

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DIGITAL VIDEO
RECEIVERS AND RELATED
HARDWARE AND SOFTWARE
COMPONENTS**

Investigation No. 337-TA-1103

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN
PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an October 3, 2018, initial determination (Order No. 39) terminating the investigation in part as to certain patent claims.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3427. Copies of non-confidential documents filed in connection with this investigation are or will be 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 SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's Electronic Docket Information System ("EDIS") (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On March 16, 2018, the Commission instituted this investigation based on a supplemented complaint filed on behalf of Rovi Corporation of San Jose, CA; Rovi Guides, Inc. of San Jose, CA; Veveo, Inc. of Andover, MA (collectively, "Complainants"); and Rovi Technologies Corporation of San Jose, CA. The supplemented complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, 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 and related hardware and software components by reason of infringement of one or more of claims 1-3, 5-11, 13-19, and 21-24 of U.S. Patent No. 7,779,011 ("the '011 patent"); claims 1, 2, 4-6, and 8-11 of U.S.

Patent No. 7,937,394 (“the ’394 patent”); claims 1, 3, 4, 8, 10, 11, 15, 17, 18, 22, 24, and 25 of U.S. Patent No. 7,827,585 (“the ’585 patent”); claims 1-3, 5, 7, 9-12, 14, 16, 18, and 28 of U.S. Patent No. 9,294,799 (“the ’799 patent”); claims 1-3, 5-10, 12, 14-17, 19, and 20 of U.S. Patent No. 9,396,741 (“the ’741 patent”); claims 1-8, 10-18, and 20 of U.S. Patent No. 9,578,363 (“the ’363 patent”); claims 1, 2, 4-6, 11, 12, and 14-16 of U.S. Patent No. 9,621,956 (“the ’956 patent”); and claims 1-4, 7-13, and 17-20 of U.S. Patent No. 9,668,014 (“the ’014 patent”). 83 FR 11792 (Mar. 16, 2018). The Commission’s Notice of Investigation named as respondents Comcast Corporation of Philadelphia, PA; Comcast Cable Communications, LLC of Philadelphia, PA; Comcast Cable Communications Management, LLC of Philadelphia, PA; Comcast Business Communications, LLC of Philadelphia, PA; Comcast Holdings Corporation of Philadelphia, PA; and Comcast Shared Services, LLC of Chicago, IL. *Id.* The Office of Unfair Import Investigations was also named as a party in this investigation. *Id.*

On July 24, 2018, the investigation was terminated as to the ’956 patent; claims 5, 6, 7, 8, 10, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, and 24 of the ’011 patent; claims 4, 5, 6, 7, 8, 9, and 10 of the ’394 patent; claims 3, 4, 10, 17, 18, 24, and 25 of the ’585 patent; claims 2, 3, 7, 11, 12, 14, 16, and 28 of the ’799 patent; claims 2, 3, 5, 6, 9, 10, 12, 16, 17, 19, and 20 of the ’741 patent; claims 1, 2, 3, 4, 5, 6, 8, 10, 12, 13, 14, 18, and 20 of the ’363 patent; and claims 2, 3, 4, 7, 8, 10, 12, 13, 18, and 20 of the ’014 patent. Order No. 12 (July 2, 2018), *unreviewed*, Notice (July 24, 2018). On September 19, 2018, the investigation was terminated as to the ’363 patent and complainant Rovi Technologies Corporation. Order 33 (Aug. 29, 2018), *unreviewed*, Notice (Sept. 19, 2018).

On September 5, 2018, Complainants filed a motion pursuant to Commission Rule 210.21(a) (19 CFR 201.21(a)) to withdraw from the investigation the ’394, ’799, and ’014 patents in their entirety, as well as claims 2, 3, and 11 of the ’011 patent, and claims 7 and 15 of the ’741 patent. On October 3, 2018, the presiding administrative law judge issued Order No. 39, the subject ID, which grants the motion. The ID finds that the unopposed motion complied with the Commission’s rules for termination and that no extraordinary circumstances prevent termination as to those patents. No party filed a petition seeking review of the ID. The Commission has determined not to review the ID.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: October 25, 2018