

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN PRODUCTS CONTAINING
INTERACTIVE PROGRAM GUIDE AND
PARENTAL CONTROL TECHNOLOGY

Inv. No. 337-TA-820

**ORDER NO. 4: INITIAL DETERMINATION SETTING TARGET DATE; ORDER
SETTING DATE FOR SUBMISSION OF PROPOSED
PROCEDURAL SCHEDULE**

(January 10, 2012)

Target Date

Pursuant to Commission Rule 210.51(a), a target date for completion of the Investigation in the above-captioned matter must be set. The Notice of Investigation was published on December 21, 2011. 76 Fed. Reg. 79,214-215 (Dec. 21, 2011). Complainant asserts that a sixteen-month target date is appropriate. Respondents Haier America Trading, LLC (“Haier America”), Haier Group Corp. (“HGC”), and VIZIO, Inc. (“Vizio”) believe a nineteen-month target date is proper. Haier America, HGC, and Vizio also submit that a *Markman* hearing is appropriate in this Investigation given that there are four patents-in-suit and 86 asserted claims.

Due to the complexity of the asserted technology and the number of claims at issue, the undersigned believes a target date exceeding sixteen months is warranted. The undersigned also agrees with Respondents that a *Markman* hearing will be beneficial and assist in streamlining the issues for the evidentiary hearing. Thus, in order to accommodate the *Markman* process and in view of the undersigned’s responsibilities in other investigations, a target date of July 22, 2013 is hereby set for this Investigation.

Proposed Procedural Schedule(s)

Proposed procedural schedule(s) should be received by the undersigned no later than close of business on January 18, 2012. Said proposed procedural schedule should include dates for each of the events set forth in Ground Rule 2, as well as the following events:

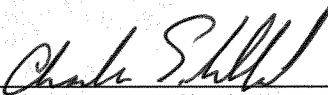
Exchange of initial expert reports on claim construction issues
Exchange of rebuttal expert reports on claim construction issues
Meet and confer to discuss and limit number of disputed claim terms
Initial <i>Markman</i> briefs - Complainant and Respondents
Rebuttal <i>Markman</i> briefs - Complainant and Respondents
Submission of joint proposed claim construction chart
Submission of updated joint proposed claim construction chart
Proposed issuance of claim construction order

Based on a review of the undersigned's current caseload, the undersigned anticipates the tutorial will be held on April 4, 2012, the *Markman* hearing on April 5, 2012, and the hearing to begin on November 9, 2012. The parties shall take these dates into consideration when proposing their procedural schedule.

The proposed schedule includes dates for two settlement meetings and one mandatory mediation (which will not include the Administrative Law Judge) at a time, date, and location of the parties' choosing for the exploration of settlement, by persons of requisite authority, of some or all of the issues in the case. Unless the parties obtain the permission of the undersigned, for good cause shown, the settlement meetings should not occur by video-conferencing or by teleconferencing. The parties should also include dates in the proposed schedule for filing the joint settlement conference reports.

The parties should make intensive good faith efforts to agree to a procedural schedule. It is expected that in most instances the parties should be able to submit a joint proposal on this matter.

SO ORDERED.



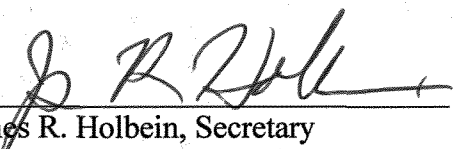
Charles E. Bullock
Chief Administrative Law Judge

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

337-TA-820

CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **ORDER NO. 4** has been served by hand upon the Commission Investigative Attorney, Whitney Winston, Esq., and the following parties as indicated, on January 10 2012.



James R. Holbein, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

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

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