

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN DIGITAL VIDEO  
RECEIVERS, BROADBAND  
GATEWAYS, AND RELATED  
HARDWARE AND SOFTWARE  
COMPONENTS**

**Investigation No. 337-TA-1158**

**ORDER NO. 35:**

**INITIAL DETERMINATION GRANTING  
COMPLAINANTS' THIRD UNOPPOSED  
MOTION FOR PARTIAL TERMINATION OF  
THE INVESTIGATION WITHOUT  
PREJUDICE [MOTION DOCKET NO. 1158-033]**

(March 20, 2020)

Pursuant to Commission Rule 210.21(a), on January 24, 2020, Complainants Rovi Corporation and Rovi Guides, Inc. (“Rovi”) filed a third unopposed motion for partial termination of certain claims from this Investigation (“Motion”).<sup>1</sup> (Motion Docket No. 1158-033 (Jan. 24, 2020); Mot. at 1.). Specifically, Rovi has withdrawn: (1) claims 9 and 23 of U.S. Patent No. 7,779,445 (“the ’445 patent”); and (2) claims 14 and 29 of U.S. Patent No. 7,200,855

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<sup>1</sup> Rovi certified that it “raised the instant Motion with counsel for” Respondents Comcast Corporation, Comcast Cable Communications, LLC, Comcast Cable Communications Management, LLC, and Comcast Holdings Corporation (collectively, “Comcast” or “Respondents,” and with Rovi, the “Private Parties”) and Commission Investigative Staff (“Staff,” and with the Private Parties, the “Parties”) at least two (2) business days before filing the Motion. (Mot. at 4.). “Respondents indicated that they would not oppose this Motion. Staff indicated that, given Staff’s limited participation in this investigation, Staff takes no position on Rovi’s motion.” (*Id.*).

(“the ’855 patent”). (*Id.*). Asserted patent claims that remain in the Investigation are shown below in Table 1.

**Table 1: Rovi’s Chart Showing Remaining Asserted Patents/Claims**

<b>Patent Number</b>	<b>Claims Infringed</b>	<b>Abbreviated Reference</b>	<b>Title</b>
7,779,445	5	The ’445 Patent	Interactive Television Systems with Digital Video Recording and Adjustable Reminders
8,156,528	13, 27, 30	The ’528 Patent	Personal Video Recorder Systems and Methods
7,200,855	60, 63	The ’855 Patent	Method and Apparatus of Multiplexing a Plurality of Channels in a Multimedia System

(*Id.* at 2.).

Commission Rules permit a motion to terminate part of an investigation based upon withdrawal of certain allegations contained within the Complaint, before issuance of the Initial Determination on Violation of Section 337. 19 C.F.R. § 210.21(a)(1). An administrative law judge may grant said motion upon such terms and conditions as she deems proper. *Id.* The Commission has held that “in the absence of extraordinary circumstances, termination of an investigation will be readily granted to a complainant during the prehearing stage of an investigation.” *Certain Ultrafiltration Membrane Sys., and Components Thereof, Including Ultrafiltration Membranes*, Inv. No. 337-TA-107, Comm’n Action and Order at 2 (U.S.I.T.C. Mar. 11, 1982); *see also Certain Television Sets, Television Receivers, Television Tuners, and Components Thereof*, Inv. No. 337-TA-910, Order No. 50 at 2 (U.S.I.T.C. Nov. 12, 2014). Public policy supports termination in order to conserve public and private resources. *Certain Universal Serial Bus (“USB”) Portable Storage Devices, Including USB Flash Drives and Components Thereof*, Inv. No. 337-TA-788, Order No. 16 at 2 (U.S.I.T.C. Mar. 21, 2012).

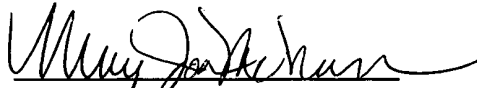
Here, the Parties have not presented any extraordinary circumstances that would justify

denying Rovi's Motion seeking to terminate patent claims asserted in the Complaint from this Investigation. Rovi states in accordance with 19 C.F.R. § 210.21(a)(1) that "there are no agreements, written or oral, express or implied between the parties concerning the subject matter of this Investigation." (Mot. at 3.).

Therefore, it is my Initial Determination that the Investigation be partially terminated with respect to: (1) claims 9 and 23 of the '445 patent; and (2) claims 14 and 29 of the '855 patent; and that Motion Docket No. 1158-033 be *granted*.

This Initial Determination is hereby certified to the Commission. Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission unless a party files a petition for review of the Initial Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission orders on its own motion a review of the Initial Determination or certain issues herein pursuant to 19 C.F.R. § 210.44.

**SO ORDERED.**

  
MaryJoan McNamara  
Administrative Law Judge

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **INITIAL DETERMINATION** has been served via EDIS upon the Commission Investigative Attorney, **Cortney Hoecherl, Esq.**, and the following parties as indicated, on 3/20/2020



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
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