

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

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

Inv. No. 337-TA-1158

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of Investigation Pursuant to 19 U.S.C.1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 26, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Rovi Corporation of San Jose, California and Rovi Guides, Inc. of San Jose, California. The complaint was amended on May 16, 2019. The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital video receivers, broadband gateways, and related hardware and software components by reason of infringement of certain claims of U.S. Patent No. 8,001,564 (“the ’564 patent”); U.S. Patent No. 7,779,445 (“the ’445 patent”); U.S. Patent No. 7,386,871 (“the ’871 patent”); U.S. Patent No. 8,156,528 (“the ’528 patent”); U.S. Patent No. 7,301,900 (“the ’900 patent”); and U.S. Patent No. 7,200,855 (“the ’855 patent”). The amended complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000.

Rovi EX2004
Comcast v. Rovi
IPR2020-00787

General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2018).

SCOPE OF INVESTIGATION: Having considered the amended complaint, the U.S. International Trade Commission, on May 22, 2019, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1-4 and 12-15 of the '564 patent; claims 1-11 and 15-24 of the '445 patent; claims 1-19, 21-29, 31-36, 38-43, 45-53, 55, and 56 of the '871 patent; claims 1-3, 6, 11-18, 20, 23, 24, 26, 27, 29-32, and 34-36 of the '528 patent; claims 1, 3, 4, 8, 10, 11, 17, 19, 23, 25, and 26 of the '900 patent; and claims 1-63 of the '855 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “set-top boxes and broadband gateways, and their related hardware and software, such as remote controls and interactive program guides”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Rovi Corporation
2160 Gold Street
San Jose, CA 95002

Rovi Guides, Inc.
2160 Gold Street
San Jose, CA 95002

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the amended complaint is to be served:

Comcast Corporation
One Comcast Center
1701 John F. Kennedy Boulevard
Philadelphia, PA 19103

Comcast Cable Communications, LLC
One Comcast Center
1701 John F. Kennedy Boulevard
Philadelphia, PA 19103

Comcast Cable Communications Management, LLC
One Comcast Center
1701 John F. Kennedy Boulevard
Philadelphia, PA 19103

Comcast Holdings Corporation
One Comcast Center
1701 John F. Kennedy Boulevard
Philadelphia, PA 19103

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Secretary to the Commission

Issued: May 22, 2019

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

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

Inv. No. 337-TA-1158

**DESIGNATION OF OUII ATTORNEY
FOR SERVICE OF PROCESS**

The Office of Unfair Import Investigations (OUII) hereby designates Cortney Hoecherl, Esq. (202) 205-2252, Cortney.Hoecherl@usitc.gov, as OUII's lead attorney for service of process. It is requested that all documents served by the Commission or filed by the parties in the above-referenced investigation be served upon this attorney.

Respectfully submitted,


Margaret Macdonald, Director

OFFICE OF UNFAIR IMPORT INVESTIGATIONS
U.S. International Trade Commission
500 E Street, S.W., Suite 401
Washington, D.C. 20436
(202) 205-2560
(202) 205-2158 (facsimile)

May 22, 2019

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

Inv. No. 337-TA-1158

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE OF INSTITUTION OF INVESTIGATION** has been served by hand upon the Commission Investigative Attorney, **Cortney Hoecherl, Esq.**, and the following parties as indicated, on 5/23/2019



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

Complainants:

Rovi Corporation
2160 Gold Street
San Jose, CA 95002

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

Rovi Guides, Inc.
2160 Gold Street
San Jose, CA 95002

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

On Behalf of Complainants:

Douglas A. Cawley, Esq.
MCKOOL SMITH, P.C.
Crescent Court, Suite 1500
Dallas, TX 75201

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

Respondents:

Comcast Corporation
One Comcast Center
1701 John F. Kennedy Blvd.
Philadelphia, PA 19103

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

Comcast Cable Communications, LLC
One Comcast Center
1701 John F. Kennedy Blvd.

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail

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

Inv. No. 337-TA-1158

Certificate of Service – Page 2

Philadelphia, PA 19103

Comcast Cable Communications Management, LLC
One Comcast Center
1701 John F. Kennedy Blvd.
Philadelphia, PA 19103

Comcast Holdings Corporation
One Comcast Center
1701 John F. Kennedy Blvd.
Philadelphia, PA 19103

Government Agencies:

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW, Room 11000
Washington, DC 20530

U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, NW, 7th floor
Washington, DC 20229-1177

Elizabeth Kraus, Deputy Director
International Antitrust, Office of
International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

Dale D. Berkley, Ph.D., J.D.
Office of the General Counsel, PHD, NIH Branch
National Institutes of Health
31 Center Drive
Bldg. 31, Rm. 47
Bethesda, MD 20892

Other: _____

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
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 Other: _____



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

May 23, 2019

Rovi Corporation
2160 Gold Street
San Jose, CA 95002

**Re: Certain Digital Video Receivers, Broadband Gateways, and Related
Hardware and Software Components
Inv. No. 337-TA-1158**

Dear Rovi Corporation:

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed. Also enclosed is the Section 337 Mediation Program brochure. After reviewing the brochure, please sign and return the enclosed certification of receipt.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary

Enclosures:

1. Notice of Investigation
2. Publication Regarding the Section 337 Mediation Program
3. Certification of Receipt of Mediation Materials



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

May 23, 2019

Rovi Guides, Inc.
2160 Gold Street
San Jose, CA 95002

**Re: Certain Digital Video Receivers, Broadband Gateways, and Related
Hardware and Software Components
Inv. No. 337-TA-1158**

Dear Rovi Guides, Inc.:

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed. Also enclosed is the Section 337 Mediation Program brochure. After reviewing the brochure, please sign and return the enclosed certification of receipt.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written over a horizontal line.

Lisa R. Barton
Secretary

Enclosures:

1. Notice of Investigation
2. Publication Regarding the Section 337 Mediation Program
3. Certification of Receipt of Mediation Materials



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

May 23, 2019

Douglas A. Cawley
Mckool Smith
300 Crescent Court Suite 1500
Dallas, TX 75201

**Re: Certain Digital Video Receivers, Broadband Gateways, and Related
Hardware and Software Components
Inv. No. 337-TA-1158**

Dear Douglas A. Cawley, Esq. :

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed. Also enclosed is the Section 337 Mediation Program brochure. After reviewing the brochure, please sign and return the enclosed certification of receipt.

Sincerely,

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Lisa R. Barton
Secretary

Enclosures:

1. Notice of Investigation
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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

May 23, 2019

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Dept of Justice
450 5th Street NW, Room 11000
Washington, DC 20530

**Re: Certain Digital Video Receivers, Broadband Gateways, and Related
Hardware and Software Components
Inv. No. 337-TA-1158**

Dear Mr. Hand:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

May 23, 2019

Intellectual Property Rights Branch
Regulations and Rulings
Office of International Trade
U.S. Customs and Border Protection
90 K Street, NE, 10th floor
Washington, DC 20229-1177

**Re: Certain Digital Video Receivers, Broadband Gateways, and Related
Hardware and Software Components
Inv. No. 337-TA-1158**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Lisa R. Barton
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

May 23, 2019

Elizabeth Kraus, Deputy Director
International Antitrust, Office of
International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

**Re: Certain Digital Video Receivers, Broadband Gateways, and Related
Hardware and Software Components
Inv. No. 337-TA-1158**

Dear Ms. Kraus:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Lisa R. Barton
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

May 23, 2019

Dale D. Berkley, Ph.D., J.D.
Office of the General Counsel, PHD, NIH Branch
National Institutes of Health
31 Center Drive
Bldg. 31, Rm. 47
Bethesda, MD 20892

**Re: Certain Digital Video Receivers, Broadband Gateways, and Related
Hardware and Software Components
Inv. No. 337-TA-1158**

Dear Mr. Berkley:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

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Lisa R. Barton
Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

May 23, 2019

Comcast Corporation
One Comcast Center 1701 John F. Kennedy Blvd.
Philadelphia, PA 19103

**Re: Certain Digital Video Receivers, Broadband Gateways, and Related
Hardware and Software Components
Inv. No. 337-TA-1158**

Dear Comcast Corporation:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Comcast Corporation** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

Please note that the Notice requires a response to the allegations in the Complaint and the response must be received not later than twenty (20) days after the date of service of the Complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

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Lisa R. Barton
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulation
4. Publication Regarding the Section 337 Mediation Program
5. Certification of Receipt of Mediation Materials



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436
May 23, 2019

Comcast Cable Communications, LLC
One Comcast Center 1701 John F. Kennedy Blvd.
Philadelphia, PA 19104

Re: Certain Digital Video Receivers, Broadband Gateways, and Related Hardware and Software Components
Inv. No. 337-TA-1158

Dear Comcast Cable Communications, LLC:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Comcast Cable Communications, LLC** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436
May 23, 2019

Comcast Communications Management, LLC
One Comcast Center 1701 John F. Kennedy Blvd.
Philadelphia, PA 19105

Re: Certain Digital Video Receivers, Broadband Gateways, and Related Hardware and Software Components
Inv. No. 337-TA-1158

Dear Comcast Communications Management, LLC:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Comcast Communications Management, LLC** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

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Lisa R. Barton
Secretary

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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

May 23, 2019

Comcast Holdings Corporation
One Comcast Center 1701 John F. Kennedy Blvd.
Philadelphia, PA 19106

**Re: Certain Digital Video Receivers, Broadband Gateways, and Related Hardware
and Software Components**
Inv. No. 337-TA-1158

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Comcast Holdings Corporation** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

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Lisa R. Barton
Secretary

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