

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

In the Matter of

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

Investigation No. 337-TA-820

**NOTICE OF COMMISSION DETERMINATION TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION FOR TERMINATION OF THE
INVESTIGATION BASED ON A SETTLEMENT AND
REMAND OF THE INVESTIGATION TO THE ADMINISTRATIVE LAW JUDGE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 56) granting a joint motion for termination of the investigation based on a settlement in the above captioned investigation. The Commission has also determined to remand the investigation to the ALJ to require the parties to file a renewed motion to terminate that complies with Commission Rules 210.21(b)(1) and 201.6.

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 December 21, 2011, based on a complaint filed by Rovi Corporation of Santa Clara, California; Rovi Guides, Inc. (f/k/a/ Gemstar-TV Guide International Inc.) of Santa Clara, California; United Video Properties, Inc. of Santa Clara, California; Gemstar Development Corporation of Santa

Clara, California; and Index Systems, Inc. of Tortola, the British Virgin Islands (collectively, “Rovi”). 76 *Fed. Reg.* 79214-5 (Apr. 27, 2011). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain products containing interactive program guide and parental controls technology by reason of infringement of certain claims of U.S. Patent Nos. 7,493,643; RE41,993; 6,701,523; and 7,047,547. The notice of investigation named Vizio, Inc. of Irvine, California (“Vizio”); Haier Group Corp. of Shandong, China (“HGC”); and Haier America of New York, New York (“Haier America”) as respondents. The Office of Unfair Import Investigations was also named as a party, but later decided not to participate in the investigation under the Commission’s *Supplement to the Strategic Human Capital Plan 2009-2013*. Commission Investigative Staff’s Notice of Nonparticipation (Jan. 6, 2012). The Commission later terminated the investigation as to Haier America and HGC based on consent orders. Notice (June 18, 2012) (Order No. 18); Notice (June 18, 2012) (Order No. 19).

On January 4, 2013, Rovi and Vizio jointly filed a motion to terminate the investigation based on a settlement agreement. Rovi and Vizio filed public and confidential versions of the motion to terminate and the settlement agreement. On January 8, 2013, the ALJ issued the subject ID, granting the motion to terminate. No petition for review of the subject ID was filed.

Upon review of the subject ID, the Commission finds that the public version of the settlement agreement does not comply with Commission Rule 210.21(b)(1) because the redactions are not restricted to the types of confidential business information set forth in Commission Rule 201.6. Accordingly, the Commission has determined to remand the investigation to the ALJ to require Rovi and Vizio to file a renewed motion to terminate along with public and confidential versions of the settlement agreement that comply with Commission Rules 210.21(b)(1) and 201.6.

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.



Lisa R. Barton
Acting Secretary to the Commission

Issued: January 29, 2013

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ORDER

The Commission instituted this investigation on December 21, 2011, based on a complaint filed by Rovi Corporation of Santa Clara, California; Rovi Guides, Inc. (f/k/a/ Gemstar-TV Guide International Inc.) of Santa Clara, California; United Video Properties, Inc. of Santa Clara, California; Gemstar Development Corporation of Santa Clara, California; and Index Systems, Inc. of Tortola, the British Virgin Islands (collectively, "Rovi"). 76 *Fed. Reg.* 79214-5 (Apr. 27, 2011). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain products containing interactive program guide and parental controls technology by reason of infringement of certain claims of U.S. Patent Nos. 7,493,643; RE41,993; 6,701,523; and 7,047,547. The notice of investigation named Vizio, Inc. of Irvine, California ("Vizio"); Haier Group Corp. of Shandong, China ("HGC"); and Haier America of New York, New York ("Haier America") as respondents. The Office of Unfair Import Investigations was also named as a party, but later decided not to participate in the investigation under the Commission's *Supplement to the Strategic Human Capital Plan 2009-2013*. Commission Investigative Staff's Notice of Nonparticipation (Jan. 6, 2012). The Commission later terminated the investigation as to Haier America and HGC based on consent orders. Notice (June 18, 2012) (Order No. 18); Notice (June 18, 2012) (Order No. 19).

On January 4, 2013, Rovi and Vizio jointly filed a motion to terminate the investigation based on a settlement agreement. On January 8, 2013, the ALJ issued an ID (Order No. 56) granting the motion to terminate. Upon review of the subject ID, the Commission finds that the public version of the settlement agreement does not comply with Commission Rule 210.21(b)(1) because the redactions are not restricted to the types of confidential business information set forth in Commission Rule 201.6.

Accordingly, the Commission hereby ORDERS that:

1. The investigation is remanded to the presiding ALJ, Chief Judge Bullock, to require Rovi and Vizio to file a renewed motion to terminate the investigation along with public and confidential versions of the settlement agreement that comply with Commission Rules 210.21(b)(1) and 201.6.
2. This Order does not change the target date for completion of the investigation, which is currently set for September 23, 2013.
3. Notice of this Order shall be served on the parties to this investigation.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Acting Secretary to the Commission

Issued: January 29, 2013