

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

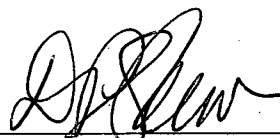
CERTAIN DIGITAL VIDEO
RECEIVERS AND HARDWARE AND
SOFTWARE COMPONENTS
THEREOF

Inv. No. 337-TA-1001

Order No. 3: Issuance of Ground Rules

The conduct of this investigation before the administrative law judge shall be governed by the ground rules attached hereto.

So ordered.



David P. Shaw
Administrative Law Judge

Issued: June 3, 2016

GROUND RULES FOR THE INVESTIGATION

These ground rules supplement the Commission's procedural rules contained in 19 C.F.R. Part 210.

1. Discovery

a. To be entitled to receive confidential submissions, attorneys must file with the Office of the Secretary to the Commission a letter or notice consenting to be bound by the provisions of Order No. 1 (Protective Order), and serve the same on the administrative law judge and on all other parties. *See* 19 C.F.R. § 210.5.

b. Unless otherwise ordered, any party desiring to take a deposition shall give notice in writing to every other party of not less than 10 days if the deposition is to be taken of a person located in the United States, or of not less than 15 business days if the deposition is to be taken of a person located outside the United States. *See* 19 C.F.R. § 210.28(c).

c. Unless otherwise ordered, the party upon whom interrogatories have been served shall serve a copy of the answers, and any objections, within 10 days after the service of the interrogatories. *See* 19 C.F.R. § 210.29(b).

d. With respect to a request for the production of documents or things, or to permit entry upon land, unless otherwise ordered, the party upon whom a request has been served shall serve a written response within 10 business days after the service of the request. *See* 19 C.F.R. § 210.30(b)(2).

e. Unless otherwise ordered, a request for admission may be served at any time 20 days after the date of service of the complaint and notice of investigation. *See* 19 C.F.R. § 210.31(a). Unless otherwise ordered, a party upon whom a request for admission has been served shall

serve an answer or objection within 10 days after the service of the request, otherwise the matter may be deemed admitted. *See* 19 C.F.R. § 210.31(b).

f. A party who has responded to a request for discovery with a response that was complete when made is under a duty seasonably to supplement his or her response to include information thereafter acquired. 19 C.F.R. § 210.27(c).

g. If production of any document is withheld on the basis of a claim of privilege, each withheld document must be separately identified via a privilege log as defined in 19 C.F.R. § 210.27(e).

h. The deposition testimony of a witness shall be continuous, except as provided in the following paragraph. Once the testimony has begun, there shall be no consultation with the witness concerning prior or subsequent testimony until the deposition is completed.

With respect to witnesses designated by a company to testify on its behalf, such individuals may consult with company counsel and other company employees during a deposition for the limited purpose of securing additional information to respond more completely to deposition questions.

i. Subpoenas under Rule 210.32 should follow form (attached hereto) with a copy served on other parties. Generally, subpoenas are necessary only to compel third parties to testify or produce documents. Hearing subpoenas for witnesses within a party's control, *e.g.*, an employee, are generally not issued.

j. Any motion to limit or quash a subpoena shall be filed within 10 days after receipt thereof, or within such other time as the administrative law judge may allow. *See* 19 C.F.R. § 210.32(d).

k. No motion stops discovery, except a timely motion to quash a subpoena.

1. All parties shall make intensive good faith efforts to facilitate discovery and to resolve discovery disputes without intervention from the administrative law judge.

2. Notice of Prior Art

Any party asserting invalidity or noninfringement of a patent claim must file on or before the date set in the procedural schedule, notice of any prior art consisting of the following information: the country, number, date, and name of the patentee of any patent; the title, date and page numbers of any publication to be relied upon as anticipation of the patent claim, or as showing the state of the art; and the name and address of any person who may be relied upon as the prior inventor or as having prior knowledge of or as having previously used or offered for sale the invention of the patent claim.

If a trademark is involved, the parties must file on or before the date set in the procedural schedule, notices of any art on which a party will rely at the hearing regarding the functionality or non-functionality of any trademarks at issue.

In the absence of such notice, proof of the said matters may not be introduced into evidence at the trial except upon a timely written motion showing good cause.

3. Settlement

All parties, throughout the duration of the proceedings, shall explore reasonable possibilities for settlement of all or any of the contested issues. The parties are required to have at least two settlement conferences, or may opt to commence a mediation procedure available through the Commission.

All parties shall certify in their prehearing statements that good faith efforts were undertaken to settle the remaining issues. Additionally, for each of the required settlement conferences provided for in the procedural schedule, the parties shall provide the administrative

law judge with one copy of a joint report signed by all the parties setting forth any stipulations on which the parties have agreed. These reports are due by the time designated in the procedural schedule or within such other time as the administrative law judge may allow. The reports shall not be filed with the Secretary's Office.

4. Experts

a. No later than the date ordered by the administrative law judge in the prehearing schedule, parties who anticipate using an expert(s) at the hearing shall serve on all other parties a written identification of their experts, which shall describe each expert's qualifications and disclose the general nature of the subject matter on which the expert is expected to testify. The identification shall be filed with the Secretary's Office.

b. Expert reports shall be filed in accordance with the due dates set in the prehearing schedule. An expert report shall contain a statement of all opinions the witness will express and the basis and reasons for them, including the facts or data considered by the expert in forming the opinions. Expert reports shall be filed with the Secretary's Office. Experts are to have final and complete expert reports before them when they add their signatures. Thus, for example, facsimile signature pages may not be added to expert reports. Additionally, the parties shall provide a single hard drive or a single flash drive containing the expert reports in searchable PDF format.

5. Filing of Documents

a. All filings in the Secretary's Office shall be made in accordance with Commission Rules 201.15 and 210.4(f) unless otherwise specifically provided for in these Ground Rules or by order of the administrative law judge.

b. In accordance with the requirements of Commission Rules 210.4(f) and (g), copies of each submission shall be served on all other parties, including the Commission investigative attorney. Also, on the same day that the document is filed, an electronic copy in PDF format, excluding attachments such as exhibits, shall be sent to the administrative law judge's attorney-advisor at the following e-mail address: patricia.chow@usitc.gov. In addition, one paper copy of each filing shall be submitted to the administrative law judge the next business day after the filing is made.

c. For the paper copy served on the administrative law judge, all attachments must be identified by tabs. A party may serve attachments that are more than 500 pages in PDF format on a disc or other electronic medium. In such a case, a table of contents file that lists the names of all files on the medium should be created and included on each medium.

d. All motions and responses are to refer to a motion docket number if one has been assigned.

e. All motions shall include a certification that the moving party has made reasonable, good-faith efforts to contact and resolve the matter with the other parties at least two business days prior to filing the motion, and shall state, if known, the position of the other parties on such motion.

f. In the case of filing of motions or responses of five (5) pages or more (excluding attachments), in addition to the paper copy, a version in MS Word for Windows shall be submitted to the administrative law judge's attorney-advisor via e-mail by the next business day.

g. Unopposed motions and joint motions shall contain a proposed order. On the same day the motion is filed, a version of the motion including the proposed order in MS Word for Windows shall be submitted to the administrative law judge's attorney-advisor via e-mail.

h. If a change in circumstances renders all or any portion of a motion moot, the moving party shall promptly file notice (with the pertinent motion number in the document title) as to whether all or a specific portion of said motion is being withdrawn.

i. All documents to be filed with the Secretary must be received on the date upon which they are due.

j. Computation of time for responding to motions shall be in accordance with 19 C.F.R. § 201.14.

k. Documents are not to be sent by facsimile to the administrative law judge.

l. Confidential business information ("CBI") is defined in accordance with 19 C.F.R. § 201.6(a) and § 210.5(a). When redacting CBI or bracketing portions of documents to indicate CBI, a high level of care must be exercised in order to ensure that non-CBI portions are not redacted or indicated. Other than in extremely rare circumstances, block-redaction and block-bracketing are prohibited. In most cases, redaction or bracketing of only discrete CBI words and phrases will be permitted.

m. All confidential motions and confidential responses to motions shall, when filed, include red brackets, in accordance with Ground Rule 5.k, indicating any portions asserted to be CBI. Exhibits attached to the confidential motions and confidential responses to motions

generally need not be bracketed. If an exhibit is a brief for which the moving party seeks leave to file, *e.g.*, a reply brief attached as an exhibit to a motion for leave to reply, then that exhibit shall be bracketed. All confidential motions and confidential responses to motions must be accompanied by declarations, grounded in facts, explaining how each proposed redaction is CBI. If the main text of a confidential motion or response contains no redaction, the declaration shall explain why the filing is designated confidential (*e.g.*, the motion contains no confidential text but has a confidential attachment).

When filing public versions of motions to terminate (and the exhibits thereto) pursuant to 19 C.F.R. § 210.21, the parties shall make their redactions in accordance with Ground Rule 5.k.

n. In the event the administrative law judge issues a confidential order or initial determination without a public version thereof, within seven days of the date of the document, each party shall file with the Commission Secretary a statement as to whether or not it seeks to have any portion of the document redacted from the public version. Any party seeking to have a portion of the document redacted from the public version must submit to the administrative law judge a copy of the document with red brackets indicating the portion, or portions, asserted to contain CBI.

o. While not encouraging citation to unpublished opinions, if a party chooses to cite to an opinion, order, judgment, or other written disposition of the Commission or another tribunal that is either unpublished or designated as not for publication, the party must file and serve a copy of that opinion, order, judgment, or disposition with the brief or other paper in which it is cited.

6. Asserted Claims, Claim Construction and Accused Products

- a. For investigations that involve more than 4 utility patents or 32 utility patent claims, complainant shall file biweekly declarations as set forth in the procedural schedule, detailing its efforts to reduce the number of patent claims and patents at issue, as well as a list of the patents and claims remaining at issue.
- b. No later than the date set in the procedural schedule, the parties are to file:
 - a joint list of disputed claim terms and the proposed constructions thereof; and
 - a joint list of claim terms that must be construed but whose meanings are not disputed and the joint proposed constructions thereof.
- c. Unless otherwise ordered, there will be no Markman hearing in the investigation.
- d. No later than the date set in the procedural schedule:
 - the parties are to file a joint statement regarding identification of accused products;
 - complainant is to file a list of all products it will rely upon to satisfy the domestic industry requirement;
 - complainant is to file a list of proposed representative accused products based on complainant's infringement contentions;
 - respondent and Commission investigative staff are to file responses to complainant's proposed representative accused products assuming complainant's infringement contentions; and
 - the parties are to file a final joint stipulation regarding representative accused products.

7. Prehearing Statement and Brief

Prehearing statements and briefs shall contain the following information:

- a. The names of all known witnesses, whether they are fact or expert witnesses (and their area of expertise), and a brief outline of each witness' testimony. In the case of expert witnesses, a copy of the expert's curriculum vitae shall be included as an attachment.
- b. A list of all exhibits that the parties will seek to introduce at the hearing.
- c. A statement of the issues to be considered at the hearing that sets forth with particularity a party's contentions on each of the proposed issues, including citations to

supporting facts and legal authorities, *e.g.*, proposed exhibits. Incorporation by reference is not allowed. Any contentions not set forth in detail as required therein shall be deemed abandoned or withdrawn, except for contentions of which a party is not aware and could not be aware in the exercise of reasonable diligence at the time of filing the prehearing statement. The prehearing statement and the brief may be combined into one document.

d. The parties shall submit versions of their prehearing briefs in MS Word for Windows to the administrative law judge's attorney-advisor via e-mail by the next business day after the briefs are due.

8. Conduct of Trial

a. Unless ordered otherwise, all witnesses shall be deposed before they testify during the evidentiary hearing. Unless ordered otherwise, all direct witness testimony, with the exception of adverse witnesses, shall be made by witness statements in lieu of live testimony. The Commission investigative staff may, however, ask the witness supplemental direct testimony on the witness stand. Witness statements shall be marked and offered into evidence as exhibits. Witnesses shall be available for cross-examination on the witness stand unless waived. Witnesses will not read their prepared testimony into the record. In view of the written rebuttal witness statements, no live rebuttal testimony is permitted, unless ordered.

Witness statements may not be withdrawn, in whole or in part, without leave.

Witness statements may not be amended. If witnesses desire to correct typographical or clerical errors in their testimony, they should prepare errata sheets. Counsel should mark the errata sheets as exhibits, and should give them as quickly as possible to the other parties and to the administrative law judge. During the hearing, a motion may be made to have the errata sheets accepted into the record.

A witness statement shall be in the form of numbered questions from counsel, with each question followed by the witness' own answer to that question, and with the final question from counsel asking the witness whether or not the witness statement contains the witness' answers to the questions from counsel, followed by the witness' answer to this question and the witness' signature. The witness statement shall be assigned an exhibit number and each question shall be numbered consecutively. For evidentiary support, witness statements shall cite to exhibit numbers and brief descriptions of the exhibits (*e.g.*, JX-0002 ('123 Patent File History)) that will be introduced at the hearing. A witness statement must contain the entirety of the witness's direct testimony; attachments or incorporation of other documents by reference is not allowed.

A witness statement shall be in the language of the witness, and a foreign language witness statement shall be accompanied by a certified translation thereof.

Absent leave granted by the administrative law judge, the total number of witness statement pages offered by the complainants (collectively) may not exceed 1,200. Similarly, absent leave granted by the administrative law judge, the respondents (collectively) may not offer more than 1,200 pages of witness statements. Tables of contents and certified translations are not counted toward the page limits. The text of the questions and answers in the witness statements may be single spaced, provided that at least double spacing is used between questions and answers, and at least a 12-point font is used. Illustrations may be included in the witness statements, but they will be counted among the aggregate number of pages that may be offered.

On the date set forth in the procedural schedule, the parties shall provide one set of witness statements in binders (without exhibits). Each binder shall be labeled on its spine to indicate the witness and the party providing the binder. Additionally, the parties shall provide a

single hard drive or a single flash drive containing the witness statements in searchable PDF format. Each expert witness statement shall include a detailed table of contents. The witness statements in PDF format must include a file name with a brief description of the exhibit, *e.g.*, CX-0005C (Smith Witness Statement).pdf. If the PDF witness statements are submitted on the same electronic medium as other trial exhibits (*see* G.R. 9.d), the witness statements shall be placed in a separate folder.

b. Before cross-examination of a witness, counsel shall provide opposing counsel and the Commission investigative staff with a binder containing all exhibits to be used in the cross-examination of the witness. The exhibits in each binder shall be separated by tabs. Each binder shall be labeled on its spine to indicate the witness and the party providing the binder. The requirement of cross-examination binders may be waived by mutual agreement of the parties.

c. Any document that counsel wishes to show to a witness that is not in the witness's witness binder must first be shown to opposing counsel.

d. Once testimony has commenced, there shall be no consultation with the witness concerning his or her testimony until it is completed.

e. The rule of exclusion shall be followed. Fact witnesses shall be excluded from the hearing until they are called to testify.

f. Legal experts may only testify as to procedures of the U.S. Patent and Trademark Office, or as to foreign law.

g. Parties are permitted to make opening statements. A party's opening statement will be charged to its allocated hearing time.

h. The order of trial is the following:

1. Complainant's Case-in-Chief.
2. Respondent's Defense Case.
3. Commission Investigative Attorney's Case.
4. Complainant's Rebuttal.

In the event there is more than one respondent, the order of presentation will be determined at the prehearing conference. Respondents where possible should avoid duplication of effort.

- i. No tutorial will be held unless otherwise ordered.

9. Exhibits

a. Written exhibits shall be marked serially commencing with the number "0001" and preceded by the prefix "CX" for complainant(s)' exhibits, "RX" for respondent(s)' exhibits, "SX" for the Commission investigative attorney's exhibits, and "JX" for any joint exhibits. No other prefixes are permitted. The parties shall not "reserve" numbers, but instead shall assign all numbers in consecutive sequence.

Physical exhibits shall be numbered in a separate series commencing with "0001" preceded by the prefixes "CPX", "RPX", "SPX" and "JPX", for complainant, respondent, the Commission investigative attorney, and joint exhibits, respectively. No other prefixes are permitted.

Demonstrative exhibits shall be numbered in a separate series commencing with "0001" preceded by the prefixes "CDX", "RDX", and "SDX", for complainant, respondent, and the Commission investigative attorney, respectively. No other prefixes are permitted.

Demonstrative exhibits shall on their face cite to the supporting exhibits received into evidence, *e.g.*, CX-0005C (Smith Witness Statement) at 55-60; JX-0001 ('123 Patent) at col. 7, lns. 36-54). Additionally, the parties shall provide the administrative law judge with two (2) copies of key over-sized demonstrative exhibits (*e.g.*, charts, drawings, etc.) reduced to 8 ½ inches x 11 inches.

b. A party that participated in the preparation or marking of a joint exhibit may not object to that exhibit, absent leave to do so.

c. Each exhibit shall be marked by placing a label bearing the exhibit's number (*e.g.*, CX-0003C or RX-0005) in the upper right portion of the exhibit's first page. Further, the pages of each exhibit must be sequentially numbered in a consistent location on the pages.

Respondent(s) shall coordinate their numbering to avoid duplication. Additionally, the parties shall coordinate exhibits to avoid unnecessary duplication (*e.g.*, patents; file wrappers). Further, all exhibits or copies of exhibits shall be clear and legible. Lastly, each exhibit may be assigned no more than one number.

d. If any portion of an exhibit contains confidential business information, the entire exhibit shall be treated as confidential, a "C" shall be placed after the exhibit number, and the exhibit shall be so designated pursuant to the Protective Order. For certain lengthy exhibits of which only portions are confidential, the parties may be asked to submit a public version of the exhibit. In addition, on any exhibit list, exhibits that contain confidential business information shall be denoted by placing a "C" after the exhibit number. No exhibit list shall contain confidential information; all exhibit lists shall be public documents.

e. On the date set forth in the procedural schedule, the parties shall provide a single hard drive or a single flash drive containing proposed exhibits and exhibit lists in PDF format. Each of the exhibits must include a file name with a brief description of the exhibit, *e.g.*, JX-0002 ('123 Patent File History).pdf. The exhibits shall be organized alphanumerically. For exhibits that cannot be submitted in PDF format, contact the administrative law judge's attorney-advisor. The title, number, and sponsoring witness for each proposed exhibit shall be listed in the prehearing statement.

f. On the date set forth in the procedural schedule, each party may file a document listing and providing a narrative explanation of the objections to proposed exhibits which the party believes to be of high priority for ruling at the prehearing conference. No party shall place more than ten objections on the high priority list.

g. On the same day the initial posthearing briefs are due, the parties shall serve on the administrative law judge a set of all final exhibits (including those that are rejected, but not those that are withdrawn) to be filed with the Commission on EDIS (“the original set”). The parties are responsible for confirming that all admitted and rejected exhibits are included in the original set. Any exhibit that is not identified on the final exhibit list and is not included in the original set will not be considered as part of the record to be certified to the Commission when the Initial Determination issues.

The original set shall be submitted on electronic media pursuant to the procedure set forth at the Internet address http://www.usitc.gov/docket_services/documents/EDIS3UserGuide-CDSsubmission.pdf unless prior permission has been received pursuant to Commission Rule 19 C.F.R. § 210.4(f)(8) and The Handbook of Filing Procedures § II.C(3)(a). A table of contents file that lists the names of all files on each disc should be created and included on each disc. Each table of contents must match the exhibits that are on each disc. Each party is responsible for verifying the accuracy of the exhibits and the table of contents. For example, if an exhibit is labeled CX-0001, verify that it is indeed CX-0001, and that it does not contain any confidential designations.

The original set must have a four-digit exhibit number, with leading zeroes as necessary (*e.g.*, CX-0001, RX-0002C). Each type of exhibit (*i.e.*, CX, CDX, CPX, RX, RDX, RPX, JX, JDX, JPX, SX, SDX, SPX, CX-[four digit number]C, CDX-[four digit number]C,

CPX-[four digit number]C, RX-[four digit number]C, RDX-[four digit number]C, RPX-[four digit number]C, JX-[four digit number]C, JDX-[four digit number]C, JPX-[four digit number]C, SX-[four digit number]C, SDX-[four digit number]C, and SPX-[four digit number]C) must be submitted on a different CD or set of CDs. Each CD must have a label with the investigation name and number, and the range of exhibits contained thereon. The original set may not be submitted on a hard drive or flash drive.

Each party is to submit a duplicate of the original set on a single hard drive or a single flash drive to the administrative law judge. For the duplicate set, the final exhibits are to be organized alpha-numerically (*e.g.*, CDX-0001, CDX-0002C ... CPX-0001C, CPX-0002 ... CX-0001C, CX-0002). Additionally, the confidential and public exhibits shall be combined and organized alpha-numerically (*e.g.*, CX-0001C, CX-0002, CX-0003, CX-0004C ...). Each of the exhibits must include a file name with a brief description of the exhibit, *e.g.*, JX-0002 ('123 Patent File History).pdf. A table of contents file in PDF and in MS Excel for Windows that lists the names of all exhibit files must be included on the hard drive. For exhibits that cannot be submitted in PDF format, contact the administrative law judge's attorney-advisor.

If the appropriate permission is received pursuant to Commission Rule 19 C.F.R. § 210.4(f)(8) and The Handbook of Filing Procedures § II.C(3)(a) to submit the original set on paper, the following shall apply. In order to facilitate the optical scanning of the exhibits, the exhibits in the original set shall consist of loose sheets (which may be clipped but not stapled) in folders (file folders, accordion folders, etc.) that are provided in sequentially-numbered boxes. Each folder must be labeled to reflect the number of the exhibit contained therein, *e.g.*, RX-0014C. In each box of the original set, the folders containing the exhibits shall be placed in numerical order. Confidential exhibits and public exhibits shall be placed in separate boxes

which are clearly marked as containing either confidential or public exhibits. Inasmuch as public and confidential exhibits are to be placed in separate boxes, numerical gaps may appear in each box, e.g., the public box may contain exhibits CX-0001, CX-0002 and CX-0004, while the confidential box contains CX-0003C and CX-0005C.

h. On the same date that the initial posthearing briefs are due, each party must submit a final exhibit list that reflects the status of all exhibits as “admitted,” “withdrawn” or “rejected.” Additionally, the exhibit list in MS Excel for Windows shall be sent to the administrative law judge’s attorney-advisor via e-mail.

i. No later than thirty (30) days after the filing of posthearing reply briefs, each party shall deliver one binder set of copies of all final exhibits (including those exhibits that are rejected, but not those that are withdrawn) directly to the Office of General Counsel along with a final exhibit list. Rejected exhibits shall be submitted under separate cover and so marked. The parties may provide the General Counsel set on electronic media.

k. No foreign language exhibits will be received into evidence unless a translation thereof is provided.

k. All documents that appear to be regular on their face shall be deemed authentic, unless it is shown by particularized evidence that the document is a forgery or is not what it purports to be.

10. Use of Interpreters

If an interpreter will be used at hearing, the parties are responsible for obtaining a qualified, neutral interpreter upon whom counsel can agree.

11. Posthearing

- a. On the same day the initial posthearing briefs are due, the parties shall file a comprehensive joint outline of the issues to be decided in the final Initial Determination. The outline shall refer to specific sections and pages of the posthearing briefs. Moreover, the claim terms briefed by the parties must be identical. For example, if the construction of the claim term “wireless device” is disputed, the parties must brief that exact claim term. If a party briefs only a portion of the claim term such as “wireless” or “device,” that section of the brief will be stricken.
- b. Prior art not briefed is waived.
- c. Posthearing briefs shall not cite to withdrawn or rejected exhibits.
- d. While demonstrative exhibits may be cited in posthearing briefs, the parties shall also cite to the supporting exhibits received into evidence, *e.g.*, CDX-0002C (CX-0005C (Smith Witness Statement) at 55-60; JX-0001 (‘123 Patent) at col. 7, lns. 36-54).
- e. The parties shall submit versions of their posthearing briefs in MS Word for Windows to the administrative law judge’s attorney-advisor via e-mail by the next business day after the briefs are due.

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

Inv. No. 337-TA-

SUBPOENA DUCES TECUM

TO:

TAKE NOTICE: By authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), 5 U.S.C. § 556(c)(2), and pursuant to 19 C.F.R. § 210.32 of the Rules of Practice and Procedure of the United States International Trade Commission, and upon an application for subpoena made by ["complainant(s)" / "respondent(s)"/ etc., followed by name of company]

_____,
YOU ARE HEREBY ORDERED to produce at _____, on _____, or at another time and place agreed upon, all of the documents and things in your possession, custody or control which are listed and described in Attachment A hereto. Such production will be for the purpose of inspection and copying, as desired.

If production of any document listed and described in Attachment A hereto is withheld on the basis of a claim of privilege, each withheld document should be separately identified in a privileged document list. The privileged document list must identify each document separately,

specifying for each document at least: (1) the date; (2) sender(s); (3) recipient(s); and (4) general subject matter of the document. If the sender or the recipient is an attorney or a foreign patent agent, he or she should be so identified. The type of privilege claimed must also be stated, together with a certification that all elements of the claimed privilege have been met and have not been waived with respect to each document.

If any of the documents or things listed and described in Attachment A hereto are considered "confidential business information," as that term is defined in Order No. 1 attached hereto (Protective Order), such documents or things should be produced subject to the terms and provisions of Order No. 1.

Any motion to limit or quash this subpoena shall be filed within 10 days after the receipt thereof.

IN WITNESS WHEREOF the undersigned of the United States International Trade Commission has hereunto set his hand and caused the seal of said United States International Trade Commission to be affixed at Washington, D.C. on this _____ day of _____, 20____.

David P. Shaw
Administrative Law Judge
United States International Trade Commission

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

Inv. No. 337-TA-

SUBPOENA AD TESTIFICANDUM

TO:

TAKE NOTICE: By authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), 5 U.S.C. § 556(c)(2), and pursuant to 19 C.F.R. § 210.32 of the Rules of Practice and Procedure of the United States International Trade Commission, and upon an application for subpoena made by ["complainant(s)" / "respondent(s)" / etc., followed by name of company]

_____,
YOU ARE HEREBY ORDERED to present yourself for purposes of your deposition upon oral examination on _____, at _____, or at another time and place agreed upon, concerning the subject matter set forth in Attachment A hereto.

This deposition will be taken before a Notary Public or other person authorized to administer oaths and will continue from day to day until completed:

If any of the information listed and described in Attachment A hereto is considered "confidential business information," as that term is defined in Order No. 1 attached hereto

(Protective Order), the deposition transcript shall be marked as such subject to the terms and provisions of Order No. 1.

Any motion to limit or quash this subpoena shall be filed within 10 days after the receipt thereof.

IN WITNESS WHEREOF the undersigned of the United States International Trade Commission has hereunto set his hand and caused the seal of said United States International Trade Commission to be affixed at Washington, D.C. on this _____ day of _____, 20____.

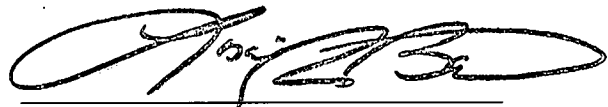
David P. Shaw
Administrative Law Judge
United States International Trade Commission

**CERTAIN DIGITAL VIDEO RECEIVERS AND HARDWARE AND SOFTWARE
COMPONENTS THEREOF**

INV. NO. 337-TA-1001

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 3** has been served by hand upon the following parties as indicated, on **JUN 03 2016**



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street SW, Room 112A
Washington, DC 20436

FOR COMPLAINANTS ROVI CORPORATION AND ROVI GUIDES, INC.:

Benjamin Levi, Esq.
McKOOL SMITH P.C.
1999 K Street NW, Suite 600
Washington, DC 20006

Via Hand Delivery
 Express Delivery
 Via First Class Mail
 Other: _____

**RESPONDENTS COMCAST CORPORATION; COMCAST CABLE
COMMUNICATIONS, LLC; COMCAST CABLE COMMUNICATIONS MANAGEMENT,
LLC; COMCAST BUSINESS COMMUNICATIONS, LLC; COMCAST HOLDINGS
CORPORATION; AND COMCAST SHARED SERVICES, LLC:**

Thomas L. Jarvis, Esq.
WINSTON & STRAWN LLP
1700 K Street NW
Washington, DC 20006

Via Hand Delivery
 Express Delivery
 Via First Class Mail
 Other: _____

CERTAIN DIGITAL VIDEO RECEIVERS AND HARDWARE AND SOFTWARE COMPONENTS THEREOF

INV. NO. 337-TA-1001

RESPONDENTS ARRIS INTERNATIONAL PLC; ARRIS GROUP INC.; ARRIS TECHNOLOGY, INC.; ARRIS ENTERPRISES INC.; ARRIS SOLUTIONS, INC.; PACE LTD.; AND PACE AMERICAS, LLC.:	
Joshua B. Pond, Esq. KILPATRICK TOWNSEND & STOCKTON LLP 607 14th Street NW, Suite 900 Washington, D.C. 20005	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
RESPONDENT:	
Technicolor USA, Inc. 10330 North Meridian Street Indianapolis, IN 46290	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
RESPONDENT:	
Technicolor Connected Home USA LLC 101 West 103rd Street Indianapolis, IN 46290	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
RESPONDENT:	
Technicolor SA 1-5 Rue Jeanne d'Arc, 92130 Issy-les-Moulineaux, France	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____