The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the unlawful importation, sale for importation, and/or sale after importation by respondents Comcast Corporation; Comcast Cable Communications, LLC; Comcast Cable Communications Management, LLC; Comcast Business Communications, LLC; Comcast Holdings Corporation; and Comcast Shared Services, LLC (collectively "Respondents") of certain digital video receivers and related hardware and software components that infringe claim 9 of U.S. Patent No. 7,779,011.

Having reviewed the record of this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry into the United States of infringing digital video receivers and related hardware and software components manufactured by or on behalf of the Respondents or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns.
The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude the issuance of the limited exclusion order, and that the bond during the Presidential review period shall be in the amount of zero percent of the entered value of the infringing goods.

Accordingly, the Commission hereby ORDERS that:

1. Digital video receivers and related hardware and software components that infringe claim 9 of U.S. Patent No. 7,779,011 that are manufactured by, or on behalf of, or are imported by or on behalf of the Respondents or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns, including ARRIS and Technicolor to the extent they import such products on behalf of Respondents,¹ are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of U.S. Patent No. 7,779,011, except under license of the patent owner or as provided by law, and except for service or repair of digital video receivers that were imported before the effective date of this order. Digital video receivers for use in a system that has been adjudicated as noninfringing are not subject to exclusion.

2. Notwithstanding paragraph 1 of this Order, the aforesaid digital video receivers

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¹ ARRIS and Technicolor refer to Technicolor SA; Technicolor USA, Inc.; Technicolor Connected Home USA LLC; ARRIS International plc; ARRIS Group Inc.; ARRIS Technology, Inc.; ARRIS Enterprises LLC; ARRIS Solutions, Inc.; ARRIS Global Ltd.; and Pace Americas; or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns. See Limited Exclusion Order, Certain Digital Video Receivers and Hardware and Software Components Thereof, Inv. No. 337-TA-1001.
and related hardware and software components are entitled to entry into the
United States for consumption, entry for consumption from a foreign-trade zone,
or withdrawal from a warehouse for consumption, under bond in the amount of
zero percent of the entered value of the imported digital video receivers and
related hardware and software components pursuant to
subsection (j) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C.
§ 1337(j)), and the Presidential Memorandum for the United States Trade
Representative of July 21, 2005 (70 FR 43251), from the day after this Order is
received by the United States Trade Representative, and until such time as the
United States Trade Representative notifies the Commission that this Order is
approved, disapproved, or no action is taken but, in any event, not later than
sixty (60) days after the issuance of receipt of this action.

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant
to the procedures it establishes, persons seeking to import digital video receivers
and hardware and software components thereof that are potentially subject to
this Order may be required to certify that they are familiar with the terms of this
Order, that they have made appropriate inquiry, and thereupon state that, to the
best of their knowledge and belief, the products being imported are not excluded
from entry under paragraph 1 of this Order, including because the products will
be used as part of a redesign adjudicated by the Commission in the violation
investigation not to infringe, and thus the products cannot be used in a manner
that infringes the claim of the patent that is the subject of this Order. At its
discretion, CBP may require persons who have provided the certification
described in this paragraph to furnish such records or analyses as are necessary to substantiate this certification.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to infringing digital video receivers and related hardware and software components that are imported by or for the use of the United States, or imported for and to be used for, the United States with the authorization or consent of the Government.

5. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

6. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP.

7. Notice of this Order shall be published in the Federal Register.

By order of the Commission.

Issued: April 23, 2020

Lisa R. Barton
Secretary to the Commission
PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached ORDER has been served via EDIS upon the Commission Investigative Attorney, John Shin, Esq. and the following parties as indicated, on April 23, 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, Rovi Guides, Inc., and Veveo, Inc.:

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

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

Bert C. Reiser, Esq.
LATHAM & WATKINS, LLP
555 Eleventh Street, NW, Suite 100
Washington, DC 20004
Email: bert.reiser@lw.com
UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

CERTAIN DIGITAL VIDEO RECEIVERS AND RELATED HARDWARE AND SOFTWARE COMPONENTS

Investigation No. 337-TA-1103

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Comcast Business Communications, LLC, of Philadelphia, Pennsylvania cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, leasing, offering for lease, renting, offering for rent, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain digital video receivers and related hardware and software components covered by claim 9 of U.S. Patent No. 7,779,011 in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

1. Definitions
   As used in this order:

   (A) “Commission” shall mean the United States International Trade Commission.

   (B) “Complainants” shall mean Rovi Corporation of San Jose, California; Rovi Guides, Inc. of San Jose, California; and Veveo, Inc. of Andover, Massachusetts.

   (C) “Respondent” shall mean Comcast Business Communications, LLC, One
The term “covered products” shall mean digital video receivers and related hardware and software components that infringe claim 9 of U.S. Patent No. 7,779,011. Covered products shall not include articles for which a provision of law or license avoids liability for infringement of claim 9 of U.S. Patent No. 7,779,011. The term does not include digital video receivers for use in a system that has been adjudicated as noninfringing.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them insofar as they are engaging in conduct prohibited by section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.
For the remaining term of U.S. Patent No. 7,779,011, Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, offer to sell, lease, offer to lease, rent, offer to rent, or otherwise transfer (except for exportation), in the United States imported covered products;

(C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, lease after importation, rent after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

(A) Notwithstanding any other provision of this Order, Respondent shall be permitted to engage in specific conduct otherwise prohibited by the terms of this Order if, in a written instrument, the owner of U.S. Patent No. 7,779,011 licenses or authorizes such specific conduct, including but not limited to conduct involving covered products that the Commission found were previously imported into the United States under license;

(B) to engage in specific conduct otherwise prohibited by the terms of this Order if such specific conduct is related to the importation or sale of covered products by or for the United States; or

(C) to engage in such specific conduct related to service or repair articles imported for use in servicing or repairing digital video receivers that were imported before the effective date of this Order. Exception (C) does not
permit the importation of digital video receivers to replace digital video receivers that were imported before the effective date of this Order.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this order through December 31, 2019. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory (whether held in warehouses or at customer sites) of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number (“Inv. No. 337-TA-1103”) in a prominent place on the cover pages and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the
original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹


VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, lease, offer to lease, rent, offer to rent, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal office during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail

¹ Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, sale, lease, or rent of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until U.S. Patent No. 7,779,011 expires.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section V-VI of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this Order may be continued during the sixty-day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)) subject to the Respondent's posting of a bond in the amount of zero percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.
The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. See 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainants' counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it or takes no action within the review period), unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: April 23, 2020
PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached ORDER has been served via EDIS upon the Commission Investigative Attorney, John Shin, Esq. and the following parties as indicated, on April 23, 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, Rovi Guides, Inc., and Veveo, 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, Comcast Business Communications, LLC, Comcast Holdings Corporation, and Comcast Shared Services, LLC:

Bert C. Reiser, Esq.
LATHAM & WATKINS, LLP
555 Eleventh Street, NW, Suite 100
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
UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of
CERTAIN DIGITAL VIDEO RECEIVERS
AND RELATED HARDWARE AND
SOFTWARE COMPONENTS

Investigation No. 337-TA-1103

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Comcast Cable Communications, LLC, of Philadelphia, Pennsylvania cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, leasing, offering for lease, renting, offering for rent, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain digital video receivers and related hardware and software components covered by claim 9 of U.S. Patent No. 7,779,011 in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions
As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Rovi Corporation of San Jose, California; Rovi Guides, Inc. of San Jose, California; and Veveo, Inc. of Andover, Massachusetts.

(C) “Respondent” shall mean Comcast Cable Communications, LLC, One Comcast

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean digital video receivers and related hardware and software components that infringe claim 9 of U.S. Patent No. 7,779,011. Covered products shall not include articles for which a provision of law or license avoids liability for infringement of claim 9 of U.S. Patent No. 7,779,011. The term does not include digital video receivers for use in a system that has been adjudicated as noninfringing.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them insofar as they are engaging in conduct prohibited by section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining term of U.S. Patent No. 7,779,011, Respondent shall not:
(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, offer to sell, lease, offer to lease, rent, offer to rent,
or otherwise transfer (except for exportation), in the United States imported
covered products;

(C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after
importation, lease after importation, rent after importation, transfer, or
distribution of covered products.

IV. Conduct Permitted

(A) Notwithstanding any other provision of this Order, Respondent shall be
permitted to engage in specific conduct otherwise prohibited by the terms
of this Order if, in a written instrument, the owner of U.S. Patent No.
7,779,011 licenses or authorizes such specific conduct, including but not
limited to conduct involving covered products that the Commission found
were previously imported into the United States under license;

(B) to engage in specific conduct otherwise prohibited by the terms of this
Order if such specific conduct is related to the importation or sale of
covered products by or for the United States; or

(C) to engage in such specific conduct related to service or repair articles
imported for use in servicing or repairing digital video receivers that were
imported before the effective date of this Order. Exception (C) does not
permit the importation of digital video receivers to replace digital video

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receivers that were imported before the effective date of this Order.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this order through December 31, 2019. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory (whether held in warehouses or at customer sites) of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number (“Inv. No. 337-TA-1103”) in a prominent place on the cover pages and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on
Complainant’s counsel.¹


VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, lease, offer to lease, rent, offer to rent, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal office during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of

¹ Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
VII. Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy
of this Order upon each of its respective officers, directors, managing
agents, agents, and employees who have any responsibility for the
importation, marketing, distribution, sale, lease, or rent of imported
covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred
to in subparagraph VII(A) of this Order, a copy of the Order upon each
successor; and

(C) Maintain such records as will show the name, title, and address of each
person upon whom the Order has been served, as described in
subparagraphs VII(A) and VII(B) of this Order, together with the date on
which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until U.S.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission
pursuant to section V-VI of this Order should be made in accordance with section 201.6 of the
Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with
IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this Order may be continued during the sixty-day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)) subject to the Respondent's posting of a bond in the amount of zero percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of
temporary exclusion orders. See 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainants' counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it or takes no action within the review period), unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

Issued: April 23, 2020

Lisa R. Barton
Secretary to the Commission
CERTAIN DIGITAL VIDEO RECEIVERS AND RELATED HARDWARE AND SOFTWARE COMPONENTS

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached ORDER has been served via EDIS upon the Commission Investigative Attorney, John Shin, Esq. and the following parties as indicated, on April 23, 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, Rovi Guides, Inc., and Veveo, Inc.:

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

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

Bert C. Reiser, Esq.
LATHAM & WATKINS, LLP
555 Eleventh Street, NW, Suite 100
Washington, DC 20004
Email: bert.reiser@lw.com
UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of
CERTAIN DIGITAL VIDEO RECEIVERS
AND RELATED HARDWARE AND
SOFTWARE COMPONENTS

Investigation No. 337-TA-1103

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Comcast Cable Communications Management, LLC, of Philadelphia, Pennsylvania cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, leasing, offering for lease, renting, offering for rent, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain digital video receivers and related hardware and software components covered by claim 9 of U.S. Patent No. 7,779,011 in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions
As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Rovi Corporation of San Jose, California; Rovi Guides, Inc. of San Jose, California; and Veveo, Inc. of Andover, Massachusetts.

(C) “Respondent” shall mean Comcast Cable Communications Management, LLC,
One Comcast Center, 1701 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean digital video receivers and related hardware and software components that infringe claim 9 of U.S. Patent No. 7,779,011. Covered products shall not include articles for which a provision of law or license avoids liability for infringement of claim 9 of U.S. Patent No. 7,779,011. The term does not include digital video receivers for use in a system that has been adjudicated as noninfringing.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them insofar as they are engaging in conduct prohibited by section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.
For the remaining term of U.S. Patent No. 7,779,011, Respondent shall not:

(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, offer to sell, lease, offer to lease, rent, offer to rent, or otherwise transfer (except for exportation), in the United States imported covered products;

(C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, lease after importation, rent after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

(A) Notwithstanding any other provision of this Order, Respondent shall be permitted to engage in specific conduct otherwise prohibited by the terms of this Order if, in a written instrument, the owner of U.S. Patent No. 7,779,011 licenses or authorizes such specific conduct, including but not limited to conduct involving covered products that the Commission found were previously imported into the United States under license;

(B) to engage in specific conduct otherwise prohibited by the terms of this Order if such specific conduct is related to the importation or sale of covered products by or for the United States; or

(C) to engage in such specific conduct related to service or repair articles imported for use in servicing or repairing digital video receivers that were imported before the effective date of this Order. Exception (C) does not
permit the importation of digital video receivers to replace digital video receivers that were imported before the effective date of this Order.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this order through December 31, 2019. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory (whether held in warehouses or at customer sites) of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number (“Inv. No. 337-TA-1103”) in a prominent place on the cover pages and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the
original with the Office of the Secretary and must serve a copy of the confidential version on Complainant’s counsel.¹


VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, lease, offer to lease, rent, offer to rent, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal office during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail

¹ Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, sale, lease, or rent of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until U.S. Patent No. 7,779,011 expires.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section V-VI of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which
confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this Order may be continued during the sixty-day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)) subject to the Respondent's posting of a bond in the amount of zero percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the
Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. See 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainants' counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it or takes no action within the review period), unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

Issued: April 23, 2020

Lisa R. Barton
Secretary to the Commission
PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached ORDER has been served via EDIS upon the Commission Investigative Attorney, John Shin, Esq. and the following parties as indicated, on April 23, 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, Rovi Guides, Inc., and Veveo, Inc.:

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

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

Bert C. Reiser, Esq.
LATHAM & WATKINS, LLP
555 Eleventh Street, NW, Suite 100
Washington, DC 20004
Email: bert.reiser@lw.com
UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of
CERTAIN DIGITAL VIDEO RECEIVERS
AND RELATED HARDWARE AND
SOFTWARE COMPONENTS

Investigation No. 337-TA-1103

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Comcast Corporation of Philadelphia, Pennsylvania cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, leasing, offering for lease, renting, offering for rent, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain digital video receivers and related hardware and software components covered by claim 9 of U.S. Patent No. 7,779,011 in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions
As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Rovi Corporation of San Jose, California; Rovi Guides, Inc. of San Jose, California; and Veveo, Inc. of Andover, Massachusetts.

(C) “Respondent” shall mean Comcast Corporation, One Comcast Center, 1701

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(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean digital video receivers and related hardware and software components that infringe claim 9 of U.S. Patent No. 7,779,011. Covered products shall not include articles for which a provision of law or license avoids liability for infringement of claim 9 of U.S. Patent No. 7,779,011. The term does not include digital video receivers for use in a system that has been adjudicated as noninfringing.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them insofar as they are engaging in conduct prohibited by section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

For the remaining term of U.S. Patent No. 7,779,011, Respondent shall not:
(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, offer to sell, lease, offer to lease, rent, offer to rent, or otherwise transfer (except for exportation), in the United States imported covered products;

(C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, lease after importation, rent after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

(A) Notwithstanding any other provision of this Order, Respondent shall be permitted to engage in specific conduct otherwise prohibited by the terms of this Order if, in a written instrument, the owner of U.S. Patent No. 7,779,011 licenses or authorizes such specific conduct, including but not limited to conduct involving covered products that the Commission found were previously imported into the United States under license;

(B) to engage in specific conduct otherwise prohibited by the terms of this Order if such specific conduct is related to the importation or sale of covered products by or for the United States; or

(C) to engage in such specific conduct related to service or repair articles imported for use in servicing or repairing digital video receivers that were imported before the effective date of this Order. Exception (C) does not permit the importation of digital video receivers to replace digital video
receivers that were imported before the effective date of this Order.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this order through December 31, 2019. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory (whether held in warehouses or at customer sites) of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number (“Inv. No. 337-TA-1103”) in a prominent place on the cover pages and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on
Complainant’s counsel.\(^1\)


VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, lease, offer to lease, rent, offer to rent, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal office during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of

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\(^1\) Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
VII. Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, sale, lease, or rent of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until U.S. Patent No. 7,779,011 expires.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section V-VI of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with
IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this Order may be continued during the sixty-day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)) subject to the Respondent's posting of a bond in the amount of zero percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of
temporary exclusion orders. See 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainants' counsel.2

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it or takes no action within the review period), unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

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2 See Footnote 1.
By order of the Commission.

Issued: April 23, 2020

Lisa R. Barton
Secretary to the Commission
PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached ORDER has been served via EDIS upon the Commission Investigative Attorney, John Shin, Esq. and the following parties as indicated, on April 23, 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, Rovi Guides, Inc., and Veveo, Inc.:

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

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

Bert C. Reiser, Esq.
LATHAM & WATKINS, LLP
555 Eleventh Street, NW, Suite 100
Washington, DC 20004
Email: bert.reiser@lw.com
UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of
CERTAIN DIGITAL VIDEO RECEIVERS AND RELATED HARDWARE AND SOFTWARE COMPONENTS

Investigation No. 337-TA-1103

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Comcast Holdings Corporation, of Philadelphia, Pennsylvania cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, leasing, offering for lease, renting, offering for rent, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain digital video receivers and related hardware and software components covered by claim 9 of U.S. Patent No. 7,779,011 in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

1. Definitions
As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Rovi Corporation of San Jose, California; Rovi Guides, Inc. of San Jose, California; and Veveo, Inc. of Andover, Massachusetts.

(C) “Respondent” shall mean Comcast Holdings Corporation, One Comcast Center,
II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them insofar as they are engaging in conduct prohibited by section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order. For the remaining term of U.S. Patent No. 7,779,011, Respondent shall not:
(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, offer to sell, lease, offer to lease, rent, offer to rent, or otherwise transfer (except for exportation), in the United States imported covered products;

(C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, lease after importation, rent after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

(A) Notwithstanding any other provision of this Order, Respondent shall be permitted to engage in specific conduct otherwise prohibited by the terms of this Order if, in a written instrument, the owner of U.S. Patent No. 7,779,011 licenses or authorizes such specific conduct, including but not limited to conduct involving covered products that the Commission found were previously imported into the United States under license;

(B) to engage in specific conduct otherwise prohibited by the terms of this Order if such specific conduct is related to the importation or sale of covered products by or for the United States; or

(C) to engage in such specific conduct related to service or repair articles imported for use in servicing or repairing digital video receivers that were imported before the effective date of this Order. Exception (C) does not permit the importation of digital video receivers to replace digital video
receivers that were imported before the effective date of this Order.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this order through December 31, 2019. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory (whether held in warehouses or at customer sites) of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number (“Inv. No. 337-TA-1103”) in a prominent place on the cover pages and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on
Complainant’s counsel.¹


VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, lease, offer to lease, rent, offer to rent, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal office during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of

¹ Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
VII. Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, sale, lease, or rent of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until U.S. Patent No. 7,779,011 expires.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section V-VI of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with
IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this Order may be continued during the sixty-day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)) subject to the Respondent's posting of a bond in the amount of zero percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of
temporary exclusion orders. See 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainants' counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it or takes no action within the review period), unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

Issued: April 23, 2020

Lisa R. Barton
Secretary to the Commission
PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached ORDER has been served via EDIS upon the Commission Investigative Attorney, John Shin, Esq. and the following parties as indicated, on April 23, 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, Rovi Guides, Inc., and Veveo, Inc.:

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

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

Bert C. Reiser, Esq.
LATHAM & WATKINS, LLP
555 Eleventh Street, NW, Suite 100
Washington, DC 20004
Email: bert.reiser@lw.com
UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

CERTAIN DIGITAL VIDEO RECEIVERS AND RELATED HARDWARE AND SOFTWARE COMPONENTS

Investigation No. 337-TA-1103

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Comcast Shared Services, LLC, of Chicago, Illinois cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, leasing, offering for lease, renting, offering for rent, marketing, advertising, distributing, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain digital video receivers and related hardware and software components covered by claim 9 of U.S. Patent No. 7,779,011 in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I. Definitions
As used in this order:

(A) “Commission” shall mean the United States International Trade Commission.

(B) “Complainants” shall mean Rovi Corporation of San Jose, California; Rovi Guides, Inc. of San Jose, California; and Veveo, Inc. of Andover, Massachusetts.

(C) “Respondent” shall mean Comcast Shared Services, LLC, 30 N Wabash
Avenue 22, Chicago, Illinois 60611-3586.

(D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean digital video receivers and related hardware and software components that infringe claim 9 of U.S. Patent No. 7,779,011. Covered products shall not include articles for which a provision of law or license avoids liability for infringement of claim 9 of U.S. Patent No. 7,779,011. The term does not include digital video receivers for use in a system that has been adjudicated as noninfringing.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them insofar as they are engaging in conduct prohibited by section III, infra, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order. For the remaining term of U.S. Patent No. 7,779,011, Respondent shall not:
(A) import or sell for importation into the United States covered products;

(B) market, distribute, sell, offer to sell, lease, offer to lease, rent, offer to rent, or otherwise transfer (except for exportation), in the United States imported covered products;

(C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, lease after importation, rent after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

(A) Notwithstanding any other provision of this Order, Respondent shall be permitted to engage in specific conduct otherwise prohibited by the terms of this Order if, in a written instrument, the owner of U.S. Patent No. 7,779,011 licenses or authorizes such specific conduct, including but not limited to conduct involving covered products that the Commission found were previously imported into the United States under license;

(B) to engage in specific conduct otherwise prohibited by the terms of this Order if such specific conduct is related to the importation or sale of covered products by or for the United States; or

(C) to engage in such specific conduct related to service or repair articles imported for use in servicing or repairing digital video receivers that were imported before the effective date of this Order. Exception (C) does not permit the importation of digital video receivers to replace digital video
receivers that were imported before the effective date of this Order.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this order through December 31, 2019. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory (whether held in warehouses or at customer sites) of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number (“Inv. No. 337-TA-1103”) in a prominent place on the cover pages and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, lease, offer to lease, rent, offer to rent, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal office during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of

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1 Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.
VII. Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, sale, lease, or rent of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until U.S. Patent No. 7,779,011 expires.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section V-VI of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with
IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this Order may be continued during the sixty-day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)) subject to the Respondent's posting of a bond in the amount of zero percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission, and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of
temporary exclusion orders. See 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainants' counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it or takes no action within the review period), unless the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or unless Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

² See Footnote 1.
By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: April 23, 2020
PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached ORDER has been served via EDIS upon the Commission Investigative Attorney, John Shin, Esq. and the following parties as indicated, on April 23, 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, Rovi Guides, Inc., and Veveo, Inc.:

Douglas A. Cawley, Esq.
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Dallas, TX 75201
Email: dcawley@mckoolsmith.com

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

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