

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

**ROVI CORPORATION, ROVI GUIDES,
INC., ROVI TECHNOLOGIES
CORPORATION, UNITED VIDEO
PROPERTIES, INC., and STARSIGHT
TELECAST, INC.**

Plaintiffs

v.

VIZIO, INC.

Defendant.

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Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Rovi Corporation, Rovi Guides, Inc., Rovi Technologies Corporation, United Video Properties, Inc., and StarSight Telecast, Inc. (collectively “Rovi”) hereby bring this Complaint for Patent Infringement (“Complaint”). Rovi, on personal knowledge as to its own acts, and on information and belief as to all others based on investigation, alleges as follows:

NATURE OF THE ACTION

1. This is an action brought by Rovi against Vizio, Inc. (“Vizio”) for infringement of U.S. Patent Nos. 6,898,762 (“the ’762 Patent”), 7,065,709 (“the ’709 Patent”), 7,103,906 (“the ’906 Patent”), and 8,112,776 (“the ’776 Patent”) (collectively, “the Asserted Patents”).

THE PARTIES

Plaintiffs

2. Rovi Corporation is incorporated in Delaware and is located at 2830 De La Cruz Blvd., Santa Clara, California 95050.

3. Rovi Guides, Inc. is incorporated in Delaware and is located at 2830 De La Cruz Blvd., Santa Clara, California 95050. Rovi Guides, Inc. is a wholly owned subsidiary of Rovi Corporation.

4. Rovi Technologies Corporation is incorporated in Delaware and is located at 2830 De La Cruz Blvd., Santa Clara, California 95050. Rovi Technologies Corporation is a wholly owned subsidiary of Rovi Corporation. Rovi Technologies Corporation is the owner of the '906 Patent.

5. United Video Properties, Inc. is incorporated in Delaware and is located at 2830 De La Cruz Blvd., Santa Clara, California 95050. United Video Properties, Inc. is the owner of the '762, and '709 Patents. United Video Properties, Inc. is a wholly owned subsidiary of Rovi Guides, Inc.

6. StarSight Telecast, Inc. is incorporated in Delaware and is located at 2830 De La Cruz Blvd., Santa Clara, California 95050. StarSight Telecast, Inc. is the owner of the '776 Patent. StarSight Telecast, Inc. is a wholly owned subsidiary of Rovi Guides, Inc.

Defendant

7. Upon information and belief, Vizio, Inc. is organized under the laws of Delaware and has its principal place of business at 39 Tesla, Irvine, California, 92618. Vizio has appointed The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, as its agent for service of process.

JURISDICTION AND VENUE

8. This is an action arising under the patent laws of the United States. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has general and specific personal jurisdiction over Vizio because Vizio engages in business and in infringing acts in the United States and within this district. Vizio has established minimum contacts with the forum. Vizio is incorporated in Delaware and manufactures (directly or indirectly through third-party manufacturers) and/or assembles products that are and have been used, offered for sale, sold, and purchased in Delaware. Vizio, directly and/or through its distribution network, places the products within the stream of commerce, which is directed at this district, with the knowledge and/or understanding that such products will be sold in the State of Delaware. Therefore, the exercise of jurisdiction over Vizio would not offend traditional notions of fair play and substantial justice.

10. Vizio is incorporated in Delaware and does business in Delaware, including providing products that are used, offered for sale, sold, and have been purchased in this district. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

FACTUAL BACKGROUND

11. Rovi is a global leader in digital entertainment technology solutions. Rovi provides guidance technology, entertainment data, content protection and content networking technology to customers for use in the consumer electronics, cable and satellite, entertainment and online distribution markets to enable them to deliver a unique entertainment experience for television, movies, music, and photos.

12. Rovi was created in its current form when Macrovision Corporation acquired Gemstar-TV Guide International, Inc. in May 2008. Gemstar-TV Guide International, Inc. was

the product of a merger between Gemstar International Group, Ltd. and TV Guide, Inc. in 2000. All of these entities are and were innovators in interactive program guides and related technologies.

13. Rovi invests significant resources in the development of interactive program guides, internet-media-streaming services, and related technologies for use in Rovi's products and also in licensing to third parties who develop their own digital entertainment solutions.

14. Rovi's business depends, in significant part, on protecting its innovations through patents. Rovi's long-term financial success depends on its ability to establish, maintain, and protect its proprietary technology through enforcement of its patent rights. Vizio's infringement presents significant and ongoing damages to Rovi's business.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,898,762

15. Paragraphs 1 through 14 are incorporated by reference as if fully stated herein.

16. United Video Properties, Inc. owns by assignment the entire right, title, and interest in and to the '762 Patent, including the right to bring this suit for injunctive relief and damages.

17. The '762 Patent issued on May 24, 2005 and is entitled "Client-Server Electronic Program Guide." A true and correct copy of the '762 Patent is attached as Exhibit A and made a part hereof.

18. The '762 Patent is valid and enforceable under United States Patent Laws.

19. Rovi is informed and believes that Vizio has infringed and is infringing the '762 Patent, in violation of 35 U.S.C. § 271 *et seq.*, directly and/or indirectly, by making, using, offering for sale, selling in the United States, and/or importing into the United States without

authority, televisions and tablets that infringe one or more claims of the '762 Patent (*e.g.*, the Vizio VF552XVT and Vizio E3D420VX televisions and the Vizio VTAB1008 tablet).

20. Upon information and belief, Vizio is or will be an active inducer of infringement of the '762 Patent under 35 U.S.C. § 271(b) by actively inducing customers, buyers, sellers, users, and others to directly infringe the '762 patent. This Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '762 Patent and of the infringing acts with specific intent to encourage infringement, should Vizio contend that it did not previously have knowledge of the '762 Patent and its infringement.

21. Upon information and belief, Vizio also is or will be a contributory infringer of the '762 Patent under 35 U.S.C. § 271(c) because it imports, sells, and offers to sell articles constituting or containing material parts of inventions claimed in the '762 Patent to customers, buyers, sellers, users, and others to directly infringe the '762 patent, when willfully blind to and/or knowing the same to be especially made and/or adapted for use in an infringement of the '762 Patent, and not staple articles of commerce suitable for substantial non-infringing use. Moreover, this Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '762 Patent and its infringement, should Vizio contend that it did not previously have knowledge thereof.

22. Vizio's infringement of the '762 Patent is exceptional and entitles Rovi to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

23. Rovi has been damaged by Vizio's infringement of the '762 Patent and will continue to be damaged unless enjoined by this Court. Rovi does not have an adequate remedy at law.

24. Vizio's infringement of the '762 Patent is or will be willful and deliberate, justifying an increase of damages of up to three times under 35 U.S.C. § 284. This Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '762 Patent and of its infringement, should Vizio contend that it did not previously have actual knowledge of its infringement of the '762 Patent.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,065,709

25. Paragraphs 1 through 14 are incorporated by reference as if fully stated herein.

26. United Video Properties, Inc. owns by assignment the entire right, title, and interest in and to the '709 Patent, including the right to bring this suit for injunctive relief and damages.

27. The '709 Patent issued on June 20, 2006 and is entitled "Client-Server Electronic Program Guide." A true and correct copy of the '709 Patent is attached as Exhibit B and made a part hereof.

28. The '709 Patent is valid and enforceable under United States Patent Laws.

29. Rovi is informed and believes that Vizio has infringed and is infringing the '709 Patent, in violation of 35 U.S.C. § 271 *et seq.*, directly and/or indirectly, by making, using, offering for sale, selling in the United States, and/or importing into the United States without

authority, televisions and tablets that infringe one or more claims of the '709 Patent (*e.g.*, the Vizio VF552XVT and Vizio E3D420VX televisions and the Vizio VTAB1008 tablet).

30. Upon information and belief, Vizio is or will be an active inducer of infringement of the '709 Patent under 35 U.S.C. § 271(b) by actively inducing customers, buyers, sellers, users, and others to directly infringe the '709 patent. This Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '709 Patent and of the infringing acts with specific intent to encourage infringement, should Vizio contend that it did not previously have knowledge of the '709 Patent and its infringement.

31. Upon information and belief, Vizio also is or will be a contributory infringer of the '709 Patent under 35 U.S.C. § 271(c) because it imports, sells, and offers to sell articles constituting or containing material parts of inventions claimed in the '709 Patent to customers, buyers, sellers, users, and others to directly infringe the '709 patent, when willfully blind to and/or knowing the same to be especially made and/or adapted for use in an infringement of the '709 Patent, and not staple articles of commerce suitable for substantial non-infringing use. Moreover, this Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '709 Patent and its infringement, should Vizio contend that it did not previously have knowledge thereof.

32. Vizio's infringement of the '709 Patent is exceptional and entitles Rovi to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

33. Rovi has been damaged by Vizio's infringement of the '709 Patent and will continue to be damaged unless enjoined by this Court. Rovi does not have an adequate remedy at law.

34. Vizio's infringement of the '709 Patent is or will be willful and deliberate, justifying an increase of damages of up to three times under 35 U.S.C. § 284. This Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '709 Patent and of its infringement, should Vizio contend that it did not previously have actual knowledge of its infringement of the '709 Patent.

COUNT III: INFRINGEMENT OF U.S. PATENT NO. 7,103,906

35. Paragraphs 1 through 14 are incorporated by reference as if fully stated herein.

36. Rovi Technologies Corporation owns by assignment the entire right, title, and interest in and to the '906 Patent, including the right to bring this suit for injunctive relief and damages.

37. The '906 Patent issued on September 5, 2006 and is entitled "User Controlled Multi-Device Media-On-Demand System." A true and correct copy of the '906 Patent is attached as Exhibit C and made a part hereof.

38. The '906 Patent is valid and enforceable under United States Patent Laws.

39. Rovi is informed and believes that Vizio has infringed and is infringing the '906 Patent, in violation of 35 U.S.C. § 271 *et seq.*, directly and/or indirectly, by making, using, offering for sale, selling in the United States, and/or importing into the United States without

authority, televisions and tablets that infringe one or more claims of the '906 Patent (*e.g.*, the Vizio VF552XVT and Vizio E3D420VX televisions and the Vizio VTAB1008 tablet).

40. Upon information and belief, Vizio is or will be an active inducer of infringement of the '906 Patent under 35 U.S.C. § 271(b) by actively inducing customers, buyers, sellers, users, and others to directly infringe the '906 patent. This Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '906 Patent and of the infringing acts with specific intent to encourage infringement, should Vizio contend that it did not previously have knowledge of the '906 Patent and its infringement.

41. Upon information and belief, Vizio also is or will be a contributory infringer of the '906 Patent under 35 U.S.C. § 271(c) because it imports, sells, and offers to sell articles constituting or containing material parts of inventions claimed in the '906 Patent to customers, buyers, sellers, users, and others to directly infringe the '906 patent, when willfully blind to and/or knowing the same to be especially made and/or adapted for use in an infringement of the '906 Patent, and not staple articles of commerce suitable for substantial non-infringing use. Moreover, this Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '906 Patent and its infringement, should Vizio contend that it did not previously have knowledge thereof.

42. Vizio's infringement of the '906 Patent is exceptional and entitles Rovi to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

43. Rovi has been damaged by Vizio's infringement of the '906 Patent and will continue to be damaged unless enjoined by this Court. Rovi does not have an adequate remedy at law.

44. Vizio's infringement of the '906 Patent is or will be willful and deliberate, justifying an increase of damages of up to three times under 35 U.S.C. § 284. This Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '906 Patent and of its infringement, should Vizio contend that it did not previously have actual knowledge of its infringement of the '906 Patent.

COUNT IV: INFRINGEMENT OF U.S. PATENT NO. 8,112,776

45. Paragraphs 1 through 14 are incorporated by reference as if fully stated herein.

46. StarSight Telecast, Inc. owns by assignment the entire right, title, and interest in and to the '776 Patent, including the right to bring this suit for injunctive relief and damages.

47. The '776 Patent issued on February 7, 2012 and is entitled "Interactive Computer System for Providing Television Schedule Information." A true and correct copy of the '776 Patent is attached as Exhibit D and made a part hereof.

48. The '776 Patent is valid and enforceable under United States Patent Laws.

49. Rovi is informed and believes that Vizio has infringed and is infringing the '776 Patent, in violation of 35 U.S.C. § 271 *et seq.*, directly and/or indirectly, by making, using, offering for sale, selling in the United States, and/or importing into the United States without authority, televisions and tablets that infringe one or more claims of the '776 Patent (*e.g.*, the Vizio VF552XVT and Vizio E3D420VX televisions and the Vizio VTAB1008 tablet).

50. Upon information and belief, Vizio is or will be an active inducer of infringement of the '776 Patent under 35 U.S.C. § 271(b) by actively inducing customers, buyers, sellers, users, and others to directly infringe the '776 patent. This Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '776 Patent and of the infringing acts with specific intent to encourage infringement, should Vizio contend that it did not previously have knowledge of the '776 Patent and its infringement.

51. Upon information and belief, Vizio also is or will be a contributory infringer of the '776 Patent under 35 U.S.C. § 271(c) because it imports, sells, and offers to sell articles constituting or containing material parts of inventions claimed in the '776 Patent to customers, buyers, sellers, users, and others to directly infringe the '762 patent, when willfully blind to and/or knowing the same to be especially made and/or adapted for use in an infringement of the '776 Patent, and not staple articles of commerce suitable for substantial non-infringing use. Moreover, this Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '776 Patent and its infringement, should Vizio contend that it did not previously have knowledge thereof.

52. Vizio's infringement of the '776 Patent is exceptional and entitles Rovi to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

53. Rovi has been damaged by Vizio's infringement of the '776 Patent and will continue to be damaged unless enjoined by this Court. Rovi does not have an adequate remedy at law.

54. Vizio's infringement of the '776 Patent is or will be willful and deliberate, justifying an increase of damages of up to three times under 35 U.S.C. § 284. This Complaint, along with the complaint titled *In the Matter of Certain Products Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the United States International Trade Commission, will serve as notice to Vizio of the '776 Patent and of its infringement, should Vizio contend that it did not previously have actual knowledge of its infringement of the '776 Patent.

DEMAND FOR JURY TRIAL

55. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Rovi demands a trial by jury of this action.

PRAYER FOR RELIEF

WHEREFORE, Rovi prays for the following judgment and relief against Vizio:

- (A) That Vizio has infringed each and every one of the Asserted Patents;
- (B) That the Asserted Patents are valid and enforceable;
- (C) That Vizio, its officers, agents, employees, and those persons in active concert or participation with any of them, and its successors and assigns, be permanently enjoined from infringement, inducement of infringement, and contributory infringement of each and every one of the Asserted Patents, through at least an injunction against making, using, selling, and/or offering for sale within the United States, and/or importing into the United States, any products and/or services that infringe the Asserted Patents;
- (D) That Rovi be awarded all damages adequate to compensate it for Vizio's infringement of the Asserted Patents, such damages to be determined by a jury, and, if necessary to adequately compensate Rovi for the infringement, an accounting;

(E) That Rovi be awarded treble damages and pre-judgment and post-judgment interest at the maximum rate allowed by law;

(F) That this case be declared an exceptional case within the meaning of 35 U.S.C. § 285 and that Rovi be awarded attorneys' fees, costs, and expenses incurred in connection with this action;

(G) That Rovi be awarded such other and further relief as this Court deems just and proper.

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