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. 41: **CONSTRUING CERTAIN TERMS OF THE ASSERTED CLAIMS OF THE PATENTS AT ISSUE (*MARKMAN* CLAIM CONSTRUCTION)**

(July 14, 2020)

evidence, and "is unlikely to result in a reliable interpretation of patent claim scope unless considered in the context of the intrinsic evidence." *Phillips*, 415 F.3d at 1318-19.

Extrinsic evidence is a last resort: "[i]n those cases where the public record unambiguously describes the scope of the patented invention, reliance on any extrinsic evidence is improper." *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1583 (Fed. Cir. 1996).

B. Preambles

A preamble may limit a claimed invention if it (i) recites essential structure or steps, or (ii) is "necessary to give life, meaning, and vitality" to the claim. *Eaton Corp. v. Rockwell Int'l Corp*., 323 F.3d 1332, 1339 (Fed. Cir. 2003) (citations omitted). The Federal Circuit has explained that a "claim preamble has the import that the claim as a whole suggests for it. In other words, when the claim drafter chooses to use both the preamble and the body to define the subject matter of the claimed invention, the invention so defined, and not some other, is the one the patent protects." *Id.* (quoting *Bell Commc'ns Research, Inc. v. Vitalink Commc'ns Corp.*, 55 F.3d 615, 620 (Fed. Cir. 1995)). When used in a patent preamble, the term "comprising" is well understood to mean "including but not limited to," and thus, the claim is open-ended. *CIAS, Inc. v. Alliance Gaming Corp*., 504 F.3d 1356, 1360 (Fed. Cir. 2007). The patent term "comprising" permits the inclusion of other unrecited steps, elements, or materials in addition to those elements or components specified in the claims. *Id.*

V. PERSON OF ORDINARY SKILL IN THE ART

A person of ordinary skill is a hypothetical person of ordinary skill and "ordinary creativity." *KSB Int'l Co. v. Teleflex, Inc*., 550 U.S. 398, 420 (2007). "Factors that may be considered in determining [the] level of ordinary skill in the art include: (1) the educational level of the inventor[s]; (2) type of problems encountered in the art; (3) prior art solutions to the problems; (4) rapidity with which inventions are made; (5) sophistication of the technology; and

(6) educational level of active workers in the field." *Envtl. Designs Ltd. v. Union Oil Co. of California*, 713 F.2d 693, 696-97 (Fed. Cir. 1983) (citations omitted). "These factors are not exhaustive but merely a guide to determining the level of ordinary skill in the art." *Daiichi Sankyo Co. v. Apotex, Inc.*, 501 F3d 1254, 1256 (Fed. Cir. 2007).). The hypothetical person of skill is also separately presumed to have knowledge of all the relevant prior art in the field. *Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc.*, 807 F.2d 693, 697 (Fed. Cir. 1983).

Rovi proposed:

> The level of ordinary skill in the art with respect to each of the Asserted Claims is a bachelor's degree in electrical engineering, computer engineering, computer science, or applied mathematics as well as two or more years of relevant industry experience, including in electronic content delivery, electronic program guides, television video signal processing, graphical user interfaces, cable or satellite television systems, set-top boxes, or multimedia systems.

(CMBr. at 1.).

Comcast proposed:

> A person of ordinary skill in the art of the '445 Patent as of May 20, 2002, Rovi's proposed date of invention, or as of its filing date, would have a bachelor's degree in electrical engineering, computer engineering, computer science, or a similar discipline, as well as two or more years of relevant industry or research experience, including in electronic content delivery, electronic program guides, television video signal processing, graphical user interfaces, cable or satellite television systems, set-top boxes, or multimedia systems.

(RMBr. at 8.).

Comcast included in its proposed definition for the '528 patent experience in digital storage devices. (*Id*. at 28.). Comcast's proposed definition for the '855 patent is:

> A person of ordinary skill in the art for the '855 Patent as of the May 24, 2001 patent application date would have a bachelor's degree in electrical engineering, computer engineering, computer science, or a similar discipline, as well as two or more years of relevant industry or research experience, including in distributed computing systems such as multimedia systems.

(RMBr. at 54.).

Comcast also stated that its proposals are similar or only slightly different than Rovi's definition and adopting either would not affect their discussions or be material to the issues. (*Id.* at 8, 28, 54).

The differences between Rovi's and Comcast's proposals for definition of the level of ordinary skill are not material to any of the adopted claim constructions. Rovi's definition is adopted.

Thus, a person of ordinary skill in the art is defined as someone who has the educational equivalent to a person with a bachelor's degree in electrical engineering, computer engineering, computer science, or applied mathematics as well as two or more years of relevant industry experience, including in electronic content delivery, electronic program guides, television video signal processing, graphical user interfaces, cable or satellite television systems, set-top boxes, or multimedia systems.

VI. CONCLUSION

The construction of the agreed-upon claim terms listed in Chart A in Appendix A are also adopted by this Order. Constructions of the disputed claim terms are adopted by this Order for the reasons discussed in Chart B in Appendix A.

Within seven (7) business days of the date of this document, each party shall submit to the Office of the Administrative Law Judges through McNamara337@usitc.gov a statement as to whether or not it seeks to have any confidential portion of this document (including Charts A and B) redacted from the public version.[5] That is the courtesy copy pursuant to Ground Rule 1.3.2. Any party seeking redactions to the public version must submit to this office two (2) copies of a

[5] Parties that do not seek to have any portion of this Order redacted are still required to submit a statement to this effect.

APPENDIX A TO *MARKMAN* ORDER NO. 41

Chart A of Agreed Construction and Chart B of Adopted Constructions of Disputed Claim Terms

337-TA-1158

III. U.S. Patent No. 7,200,855

Chart A. Agreed Claim Term Construction

Claim(s)	Term (Party Proposing)	Agreed and Adopted Construction
1, 53	"channel selection request"	data that identifies a particular channel and at least one of the clients

Chart B. Disputed Claim Terms And The Adopted Constructions

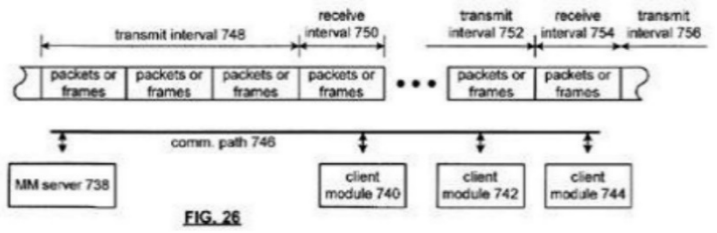
Claim (s)	Term (Party Proposing)	Rovi's Proposed Construction	Comcast's Proposed Construction	Adopted Construction	Rationale
53	"An apparatus for multiplexing channels in a multimedia system" (Comcast)	The preamble is limiting but only to the environment in which the invention operates, and the preamble does not add steps or	The preamble is limiting. The claimed apparatus is in a home as part of an in-home communicatio n network.	**Rovi's Construction** The preamble is limiting only to the environment in which the invention operates, and the preamble	As Rovi noted: "Even when limiting, a preamble may limit only the 'environment' in which the invention operates, rather than requiring additional steps or components in the claimed invention. (*See* CMBr. at 33 (citing *Advanced Software Design Corp. v. Fiserv, Inc.*, 641 F.3d 1368, 1375-76 (Fed. Cir. 2011) (holds that the preamble steps limit only the claimed environment, not the claimed method or system). As a general rule, "the introductory clause of a claim which states only the environment, intended use or purpose of the structure later recited in the claim is not a limitation on the

		components to the recited claim.	Further, the elements of the claim are in a multimedia server within a user's home, e.g., a stand-alone device or a device that may be incorporated in a satellite receiver, set-top box, cable box, HDTV tuner, home entertainment receiver, et cetera.	does not add steps or components to the recited claim	subject matter." *In re Rockwell*, 150 F.2d 560, 562 (CCPA 1945). Rovi noted that Comcast attempted to suggest similar constructions to preambles that were limited only by the environment in which the invention operated in the 1103 Investigation. (CMBr. at 34 (citing CXM-0019 (Order No. 41, App'x A) at 2, 17-18.)). In this case, Rovi is also correct that the '855 Patent defines a complete invention within the body of each claim. The preambles only state the environment for each respective invention. (CMBr. at 35 (citing *Catalina Marketing Int'l, Inc. v. Coolsavings.com, Inc*., 289 F.3d 801, 808 (Fed. Cir. 2002) ("[A] preamble is not limiting 'where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention.'") (citation omitted)). None of the independent claims of the '855 contain limitations that derive from the language contained in the preamble. (*See* JXM-0003 ('855 Patent) at Claims 1, 18, 28, 37, 53.). To demonstrate this is so, it is evident in Claim 1, a method claim, the preamble itself does not recite any method steps. (See JXM-0003 ('855 Patent) at Claim 1.). Similarly, as Rovi noted, the preambles for Claims 1, 18, 28, 37, 53 provide only the

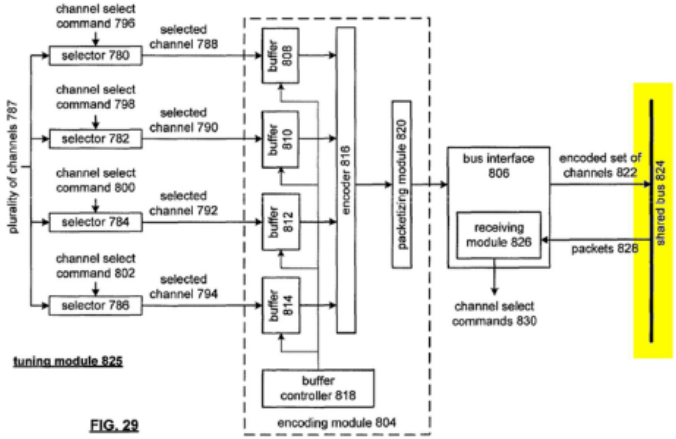
					environmental context for those claims. (CMBr. at 34 (citing *id.* ("A method of multiplexing a plurality of channels in a multimedia system, the method comprises:"); *see also id*. at Claim 18 ("A method of multiplexing channels in a multimedia system the method comprises:"); Claim 28 ("A tuning module for using in multimedia system the tuning module comprises:"); Claim 37 ("An apparatus for multiplexing a plurality of channels in a multimedia system, the apparatus comprises:"); Claim 53 ("An apparatus for multiplexing channels in a multimedia system, the apparatus comprises:"). Comcast's arguments hold little weight. (*See* RRMBr. at 30-32; RAMBr. at 55-57.).
1, 28, 29, 53	"channel selection command" (Comcast)	command related to selection of a channel	command that is derived from a channel selection request and that identifies a particular channel of a plurality of channels	**Rovi's Construction** command related to selection of a channel Alternatively, plain and ordinary meaning	Rovi's arguments and constructions prevail. Rovi's primary arguments are that: 1) Rovi's construction "hews" most closely to the intrinsic evidence; 2) that the '855 patent specification does not require a channel selection command to specifically identify a particular channel; 3) a channel selection command is not limited to being "derived from a channel selection request" as Comcast argued; and 4) Comcast's proposed construction improperly imports a limitation from embodiments into the claim terms. (CMBr. at 43 (citing JXM-0003 ('855 Patent) at Abstract, 5:46-66, 6:56-7:49, 9:4-10:32, 10:53-12:40, 15:20-16:43, 16:63-17:64,

					27:11-17, 28:1-8, 29:11-13, 31:20-37, 33:7-15, 33:62-34:42, 35:17-27, 35:47-63, 36:10-22, 36:32-40, 37:18-24, 37:66-38:35, 40:43-66, 42:15-24, 42:57-45:40, 47:50-48:33, 51:43-52:2, 53:28-54:44, 55-44-56:52, 61:43-52, Figs. 6, 8, 9, 10, 33, 34, 35, 36, 37, 38, 41, 42, 49, 53, 55, 56; *see also* CMBr. at 44-46).). One of Rovi's strong arguments, identified above, is that Comcast has tried, impermissibly, to import into the claim language a limitation from a preferred embodiment by defining a channel command as "derived from a channel selection request." (CMBr. at 46 (citing "[it] is improper to read limitations from a preferred embodiment described in the specification—even if it is the only embodiment—into the claims absent a clear indication in the intrinsic record that the patentee intended the claims to be so limited." *GE Lighting Sols., LLC*, 750 F.3d at 1309; *see Linear Technology Corp. v. International Trade Comm'n*, 566 F.3d 1049, 1057-58 (Fed. Cir. 2009) (refusing to limit claim to cover only disclosed embodiments or examples in the specification); *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1301 (Fed. Cir. 2003) ("Absent a clear disclaimer of particular subject matter, the fact that the inventor anticipated that the invention may be used in a particular

					manner does not limit the scope to that narrow context.")). Moreover, as Rovi also argued, it is clear that when the patentee chose to tie the channel command to a specific channel, or to the identity or the specific content of a channel, he did so, but the patentee did not do so in every claim. (CMBr. at 47, comparing the language of claims 1, 9, 38 and 53; *see also* CRMBr. at 39 (citing *See, e.g.*, JXM-0003 at Claim 1, 63:9-16 (reciting last channel, next channel, previous channel, favorite channel, etc.). In its opening brief, Comcast contended that Rovi relied only upon the Abstract of the patent, but then shifted its analysis to what it described as Rovi's overly broad construction. (RMBr. at 69-70; RRMBr. at 39-41; RAMBr. at 69-73.). Ultimately, Comcast's arguments were overly narrow and in addition to the reasons described above, excluded how the channel selection command is described in different claims.
1, 28, 53	"shared bus" (Comcast)	bus within a multimedia server	bus within a multimedia server used for data transfer	**Modified Construction That Includes Rovi's**	The fundamental dispute between the Private Parties with respect to this term pertains to whether the "shared bus" is confined to a server or, alternately, can exist outside of a server and connect separate devices, including server and client devices. (*See* COMBr. at

			between components of the multimedia server	**Construction** a bus, located within a multimedia server, that is shared by components of that multimedia server	49-50; ROMBr. at 74.). In support of the latter interpretation, Rovi argues that "[i]n each of the claims of the '855 Patent, the shared bus is used by the multimedia system (a) to receive channel selection requests or commands from client devices and (b) to transmit the selected channels to the clients." (COMBr. at 49.). Rovi cites Figure 26 of the '855 patent (shown below) in support of its interpretation and, in so doing, equates "shared bus" with "communication path." (*Id.* ("The specification supports Rovi's proposal that the shared bus is a communication path between devices.").).  FIG. 26 (JXM-0003 ('855 Patent), Fig. 26.). Yet, as Comcast indicated, Rovi's argument is unavailing because the specification of the '855 patent treats communication paths and shared buses as distinct elements of the described system. Comcast is correct that these "two terms are separately labeled and

					identified in figures, and are described as fulfilling distinct roles. (*Compare, e.g.*, *id*. at Fig. 6 *with id*. at Fig. 29; ROMBr. at 74-75.). Equating the two terms would invite legal error. *See Ethicon Endo-Surgery, Inc. v. U.S. Surgical Corp*., 93 F.3d 1572, 1579 (Fed. Cir. 1996) (reversing lower court's ruling that a "pusher assembly" and a "pusher bar" have the same meaning*); Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc*., 381 F.3d 1111, 1119 (Fed. Cir. 2004) ("[W]hen an applicant uses different terms in a claim it is permissible to infer that he intended his choice of different terms to reflect a differentiation in the meaning of those terms."). The next issue is where the claimed "shared bus" resides. The specification of the '855 patent mentions "shared bus" multiple times. (*See, e.g.*, JXM-0003 ('855 Patent) at 38:66-39:12, 39:1-39:7.). In each case, the shared bus resides within a multimedia server and connects components of that server. (*See id*.). For example, referring to Figure 29 (see below) the specification explains: "The shared bus 824 is shared with the channel mixer processing module and other components of the multimedia servers[.]" (*Id*. at 38:66-39:12.).



(*Id.*, Fig. 29 (emphasis added); *see also* Figs. 12, 14-16.).

By contrast, the specification uses "communication path" to describe the connections through which the multimedia server communicates with client devices. (*Id.* at 6:26-31 ("The multimedia server 12 communicates with the plurality of client modules 14-22 via a communication path, which may be a radio frequency communication path, a wire line connection, an infrared connection, and/or any other 30 means for conveying data."), 12:12-14 ("The transceiving module 154 receives the channel select requests 182-190 from

					the plurality of client modules 14-22 via the communication path 192.").). The specification also discloses a "system bus" that resides within a client device, not a multimedia server. (*See, e.g., id*. at Fig. 51, 3:1-16.). In other words, the specification distinguishes between shared buses in multimedia servers, system buses in client devices, and communication paths that connect clients and servers. Against this backdrop, Rovi essentially conceded the precariousness of its position in the Private Parties' Joint Claim Construction Chart filed on October 22, 2019. (Doc. ID No. 691819 (Oct. 22, 2019).). Rovi attempted to change its construction of "shared bus" to "bus within a multimedia server," which is nearly identical to Comcast's initial construction of the term. However, this construction does not account for the shared nature of the claimed bus. That is why the adopted construction requires that the claimed bus reside not only within a multimedia server, but also be shared by components of that multimedia server.
1, 53	"identify[ing] a data [frame / packet] at one	plain and ordinary meaning,	determining, without decoding a	**Modified Construction Including**	As explained in detail below, the Private Parties' disagreement over the scope of the "identifying" limitation is framed by the "decoding" limitation also

	of the specific time intervals that contains at least a portion of one of the plurality of channel selection [commands/requests]" (Comcast)	which is "determin[e/ing] that a data [frame / packet] at one of the specific time intervals contains at least a portion of one of the plurality of channel selection [commands/requests]"	frame based on a data conveyance protocol of the multimedia system to recapture its contents, that the frame contains at least a portion of a channel selection [command/request]	**Rovi's Construction** determin[e/ing] that a data [frame / packet] at one of the specific time intervals contains at least a portion of one of the plurality of channel selection [commands / requests] (without recapturing the at least a portion of one of the plurality of channel selection [commands / requests] via	found in asserted claims of the '855 patent. These claims link the "identifying" and "decoding" limitations such that the same data frame/packet that is identified as containing a portion of a channel selection command is also decoded to recapture the channel selection command portion. For example, claim 1, from which claim 13 depends, requires: • *identifying* a data frame at one of the specific time intervals that contains at least a portion of one or the plurality of channel selection commands, and • *decoding*, based on a data conveyance protocol of the multimedia system, the data frame to recapture the at least a portion of the one of the plurality of channel selection commands. (JXM-0003 ('855 Patent), cl. 1 (emphasis added).). Comcast argued that the claimed "identifying" step cannot entail any decoding. (RRMBr. at 80-81.). By contrast, Rovi contended that "identifying" step can entail decoding so long as that decoding is not of "the data frame to recapture the at least a portion of the one of the plurality of channel selection commands." (COMBr. at 55-

				decoding)	56.). For the reasons set forth below, Rovi's proposed construction prevails. As an initial matter, the Private Parties agreed that identifying can be construed as "determining" in the context of the claims. (COMBr. at 55.). However, agreement between the Private Parties ends there. Importantly, the Private Parties' dispute arises in the context of transmission of data frames and packets over a network. The '855 patent is clear that such packets or frames can exhibit a bifurcated header and data architecture. (*See, e.g.*, JXM-0003 ('855 Patent) at 13:65-14:1 ("The packets 218 include a header section and data section. The header section includes identity of the client module and/or client, the destination address, and other physical layer-type header information. The data section includes the input data provided by the client.").). Similarly, certain dependent claims in the '855 patent explicitly distinguish between header and data sections within packets and frames. For example, claim 8 states: "packetizing data of each of the selected channels into a packet that includes a header section and a data section, wherein the header section includes at least one of identity the selected channel, *type of data of the selected channel*, identity of the multimedia source, encryption

					enable/disable, type of encryption, compression enable/disable, type of compression, and packet sequence number." (*Id*., cl. 8 (emphasis added).). Against this backdrop, Comcast contended that the asserted claims "recite an 'identifying' that is done without decoding the contents of the frame or packet and is based instead on some other factor, such as the specific time interval at which a particular frame was sent and/or the specific format the frame uses." (RRMBr. at 69.). Rovi, by contrast, argued that the asserted claims do not foreclose the use of some decoding during the "identification" step, such as decoding of a packet or frame header, in order to determine that the packet or data frame "contains at least a portion of one of the plurality of channel selection [commands / requests]." (CRMBr. at 51.). Here, Rovi has the stronger argument. Comcast's overly narrow interpretation of the "identifying" step is not supported by the asserted claims or specification. As explained above, the specification discloses the use of headers to identify or determine the data contents of a frame or packet. Moreover, the decoding" steps in the asserted claims do not mention headers and appear to pertain only to "recaptur[ing] the at least a portion of the one of the plurality of channel

					selection requests[.]" (*See, e.g.*, JXM-0003 ('855 Patent), cl. 14.). Thus, neither the specification nor the asserted claims foreclose an "identifying" step that involves decoding headers of packets or frames to determine data contents of those packets or frames and a separate "decoding" step that decodes the identified contents. However, Comcast is correct that the "identifying" and "decoding" steps are distinct and must be treated as such in infringement and invalidity analyses. *See, e.g., Wasica Fin. GmbH v. Cont'l Auto. Sys., Inc*., 853 F.3d 1272, 1288 n.10 (Fed. Cir. 2017); *Mformation Techs., Inc. v. Research in Motion Ltd*., 764 F.3d 1392, 1398-1400 (Fed. Cir. 2014) ("separate sub-step for establishing a connection would become 'superfluous' if [it] concluded that a connection did not have to be established (completed) before transmission. That is because, under such construction of the claim, establishing a connection is necessarily encompassed in transmitting a command."); *Aristocrat Techs. Australia Pty Ltd. v. Int'l Game Tech*., 709 F.3d 1348, 1356-58 (Fed. Cir. 2013) (rejecting proposed construction of the step of "awarding" a prize that would render the prior step of "identifying" a prize superfluous).

					Finally, Comcast is not correct that the asserted claims prescribe an order of operation with respect to the "identifying" and "decoding" steps. Comcast rightly observed that, in asserted claims, the subsequent "decoding" limitation appears to rely on the earlier "identifying" limitation for antecedent basis as to "the" frame or packet that is decoded, suggesting that the identifying step must occur before the decoding steps. (RRMBr. at 65.). However, such an antecedent basis is not determinative of order of operations where nothing in the intrinsic evidence requires a particular order of steps. *See Altiris, Inc. v. Symantec Corp*., 318 F.3d 1363, 1369-71 (Fed. Cir. 2003) ("construe[ing] the claims as allowing the 'setting' step to occur at any time" where "setting" step referred, on an antecedent basis, to "setting said boot selection flag"). Rovi is correct that the order of performance of the "identifying" and "decoding" steps in asserted claims "does not affect the novel nature of the claimed invention or the ability of the invention to accomplish the stated principal objective of 'multiplexing a plurality of channels within a multimedia system.'" (COMBr. at 48.). Rovi is also correct that "[l]ogically, decoding could be done before or simultaneous to identifying." (*Id*. at 48-49.). For example, the specification of the '855 Patent discloses a

					decoding module with a deframer module and a decoder module. (JXM-0003 ('855 Patent) at 40:46-48.). The deframer extracts data from the received frame, (*id*. at 40:49-50), and the deframed data is provided to the decoder that recaptures the original data of the selection request by utilizing the inverse function of the encoder, (*id*. at 40:50-53). Based on the explanations provided above, the adopted construction of the "identifying" step includes Rovi's proposed construction while adding "without recapturing the at least a portion of one of the plurality of channel selection [commands / requests] via decoding" to emphasize that the "identifying" and "decoding" steps serve distinct functions.

CERTAIN DIGITAL VIDEO RECEIVERS, BROADBAND GATEWAYS, AND RELATED HARDWARE AND SOFTWARE COMPONENTS **Inv. No. 337-TA-1158**

CONFIDENTIAL CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Cortney Hoecherl, Esq.**, and the following parties as indicated, on 7/14/2020

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

On Behalf of Complainants Rovi Corporation and Rovi Guides, Inc.:

Douglas A. Cawley, Esq.
MCKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
Email: dcawley@mckoolsmith.com

☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

On Behalf of Respondents Comcast Corporation, Comcast Cable Communications, LLC, Comcast Cable Communications Management, LLC, and Comcast Holdings Corporation:

Bert C. Reiser, Esq.
LATHAM & WATKINS LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, DC 20004
Email: bert.reiser@lw.com

☐ Via Hand Delivery
☐ Via Express Delivery
☐ Via First Class Mail
☒ Other: Email Notification of Availability for Download

July 17, 2020

VIA E-MAIL

The Honorable MaryJoan McNamara
Administrative Law Judge
U.S. International Trade Commission
500 E Street, S.W., Room 317
Washington, D.C. 20436
mcnamara337@usitc.gov

RE: *In the Matter of Certain Digital Video Receivers, Broadband Gateways, and Related Hardware and Software Components,*
Inv. No. 337-TA-1158

Dear Judge McNamara:

In accordance with Ground Rule 1.10 and Order No. 41 (July 14, 2020), please be advised that the Parties do not seek to have any portions of Order No. 41 redacted as it contains no Confidential Business Information (CBI) under the Protective Order in this Investigation.

Please do not hesitate to let us know if you require anything further.

July 17, 2020

Respectfully submitted,

/s/ Douglas C. Cawley
Douglas A. Cawley
MCKOOL SMITH, P.C.
Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Facsimile: (214) 978-4044

Counsel for Complainants Rovi Corporation and Rovi Guides, Inc.

/s/ Bert C. Reiser
Bert C. Reiser
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
Telephone: (202) 637-2200
Facsimile: (202) 637-2201

Comcast Corporation, Comcast Cable Communications, LLC, Comcast Cable Communications Management, LLC, and Comcast Holdings Corporation

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

Inv. No. 337-TA-1158

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Correspondence was served upon the following parties, as indicated below, on July 17, 2020:

The Honorable MaryJoan McNamara Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W., Room 317 Washington, DC 20436 Jae Lee, Esq. and Michael Nullet, Esq. Attorney Advisors U.S. International Trade Commission 500 E Street, S.W., Room 317 Washington, DC 20436	☐ Via Hand Delivery ☐ Via First Class Mail ☐ Via Overnight Delivery ☒ Via Electronic Service: mcnamara337@usitc.gov jae.lee@usitc.gov Michael.Nullet@usitc.gov
Cortney Hoecherl Office of Unfair Import Investigations U.S. International Trade Commission 500 E Street, SW, Room 401 Washington, DC 20436	☐ Via Hand Delivery ☐ Via First Class Mail ☐ Via Overnight Delivery ☒ Via Electronic Service: cortney.hoecherl@usitc.gov
Bert C. Reiser LATHAM & WATKINS LLP 555 Eleventh Street, N.W., Suite 1000 Washington, DC 20004 *Counsel for Comcast Respondents*	☐ Via Hand Delivery ☐ Via First Class Mail ☐ Via Overnight Delivery ☒ Via Electronic Service: COMCASTROVI3.LWTEAM@lw.com comcast.rovi4@davispolk.com ITC1158WinstonCourtesy@winston.com

Date: July 17, 2020

/s/ Amy A. Hendershot
Amy A. Hendershot
Senior Paralegal
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, TX 75201
(214) 978-4989