

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN PRODUCTS CONTAINING
INTERACTIVE PROGRAM GUIDE AND
PARENTAL CONTROL TECHNOLOGY**

Investigation No. 337-TA-845

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION TO TERMINATE THE INVESTIGATION
AS TO CERTAIN RESPONDENTS WITH REGARD TO U.S. PATENT NO. 6,701,523
BASED UPON A CONSENT ORDER STIPULATION;
ISSUANCE OF A CONSENT ORDER**

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 initial determination (“ID”) (Order No. 16) granting a motion to terminate the investigation as to respondents Mitsubishi Electric Visual Solutions America, Inc. and Mitsubishi Electric Corporation with regard to U.S. Patent No. 6,701,523 (“the ’523 patent”) based upon the entry of a consent order.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 6, 2012, based on a complaint filed on behalf of Index Systems, Inc. of the British Virgin Islands; Rovi Corporation; Rovi Guides, Inc.; Rovi Technologies Corporation; Starsight Telecast, Inc.; and United Video Properties, Inc., all of Santa Clara, California on May 1, 2012. *77 Fed. Reg.* 33487 (June 6, 2012). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of the '523 patent; U.S. Patent No. 6,898,762; U.S. Patent No. 7,065,709; U.S. Patent No. 7,103,906; U.S. Patent No. 7,225,455; U.S. Patent No. 7,493,643; and U.S. Patent No. 8,112,776. The respondents named in the Commission's notice of investigation are LG Electronics, Inc. of Seoul, Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey; Mitsubishi Electric Corp. of Tokyo, Japan; Mitsubishi Electric US Holdings, Inc. of Cypress, California; Mitsubishi Electric and Electronics USA, Inc. of Vernon Hills, Illinois; Mitsubishi Electric Visual Solutions America, Inc. of Irvine, California; Mitsubishi Digital Electronics America, Inc. of Irvine, California; Netflix Inc. of Los Gatos, California; Roku, Inc. of Saratoga, California; and Vizio, Inc. of Irvine, California.

On August 22, 2012, respondents Mitsubishi Electric US Holdings, Mitsubishi Electric and Electronics USA, Inc., and Mitsubishi Digital Electronics America, Inc. filed a motion under Commission rule 210.21(a), 19 C.F.R. § 210.21(a), stating that they should be terminated from the investigation for good cause because they do not design, manufacture, import, sell for importation, or sell in the United States after importation any televisions, media players, or software applications that include interactive program guide or parental control functionality. The movants represented that the complainants and other respondents consented to the motion. On September 4, 2012, the administrative law judge ("ALJ") granted the motion, finding good cause. No petitions for review were filed and the Commission determined not to review.

On October 26, 2012, respondents Mitsubishi Electric Visual Solutions America, Inc. and Mitsubishi Electric Corporation (collectively "Mitsubishi") filed a motion to terminate themselves from the investigation with regard to the '523 patent based upon the entry of a consent order. Mitsubishi represented that the complainants and the other respondents did not oppose the motion. On November 6, 2012, the ALJ issued the subject ID, granting the motion to terminate Mitsubishi from the investigation with regard to the '523 patent. The ALJ found that the consent order stipulation complies with the requirements of Commission Rule 210.21(c)(3) (19 C.F.R. § 210.21(c)(3)) and that terminating Mitsubishi from the investigation would not be contrary to the public interest. None of the parties petitioned for review of the ID.

The Commission has determined not to review the ID and to issue a consent order.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/
Lisa R. Barton
Acting Secretary to the Commission

Issued: December 7, 2012