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ORIGINAL
FILED
MAY - 1 2012
E-filing
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

10 Attorneys for Plaintiffs
ROVI CORPORATION,
11 ROVI GUIDES, INC., and
12 UNITED VIDEO PROPERTIES, INC.,

DMR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

14 ROVI CORPORATION,
15 ROVI GUIDES, INC., and
UNITED VIDEO PROPERTIES, INC.

CASE NO. 12 2185
COMPLAINT FOR PATENT
INFRINGEMENT

16 Plaintiffs,

17 v.

DEMAND FOR JURY TRIAL

18 ROKU, INC.,
Defendant.

19 Plaintiffs Rovi Corporation, Rovi Guides, Inc., and United Video Properties, Inc.
20 (collectively "Rovi") hereby bring this Complaint for Patent Infringement ("Complaint"). Rovi,
21 on personal knowledge as to its own acts, and on information and belief as to all others based on
22 investigation, alleges as follows:

23 NATURE OF THE ACTION

24
25 1. This is an action brought by Rovi against Roku, Inc. ("Roku") for infringement of
26 U.S. Patent No. 6,898,762 ("the '762 Patent").

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ATTORNEYS AT LAW
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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. 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 Patent. United Video Properties, Inc. is a wholly owned subsidiary of Rovi Guides, Inc.

Defendant

5. Upon information and belief, Roku, Inc. is a corporation organized under the laws of Delaware, with its principal place of business at 12980 Saratoga Ave., Saratoga, CA 95070. Roku, Inc. has appointed C T Corporation System, 1350 Treat Boulevard #100, Walnut Creek, California 94597, as its agent for service of process.

JURISDICTION AND VENUE

6. 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).

7. This Court has general and specific personal jurisdiction over Roku because Roku engages in business and in infringing activities in the United States and within this district. Roku has established minimum contacts with the forum. Roku maintains its principal place of business in Saratoga, a city within this judicial district. Additionally, Roku 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 this district. Roku, 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 this district.

1 Therefore, the exercise of jurisdiction over Roku would not offend traditional notions of fair play
2 and substantial justice.

3 8. Roku maintains its principal place of business in this district and does business in
4 this district, including providing products that are used, offered for sale, sold, and have been
5 purchased in this district. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

6 **INTRADISTRICT ASSIGNMENT**

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8 9. This is an Intellectual Property Action that, pursuant to Civil Local Rule 3-2(c), is
9 to be assigned on a district-wide basis.

10 **FACTUAL BACKGROUND**

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

17 11. Rovi was created in its current form when Macrovision Corporation acquired
18 Gemstar-TV Guide International, Inc. in May 2008. Gemstar-TV Guide International, Inc. was
19 the product of a merger between Gemstar International Group, Ltd. and TV Guide, Inc. in 2000.
20 All of these entities are and were innovators in interactive program guides and related
21 technologies.

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

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

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

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14. Paragraphs 1 through 13 are incorporated by reference as if fully stated herein.

15. 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.

16. 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.

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

18. Rovi is informed and believes that Roku 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, digital video player products that infringe one or more claims of the '762 Patent (*e.g.*, the Roku 2 XS streaming media player).

19. Upon information and belief, Roku 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 Roku of the '762 Patent and of the infringing acts with specific intent to encourage infringement, should Roku contend that it did not previously have knowledge of the '762 Patent and its infringement.

20. Upon information and belief, Roku 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

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1 and/or knowing the same to be especially made and/or adapted for use in an infringement of the
2 '762 Patent, and not staple articles of commerce suitable for substantial non-infringing use.

3 Moreover, this Complaint, along with the complaint titled *In the Matter of Certain Products*
4 *Containing Interactive Program Guide and Parental Control Technology* filed by Rovi in the
5 United States International Trade Commission, will serve as notice to Roku of the '762 Patent
6 and its infringement, should Roku contend that it did not previously have knowledge thereof.

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

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

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

18 **DEMAND FOR JURY TRIAL**

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

22 **PRAYER FOR RELIEF**

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

- 25 (A) That Roku has infringed the '762 Patent;
- 26 (B) That the '762 Patent is valid and enforceable;
- 27 (C) That Roku, its officers, agents, employees, and those persons in active
- 28 concert or participation with any of them, and its successors and assigns, be permanently enjoined

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1 from infringement, inducement of infringement, and contributory infringement of the '762 Patent.
2 through at least an injunction against making, using, selling, and/or offering for sale within the
3 United States, and/or importing into the United States, any products and/or services that infringe
4 the '762 Patent;

5 (D) That Rovi be awarded all damages adequate to compensate it for Roku's
6 infringement of the '762 Patent, such damages to be determined by a jury, and, if necessary to
7 adequately compensate Rovi for the infringement, an accounting;

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

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

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

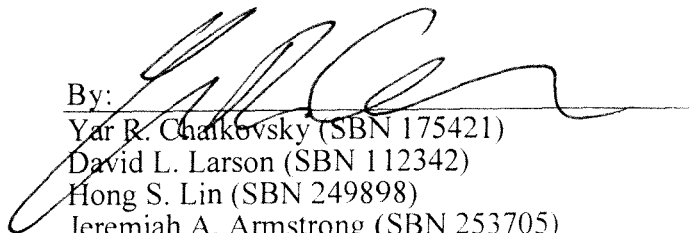
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1 Dated: May 1, 2012

Respectfully submitted,
McDERMOTT WILL & EMERY LLP

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