

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DIGITAL TELEVISION SET-
TOP BOXES, REMOTE CONTROL
DEVICES, AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1041

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of Investigation pursuant to 19 U.S.C. § 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 26, 2017, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of OpenTV, Inc. of Mountain View, California; Nagra USA, Inc. of San Francisco, California; Nagravision SA of Switzerland; and Kudelski SA of Switzerland. A supplement was filed on February 13, 2017. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain digital television set-top boxes, remote control devices, and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,345,389 (“the ’389 patent”); U.S. Patent No. 7,028,327 (“the ’327 patent”); and U.S. Patent No. 7,725,720 (“the ’720 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

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

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

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

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2016).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on February 27, 2017, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain digital television set-top boxes, remote control devices, and components thereof by reason of infringement of one or more of claims 1, 2, 9-11, and 13-16 of the '389 patent; claims 13 and 36 of the '327 patent; and claims 1, 2, 5, and 8 of the '720 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

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

(a) The complainants are:

OpenTV, Inc.
485 Clyde Avenue
Mountain View, CA 94043

Nagra USA, Inc.
275 Sacramento Street
San Francisco, CA 94111

Nagravision SA
22-24, Route de Genève
1033 Cheseaux-sur-Lausanne
Switzerland

Kudelski SA
22-24, Route de Genève
1033 Cheseaux-sur-Lausanne
Switzerland

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

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

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

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

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

Comcast STB Software I, LLC
1201 N. Market Street, Suite 1000
Wilmington, Delaware 19801

ARRIS International plc
3871 Lakefield Drive
Suwanee, GA 30024

ARRIS Group, Inc.
3871 Lakefield Drive
Suwanee, GA 30024

ARRIS Technology, Inc.
101 Tournament Drive
Horsham, PA 19044

ARRIS Enterprises LLC
3871 Lakefield Drive
Suwanee, GA 30024

ARRIS Solutions, Inc.
3871 Lakefield Drive
Suwanee, GA 30024

ARRIS Global Ltd. (formerly Pace Ltd.)
Victoria Road, Saltaire
West Yorkshire BD18 3LF
England

Pace Americas, LLC
3701 FAU Boulevard, Suite 200
Boca Raton, FL 33431

Pace USA, LLC
3701 FAU Boulevard, Suite 200
Boca Raton, FL 33431

Universal Electronics Inc.
201 E. Sandpointe Avenue
Santa Ana, CA 92707

Gemstar Technology (China) Co. Ltd.
Gemstar Industrial Park, No. 45
Zhong'Er Section
Shinguang Road
Guangzhou, Guangdong, 511495 China

Gemstar Technology (Qinzhou) Co. Ltd.
Hedong Industrial Park
Qinzhou, Guangxi Province, 535000 China

Gemstar Technology (Yangzhou) Co. Ltd.
1 Junsheng Road Industry Park
Fanshui Industrial Zone
Baoying, Yanzhou, 225800 China

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

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

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

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

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" being the most prominent.

Lisa R. Barton
Secretary to the Commission

Issued: February 27, 2017