

**PUBLIC VERSION**

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

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

**Inv. No. 337-TA-801**

**ORDER NO. 5: INITIAL DETERMINATION GRANTING JOINT MOTION TO  
TERMINATE THE INVESTIGATION IN ITS ENTIRETY**

(October 4, 2011)

On September 30, 2011, Complainants and Respondents jointly filed a motion to terminate the Investigation in its entirety because they have settled their dispute. (Motion Docket No. 801-002.) Complainants and Respondents attached both confidential and redacted versions of their terms of settlement (“Agreement”) to their motion to terminate and represent that, other than the Agreement, there are “currently no other agreements, written or oral, express or implied, between them” concerning the subject matter of this Investigation. (Mot. at 1; Mot., Ex. A.) In support of their motion, the private parties argue that termination will conserve resources and poses no threat to the public interest. (Mot. at 1; Mot. Mem. at 1.)

The Commission’s Rules permit termination of the Investigation in whole or in part with respect to one or more respondents on the basis of a settlement. 19 C.F.R. § 210.21(b)(1). In satisfaction of 19 C.F.R. § 210.21(b)(1), as noted above, Complainants and Respondents have attached both public and confidential versions of the Agreement, and have made a statement that they have no other agreements concerning the subject matter of this Investigation. (*Id.*) {

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}

With respect to the Commission's other rules relating to termination, in the case of a proposed termination by settlement agreement,

the parties may file statements regarding the impact of the proposed termination on the public interest, and the administrative law judge may hear argument, although no discovery may be compelled with respect to issues relating solely to the public interest. Thereafter, the administrative law judge shall consider and make appropriate findings in the initial determination regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.

19 C.F.R. § 210.50(b)(2). Movants argue that termination would not be contrary to the public interest. (Mot. Mem. at 1.) Furthermore, termination of litigation under these circumstances as an alternative method of dispute resolution is generally in the public interest and will conserve public and private resources.

For good cause shown, it is the Initial Determination of the Administrative Law Judge that the parties' joint motion to terminate the Investigation on the basis of a settlement (Motion Docket No. 801-002) should be GRANTED.

This Initial Determination, along with non-confidential copies of the Agreement,<sup>1</sup> is hereby certified to the Commission. Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission unless a party files a petition for review of the Initial Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. §

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<sup>1</sup> The Commission's Rules require both confidential and public versions of agreements. See 19 C.F.R. § 210.21(b)(1). Copies of the confidential or public versions of the Agreement are attached to the respective confidential and public versions of this Initial Determination.

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210.44, orders on its own motion a review of the Initial Determination or certain issues herein.

**SO ORDERED.**

A handwritten signature in black ink that reads "E. James Gildea". The signature is written in a cursive style with a horizontal line underneath the name.

E. James Gildea

Administrative Law Judge

Valid Until September 30, 2011



Rovi Corporation  
2233 North Ontario Street  
Burbank, CA 91504

Toll Free 866.891.6878  
Main 818.295.6650  
Fax 818.295.8797

roviCorp.com

September 27, 2011

Mr. Masatsugu Teragawa  
Executive Officer  
Group General Manager

SHARP CORPORATION  
Audio-Visual Systems Development Group  
174, Hayakawa-cho, Yaita,  
Tochigi 329-2193 Japan  
Phone: +81-287-43-1131  
Email: [teragawa.masatsugu@sharp.co.jp](mailto:teragawa.masatsugu@sharp.co.jp)

Re: Sharp WorldWide IPG Patent & Product License Agreement

Dear Teragawa-san,

This letter, effective as of the date of execution (this "Agreement"), memorializes the binding agreement made by and between Rovi Guides, Inc. ("Rovi") and Sharp Corporation ("Sharp") on the terms and conditions set forth herein and in the term sheet attached hereto and incorporated herein by reference ("Term Sheet"). All capitalized terms that are not otherwise defined herein shall have the same meaning as those defined terms set forth in the Term Sheet.



In addition to the terms and conditions set forth in the Term Sheet, the parties further agree as follows:

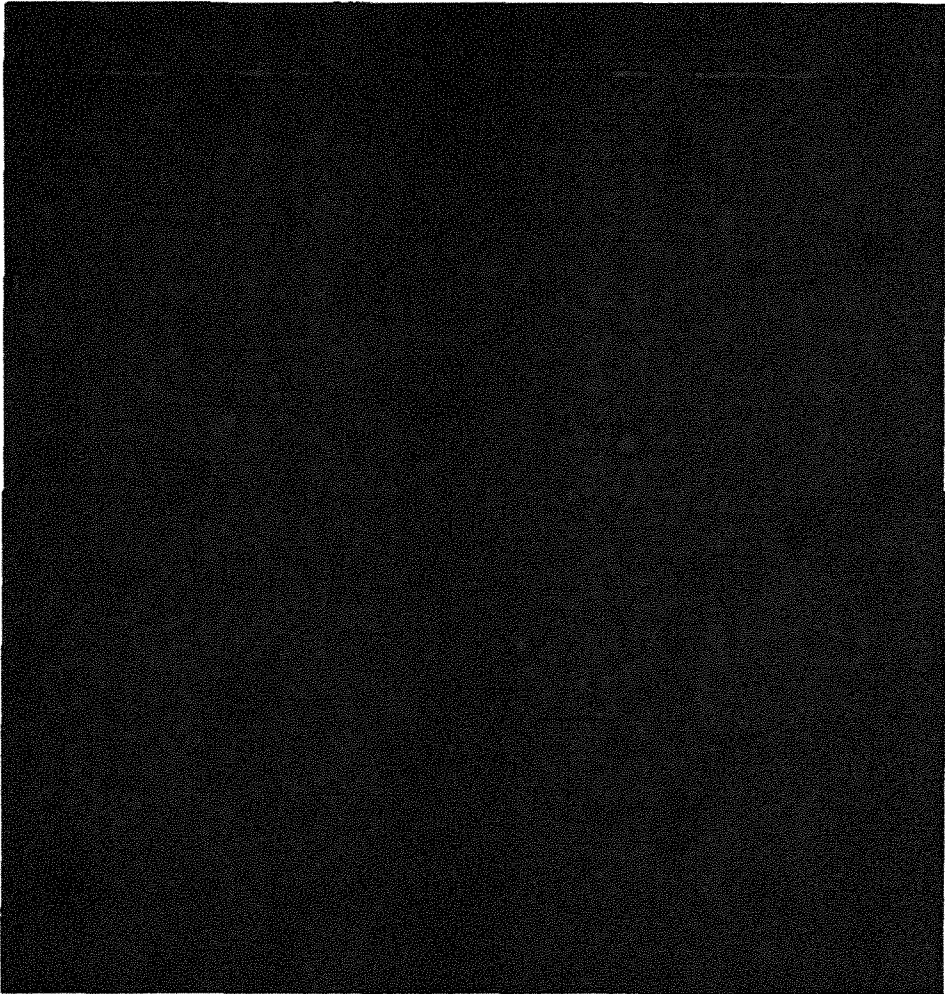
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*[Remainder of Page Intentionally Left Blank]*

Please acknowledge Sharp's acceptance of the foregoing by executing a copy of this Agreement below and returning such executed copy to my attention.

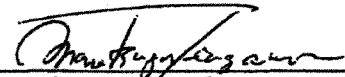
Sincerely,

Rovi Guides, Inc.

By:   
Name: Kerry Samovar  
Title: Authorized Signatory  
Date: September 27, 2011

Accepted and Agreed as of September 30, 2011:

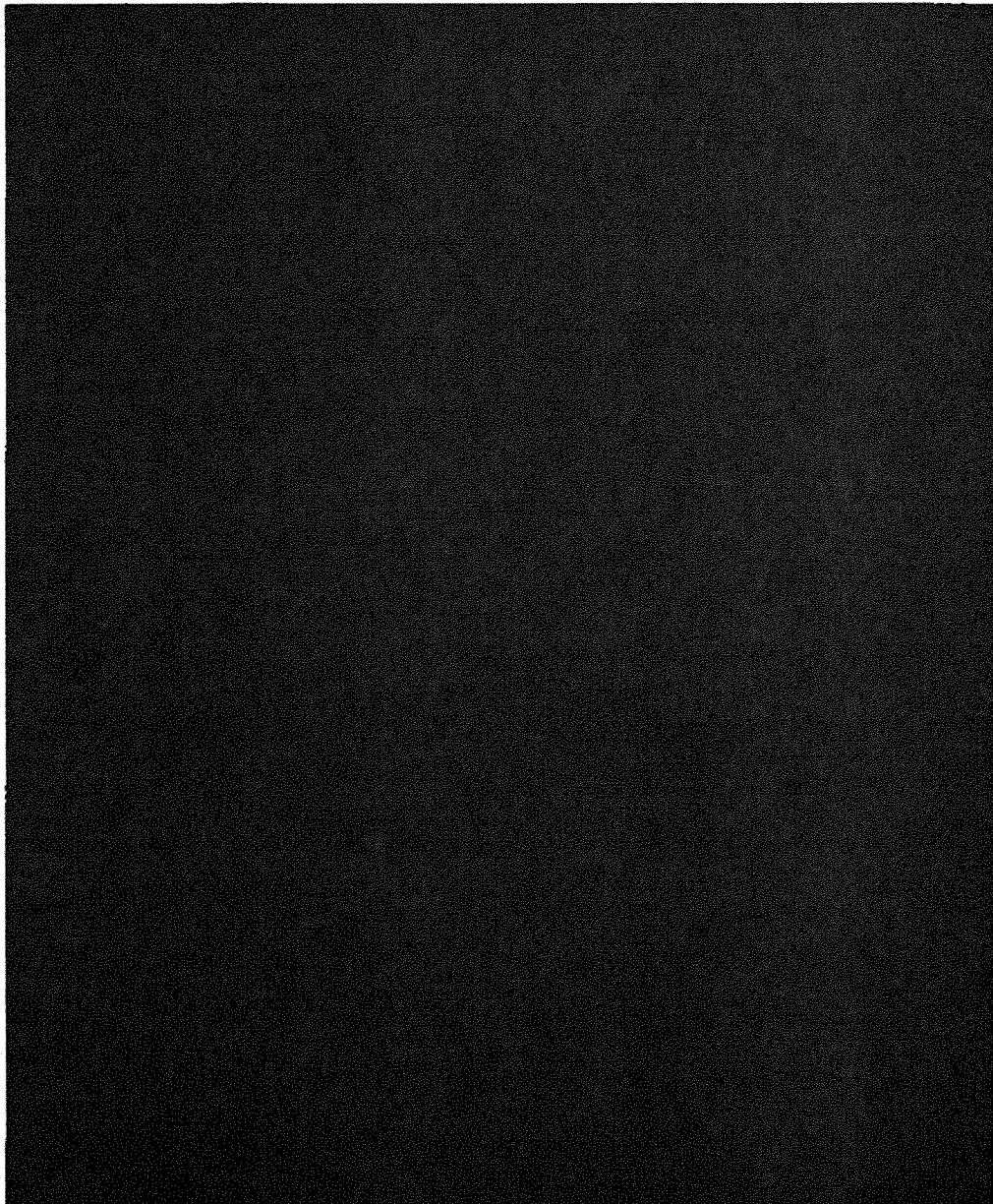
Sharp Corporation

By:   
Name: Masatsugu Teragawa  
Title: Executive Officer  
Group General Manager  
Audio-Visual Systems Development Group

Attachment

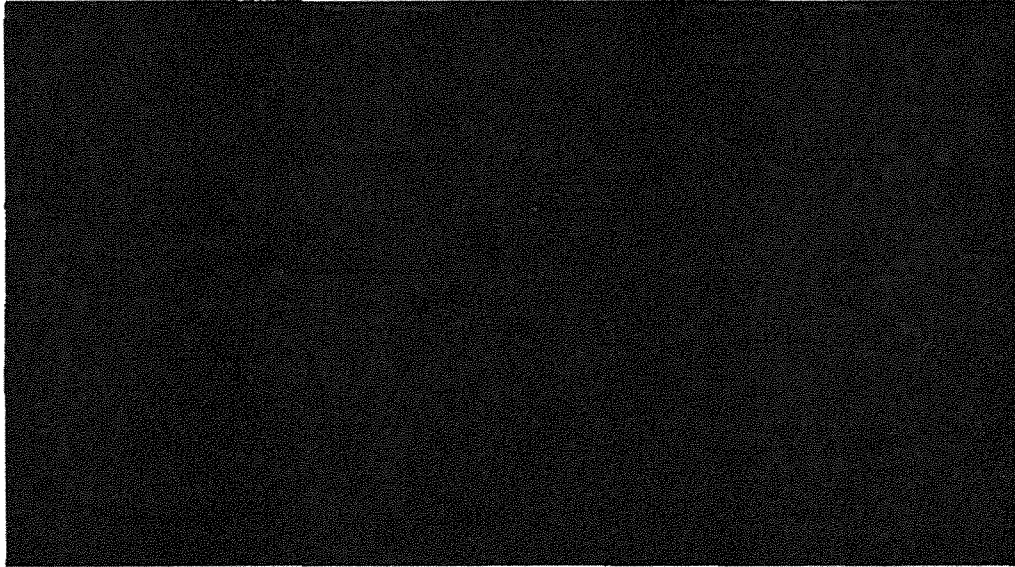
**SETTLEMENT COMMUNICATION**  
**CONFIDENTIAL**  
**NOT SUBJECT TO DISCLOSURE PURSUANT TO RULE 408**

**Parties:** Rovi Guides, Inc. (Representative of Rovi Corporation and any affiliate companies)  
Sharp Corporation (Representative of itself and any affiliate companies)



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**SETTLEMENT COMMUNICATION  
CONFIDENTIAL  
NOT SUBJECT TO DISCLOSURE PURSUANT TO RULE 408**




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337-TA-801

**PUBLIC CERTIFICATE OF SERVICE**

I, James R. Holbein, hereby certify that the attached **INITIAL DETERMINATION** has been served by hand upon the Commission Investigative Attorney, **Thomas Fusco, Esq.**, and the following parties as indicated on October 04, , 2011.

  
James R. Holbein  
Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, SW, Room 112A  
Washington, D.C. 20436

**ON BEHALF OF COMPLAINANTS ROVI CORPORATION, ROVI GUIDES, INC.,  
UNITED VIDEO PROPERTIES, INC., GEMSTAR DEVELOPMENT CORPORATION:**

Yar R. Chaikovsky, Esq.  
**McDERMOTT WILL &  
EMERY LLP**  
275 Middlefield Road, Suite 100  
Menlo Park, CA 94025  
P: 650-815-7400

( ) Via Hand Delivery  
() Via Overnight Mail  
( ) Via First Class Mail  
( ) Other: \_\_\_\_\_

**ON BEHALF OF RESPONDENTS SHARP CORPORATION, SHARP ELECTRONICS  
CORPORATION, AND SHARP ELECTRONIC MANUFACTURING COMPANY OF  
AMERICA INC:**

H. Mark Lyon, Esq.  
**GIBSON, DUNN & CRUTCHER  
LLP**  
1881 Page Mill Road  
Palo Alto, CA 94404-1211  
P: 650-849-5307

( ) Via Hand Delivery  
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( ) Via First Class Mail  
( ) Other: \_\_\_\_\_

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PARENTAL CONTROLS TECHNOLOGY**

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**PUBLIC MAILING LIST**

Heather Hall  
**LEXIS - NEXIS**  
9443 Springboro Pike  
Miamisburg, OH 45342

- Via Hand Delivery
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- Via First Class Mail
- Other: \_\_\_\_\_

Kenneth Clair  
**THOMSON WEST**  
1100 13th Street, NW, Suite 200  
Washington, DC 20005

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: \_\_\_\_\_