

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ROVI CORPORATION, ROVI GUIDES,
INC. (f/k/a GEMSTAR-TV GUIDE
INTERNATIONAL INC.), UNITED VIDEO
PROPERTIES, INC., TV GUIDE ONLINE,
LLC, and TV GUIDE ONLINE, INC.,

Plaintiffs,

v.

AMAZON.COM, INC., and IMDB.COM,
INC.,

Defendants.

C.A. No. _____

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Rovi Corporation, Rovi Guides, Inc. (f/k/a Gemstar-TV Guide International Inc.), United Video Properties, Inc., TV Guide Online, LLC, and TV Guide Online, Inc. (collectively “Rovi”), on personal knowledge as to its own acts, and on information and belief as to all others based on its investigation, allege as follows:

NATURE OF THE ACTION

1. This is an action brought by Rovi against Amazon.com, Inc., and IMDb.com, Inc. (collectively “Amazon”) for infringement of U.S. Patent Nos. 5,988,078 (“the ’078 Patent”), 6,275,268 (“the ’268 Patent”), 6,769,128 (“the ’128 Patent”), 7,493,643 (“the ’643 Patent”), and 7,603,690 (“the ’690 Patent”) (collectively, “the Asserted Patents”).

THE PARTIES

Plaintiffs

2. Plaintiff Rovi Corporation is incorporated in Delaware with an address at 2830 De La Cruz Blvd., Santa Clara, California 95050.

3. Plaintiff Rovi Guides, Inc. (f/k/a Gemstar-TV Guide International Inc.) is incorporated in Delaware with an address at 2830 De La Cruz Blvd., Santa Clara, California 95050. Rovi Guides, Inc. is a wholly-owned subsidiary of Rovi Corporation.

4. Plaintiff United Video Properties, Inc. is incorporated in Delaware with an address at 2830 De La Cruz Blvd., Santa Clara, California 95050. United Video Properties, Inc. is the owner of the '268, '128, '643, and '690 Patents. United Video Properties, Inc. is a wholly owned subsidiary of Plaintiff Rovi Guides, Inc.

5. Plaintiff TV Guide Online, LLC is a Delaware Limited Liability Company with an address at 2830 De La Cruz Blvd., Santa Clara, California 95050. TV Guide Online, LLC is the owner of the '078 Patent. TV Guide Online, LLC is a wholly owned subsidiary of Plaintiff Rovi Guides, Inc.

6. Plaintiff TV Guide Online, Inc. is incorporated in Delaware with an address at 2830 De La Cruz Blvd., Santa Clara, California 95050. TV Guide Online, Inc. is the exclusive licensee of the '078 patent, with the right to bring suit and to recover damages for past infringement. TV Guide Online, Inc. is a wholly owned subsidiary of Plaintiff Rovi Guides, Inc.

Defendants

7. Upon information and belief, Amazon.com, Inc. is incorporated in Delaware and has its principal place of business at 1200 12th Avenue South, Suite 1200, Seattle, Washington 98144-2734.

8. Upon information and belief, IMDb.com, Inc. is a wholly-owned subsidiary of Amazon.com, Inc. It is incorporated in Delaware and has its principal place of business at 1200 12th Avenue South, Suite 1200, Seattle, Washington 98144-2734.

JURISDICTION AND VENUE

9. 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).

10. This Court has personal jurisdiction over Amazon. Specifically, both Amazon.com, Inc. and IMDb.com, Inc. are Delaware corporations. In addition, Amazon has established minimum contacts with the forum. Upon information and belief, Amazon provides products and services that are and have been used, offered for sale, sold, and purchased in Delaware. Amazon, directly and/or through its distribution network, places its products and services within the stream of commerce, which stream is directed at this district, with the knowledge and/or understanding that such products and services will be sold in the State of Delaware. Therefore, the exercise of jurisdiction over Amazon would not offend traditional notions of fair play and substantial justice.

11. Amazon does business in this district, including providing products that are used, offered for sale, sold, and have been purchased in Delaware. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), (c), (d) and 1400(b).

FACTUAL BACKGROUND

12. 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.

13. 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 electronic program guides (EPGs) and related technology.

14. Rovi invests significant resources in the development of electronic program guides, parental controls, and related technologies for use in Rovi's products and also for licensing to third parties who develop their own digital entertainment solutions. For example, one of Rovi's products, Rovi Video, provides standardized, structured data on more than 3 million TV shows, movies, and sports, which can be integrated into electronic program guides.

15. 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 licensing and, when necessary, enforcement of its patent rights. Amazon's infringement presents significant and ongoing damages to Rovi's business.

16. Rovi has licensed its EPG patent portfolio to many leading video providers, including both traditional (consumer electronics, cable, satellite) and new media (online, IPTV, mobile) video providers. Licensees of Rovi's EPG patent portfolio include leading companies such as Apple, Cisco, Comcast, DirecTV, Microsoft, Samsung, Sony, Time Warner, Verizon and Yahoo!.

17. In June 2009, Rovi (then known as Macrovision) initiated discussions with Amazon regarding licensing of its EPG patent portfolio, specifically citing Amazon's infringement of the '078, '128 and '643 Patents.

18. Rovi has attempted on multiple occasions to continue these discussions with Amazon after the June 2009 presentation. Amazon has thus far refused the opportunity to enter into a license on acceptable terms and conditions. Accordingly, in order to enjoy the benefit of its patent rights and to protect those rights, Rovi brings this action.

FIRST CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 5,988,078)

19. Paragraphs 1 through 18 are incorporated by reference as if fully stated herein.

20. TV Guide Online, LLC owns by assignment the entire right, title, and interest in and to the '078 Patent, and TV Guide Online, Inc. is the exclusive licensee of the '078 patent with the right to bring this suit for injunctive relief and damages.

21. The '078 Patent issued on November 23, 1999 and is entitled "Method and Apparatus for Receiving Customized Television Programming Information by Transmitting Geographic Location to a Service Provider Through a Wide-Area Network." A true and correct copy of the '078 Patent is attached as Exhibit A and incorporated herein by reference.

22. The '078 Patent is valid and enforceable under United States Patent Laws.

23. Rovi is informed and believes that Amazon has infringed and is infringing the '078 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, electronic programming guides within IMDb TV Listings that infringe one or more claims of the '078 Patent.

24. Upon information and belief, Amazon uses those products knowing of the '078 Patent, and knowing them to be specially made or adapted for infringing the '078 Patent and not to be a staple article or commodity of commerce suitable for substantial non-infringing use.

25. Upon information and belief, Amazon, knowing of the '078 Patent, actively induces infringement of the '078 Patent by at least encouraging and instructing its customers and end users to use its electronic programming guides in a manner that infringes at least claim 1 of the '078 Patent, knowing that its actions would induce infringement of the '078 Patent, knowing that infringement of the '078 Patent would take place, intending that infringement take place and in substantial numbers, and resulting in direct infringement of the '078 Patent by its customers and end users of the accused products.

26. Amazon's infringement of the '078 Patent is exceptional and entitles Rovi to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

27. Amazon's infringement of the '078 Patent is willful and deliberate, justifying an increase of damages of up to three times under 35 U.S.C. § 284. Amazon had actual knowledge of its infringement of the '078 Patent no later than June 2009, when Rovi brought it to Amazon's attention.

SECOND CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 6,275,268)

28. Paragraphs 1 through 27 are incorporated by reference as if fully stated herein.

29. United Video Properties, Inc. owns by assignment the entire right, title, and interest in and to the '268 Patent including the right to bring this suit for injunctive relief and damages.

30. The '268 Patent issued on August 14, 2001 and is entitled "Electronic Television Program Guide with Remote Product Ordering." A true and correct copy of the '268 Patent is attached as Exhibit B and incorporated herein by reference.

31. The '268 Patent is valid and enforceable under United States Patent Laws.

32. Rovi is informed and believes that Amazon has infringed and is infringing the '268 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, electronic programming guides within Amazon Video on Demand and/or IMDb Videos that infringe one or more claims of the '268 Patent.

33. Upon information and belief, Amazon uses those products knowing of the '268 Patent, and knowing them to be specially made or adapted for infringing the '268 Patent and not to be a staple article or commodity of commerce suitable for substantial non-infringing use.

34. Upon information and belief, Amazon, knowing of the '268 Patent, actively induces infringement of the '268 Patent by at least encouraging and instructing its customers and end users to use its electronic programming guides in a manner that infringes at least claim 1 of the '268 Patent, knowing that its actions would induce infringement of the '268 Patent, knowing that infringement of the '268 Patent would take place, intending that infringement take place and in substantial numbers, and resulting in direct infringement of the '268 Patent by its customers and end users of the accused products.

35. Amazon's infringement of the '268 Patent is exceptional and entitles Rovi to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285. Rovi has been damaged by Amazon's infringement of the '268 Patent and will continue to be damaged unless enjoined by this Court. Rovi does not have an adequate remedy at law.

36. Amazon's infringement of the '268 Patent is willful and deliberate, justifying an increase of damages of up to three times under 35 U.S.C. § 284. Amazon had actual knowledge of its infringement of the '268 Patent no later than June 2009, when Rovi brought it to Amazon's attention.

THIRD CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 6,769,128)

37. Paragraphs 1 through 36 are incorporated by reference as if fully stated herein.

38. United Video Properties, Inc. owns by assignment the entire right, title, and interest in and to the '128 Patent including the right to bring this suit for injunctive relief and damages.

39. The '128 Patent issued on July 27, 2004 and is entitled "Electronic Television Program Guide Schedule System and Method with Data Feed Access." A true and correct copy of the '128 Patent is attached as Exhibit C and incorporated herein by reference.

40. The '128 Patent is valid and enforceable under United States Patent Laws.

41. Rovi is informed and believes that Amazon has infringed and is infringing the '128 Patent, in violation of 35 U.S.C. § 271 et seq., by making, using, offering for sale, selling in the United States, and/or importing into the United States without authority, electronic programming guides within Amazon Video on Demand and/or IMDb Videos that infringe one or more claims of the '128 Patent.

42. Amazon's infringement of the '128 Patent is exceptional and entitles Rovi to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285. Rovi has been damaged by Amazon's infringement of the '128 Patent and will continue to be damaged unless enjoined by this Court. Rovi does not have an adequate remedy at law.

FOURTH CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 7,493,643)

43. Paragraphs 1 through 42 are incorporated by reference as if fully stated herein.

44. United Video Properties, Inc. owns by assignment the entire right, title, and interest in and to the '643 Patent including the right to bring this suit for injunctive relief and damages.

45. The '643 Patent issued on February 17, 2009 and is entitled "Program Guide System with Video-On-Demand Browsing." A true and correct copy of the '643 Patent is attached as Exhibit D and incorporated herein by reference.

46. The '643 Patent is valid and enforceable under United States Patent Laws.

47. Rovi is informed and believes that Amazon has infringed and is infringing the '643 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, electronic programming guides within Amazon Video on Demand that infringe one or more claims of the '643 Patent.

48. Upon information and belief, Amazon uses those products knowing of the '643 Patent, and knowing them to be specially made or adapted for infringing the '643 Patent and not to be a staple article or commodity of commerce suitable for substantial non-infringing use.

49. Upon information and belief, Amazon, knowing of the '643 Patent, actively induces infringement of the '643 Patent by at least encouraging and instructing its customers and end users to use its electronic programming guides in a manner that infringes at least claim 7 of the '643 Patent, knowing that its actions would induce infringement of the '643 Patent, knowing that infringement of the '643 Patent would take place, intending that infringement take place and

in substantial numbers, and resulting in direct infringement of the '643 Patent by its customers and end users of the accused products.

50. Amazon's infringement of the '643 Patent is exceptional and entitles Rovi to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285. Rovi has been damaged by Amazon's infringement of the '643 Patent and will continue to be damaged unless enjoined by this Court. Rovi does not have an adequate remedy at law.

51. Amazon's infringement of the '643 Patent is willful and deliberate, justifying an increase of damages of up to three times under 35 U.S.C. § 284. Amazon had actual knowledge of its infringement of the '643 Patent no later than June 2009, when Rovi brought it to Amazon's attention.

FIFTH CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 7,603,690)

52. Paragraphs 1 through 51 are incorporated by reference as if fully stated herein.

53. United Video Properties, Inc. owns by assignment the entire right, title, and interest in and to the '690 Patent including the right to bring this suit for injunctive relief and damages.

54. The '690 Patent issued on October 13, 2009 and is entitled "Interactive Television Program Guide System with Pay Program Package Promotion." A true and correct copy of the '690 Patent is attached as Exhibit E and incorporated herein by reference.

55. The '690 Patent is valid and enforceable under United States Patent Laws.

56. Rovi is informed and believes that Amazon has infringed and is infringing the '690 Patent, in violation of 35 U.S.C. § 271 et seq., by making, using, offering for sale, selling in the United States, and/or importing into the United States without authority, electronic

programming guides within Amazon Video on Demand that infringe one or more claims of the '690 Patent.

57. Amazon's infringement of the '690 Patent is exceptional and entitles Rovi to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285. Rovi has been damaged by Amazon's infringement of the '690 Patent and will continue to be damaged unless enjoined by this Court. Rovi does not have an adequate remedy at law.

DEMAND FOR JURY TRIAL

58. 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 Amazon:

- (A) That Amazon has infringed each and every one of the Asserted Patents;
- (B) That the Asserted Patents are valid and enforceable;
- (C) That Amazon, 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, including but not limited to 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 Amazon'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.

OF COUNSEL:

Daralyn J. Durie
Ragesh K. Tangri
Clement S. Roberts
Jesse Geraci
DURIE TANGRI LLP
217 Leidesdorff Street
San Francisco, CA 94111-3007
(415) 362-6666
ddurie@durietangri.com
rtangri@durietangri.com
croberts@durietangri.com
jgeraci@durietangri.com


Frederick L Cottrell, III (#2555)
Anne Shea Gaza (#4093)
RICHARDS, LAYTON & FINGER, PA
One Rodney Square
920 North King Street
Wilmington, Delaware 19801
(302) 651-7700
cottrell@rlf.com
gaza@rlf.com

Attorneys for Plaintiffs Rovi Corp., Rovi Guides, Inc. (f/k/a Gemstar-TV Guide Int'l Inc.), United Video Props., Inc., TV Guide Online, LLC, and TV Guide Online, Inc.

Dated: January 3, 2011