. Rovi has also made significant investments in facilities and equipment, labor and capital, and engineering and research and development with respect to i-Guide, which is an interactive digital cable television program guide software platform. *See Exhibit 41.* The i-Guide software platform is covered by the '547 Patent. An example of how it practices the

** The Rovi Entertainment Store (RES) product was formerly known as "RoxioNow" and those terms are used interchangeably herein to refer to the same software platform.

'547 Patent is illustrated in Exhibit 147, a claim chart for i-Guide running on a set top box as offered by a licensed cable operator.

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

89. Rovi can also establish a domestic industry based on illustrative licensees who sell products in the United States that collectively 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.

90. Two such licensees are major international corporations who both have a large U.S. presence. *See* Exhibit 41. Both of these licensees have 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.* These licensees sell and/or offer products/services that practice several of the Rovi Patents, as shown in the claim charts at Exhibits 144-147. These licensees have a large U.S. market share based on sales/offering of their licensed products/services. *See* Exhibit 41.

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;

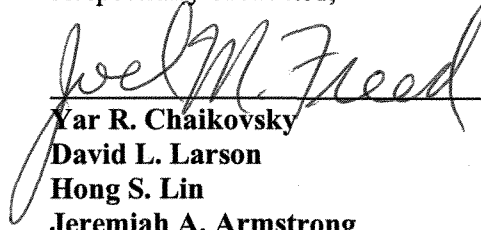
D. Issue a cease and desist order, pursuant to 19 U.S.C. § 1337(f), prohibiting the importation, sale for importation, use, offering for sale, sale after importation, inventory for distribution, distribution, licensing, or otherwise transferring within the United States, products containing IPG and parental 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: November 15, 2011

Respectfully submitted,



Yar R. Chaikovsky
David L. Larson
Hong S. Lin
Jeremiah A. Armstrong

Cary Chien
McDermott Will & Emery LLP
275 Middlefield Road, Suite 100
Menlo Park, CA 94025
650.815.7400
650.815.7401 (facsimile)

Joel M. Freed
Christopher G. Paulraj
Alexander P. Ott
McDermott Will & Emery LLP
600 Thirteenth Street, NW
Washington, DC 20005
202.756.8000
202.756.8087 (facsimile)

Counsel for Complainants
Rovi Corporation,
Rovi Guides, Inc.,
United Video Properties, Inc.,
Gemstar Development Corporation, and
Index Systems, Inc.