IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ROVI CORPORATION, ROVI TECHNOLOGIES CORPORATION, ROVI GUIDES, INC. (f/k/a GEMSTAR-TV GUIDE INTERNATIONAL INC.), GEMSTAR DEVELOPMENT CORPORATION, and UNITED VIDEO PROPERTIES, INC., *Plaintiffs*, v. HULU, LLC, *Defendant*.	C.A. No. _____ **Jury Trial Demanded**

COMPLAINT FOR PATENT INFRINGEMENT

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

NATURE OF THE ACTION

1. This is an action brought by Rovi against Hulu, LLC ("Hulu") for infringement of U.S. Patent Nos. 6,396,546 ("the '546 Patent"), 7,103,906 ("the '906 Patent"), and 7,769,775 ("the '775 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 Technologies Corporation is incorporated in Delaware with an address at 2830 De La Cruz Blvd., Santa Clara, California 95050. Rovi Technologies Corporation is a wholly owned subsidiary of Plaintiff Rovi Corporation. Rovi Technologies Corporation is the owner of the '906 Patent.

4. 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.

5. Plaintiff Gemstar Development Corporation is incorporated in California with an address at 2830 De La Cruz Blvd., Santa Clara, California 95050. Gemstar Development Corporation is a wholly owned subsidiary of Plaintiff Rovi Guides, Inc. Gemstar Development Corporation is the owner of the '775 Patent.

6. 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 a wholly owned subsidiary of Plaintiff Rovi Guides, Inc. United Video Properties, Inc. is the owner of the '546 Patent.

Defendant

7. Upon information and belief, Hulu, LLC is a Delaware limited liability company with a principal place of business at 12312 West Olympic Blvd, Los Angeles, California 90064.

JURISDICTION AND VENUE

8. 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).

9. This Court has personal jurisdiction over Hulu. Specifically, Hulu is a Delaware limited liability company. In addition, Hulu has established minimum contacts with the forum.

Upon information and belief, Hulu provides products and services that are and have been used, offered for sale, sold, and purchased in Delaware. Therefore, the exercise of jurisdiction over Hulu would not offend traditional notions of fair play and substantial justice.

10. Hulu 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

11. 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, satellite, entertainment and online distribution markets to enable them to deliver a unique entertainment experience for television, movies, music and photos.

12. 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 were and are innovators in electronic program guides (EPGs) and related technology.

13. Rovi leads the digital entertainment industry in the development and improved functionality of guidance systems for televisions, recorders, set-top boxes, and other devices. Rovi has developed many—if not most—of the fundamental concepts of programming guidance technology.

14. To maintain its leadership position in this industry, Rovi continues to make significant investments in the design, development and licensing of EPG technology for

televisions, recorders, set-top boxes and, increasingly, internet-based programming platforms. Rovi's technological contributions to internet-based programming platforms have been recognized by its numerous licensees in this space.

15. Rovi invests significant resources in the development of electronic program guides 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, through its RoxioNow platform, Rovi powers many popular media streaming services through websites such as Blockbuster On Demand and Best Buy's CinemaNow, through mobile applications on Hewlett-Packard and Dell mobile devices, and through embedded software in consumer electronics such as Samsung and LG televisions and Blu-ray players.

16. Additionally, Rovi invests significant resources in the development of digital advertising and related technologies which further complement its television guidance systems. With its smart TV advertising technologies, Rovi provides opportunities for advertisers to target consumers with interactive ads while they are seeking live, recorded, on-demand, cable or network, and even internet-based programming.

17. 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. Hulu's infringement presents significant and ongoing damages to Rovi's business.

18. Rovi's program guidance patent portfolio comprises approximately 1,100 U.S. patents and U.S. patent applications, and its worldwide patent portfolio comprises approximately 5,000 patents and patent applications across all technologies. 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 and Verizon.

19. In August 2008, Rovi (then known as Macrovision) initiated discussions with Hulu regarding licensing of its EPG patent portfolio. Rovi has attempted to continue discussions with Hulu after the August 2008 presentation. But Hulu has not entered into a license. 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. 6,396,546)

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

21. United Video Properties, Inc. owns by assignment the entire right, title, and interest in and to the '546 Patent.

22. The '546 Patent issued on May 28, 2002 and is entitled "Electronic Television Program Guide Schedule System and Method." A true and correct copy of the '546 Patent is attached as Exhibit A and incorporated herein by reference.

23. The '546 Patent is valid and enforceable under the United States Patent Laws.

24. Hulu has directly infringed and is infringing the '546 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 with interactive promotional displays within the Hulu and Hulu Plus services that infringe one or more claims of the '546 Patent.

25. Hulu had actual knowledge of its infringement of the '546 Patent no later than August 2008.

26. Hulu has knowledge that its electronic programming guides are specially made and adapted for infringing the '546 Patent, that they are not a staple article or commodity of commerce, and that they have no substantial suitable non-infringing uses. Hulu's importation, manufacture, use, offers to sell and sales of its electronic programming guides with such knowledge therefore contribute to its users' infringement and subject Hulu to liability as an indirect infringer.

27. Similarly, Hulu encourages, provides support and instructs its customers and end users to use its electronic programming guides in a manner that infringes at least claim 30 of the '546 Patent. Hulu has knowledge of the '546 Patent, knowledge that its actions will induce infringement of the '546 Patent, knowledge that infringement of the '546 Patent will take place, and, upon information and belief, intent that infringement take place. Hulu's inducement with such knowledge and intent therefore further subjects Hulu to liability as an indirect infringer.

28. Hulu's infringement of the '546 Patent is exceptional and entitles Rovi to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

29. Hulu's infringement of the '546 Patent is willful and deliberate, and justifies an award of treble damages under 35 U.S.C. § 284.

SECOND CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 7,103,906)

30. Paragraphs 1 through 29 are incorporated by reference as if fully stated herein.

31. Rovi Technologies Corporation owns by assignment the entire right, title, and interest in and to the '906 Patent including the right to bring this suit for injunctive relief and damages.

32. The '906 Patent issued on September 5, 2006 and is entitled "User Controlled Multi-Device Media-on-Demand System." A true and correct copy of the '906 Patent is attached as Exhibit B and incorporated herein by reference.

33. The '906 Patent is valid and enforceable under the United States Patent Laws.

34. Hulu has directly infringed and is infringing the '906 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, media-on-demand services across multiple devices so as to infringe one or more claims of the '906 Patent.

35. Hulu's infringement of the '906 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 Hulu's infringement of the '906 Patent and will continue to be damaged unless enjoined by this Court. Rovi does not have an adequate remedy at law.

THIRD CLAIM FOR RELIEF
(Infringement of U.S. Patent No. 7,769,775)

36. Paragraphs 1 through 35 are incorporated by reference as if fully stated herein.

37. Gemstar Development Corporation owns by assignment the entire right, title, and interest in and to the '775 Patent including the right to bring this suit for injunctive relief and damages.

38. The '775 Patent issued on August 3, 2010 and is entitled "Search Engine for Video and Graphics with Access Authorization." A true and correct copy of the '775 Patent is attached as Exhibit C and incorporated herein by reference.

39. The '775 Patent is valid and enforceable under the United States Patent Laws.

40. Hulu has directly infringed and is infringing the '775 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, searchable electronic programming guides within the Hulu and Hulu Plus services that infringe one or more claims of the '775 Patent.

41. Upon service of this complaint, if not earlier, Hulu will have knowledge of the '775 Patent and knowledge that its searchable electronic programming guides are specially made and adapted for infringing the '775 Patent, that they are not a staple article or commodity of commerce, and that they have no substantial suitable non-infringing uses. Hulu's ongoing importation, manufacture, use, offers to sell and sales of its searchable electronic programming guides with such knowledge therefore contribute to its users' infringement and subject Hulu to liability as an indirect infringer.

42. Similarly, Hulu encourages, provides support and instructs its customers and end users to use its searchable electronic programming guides in a manner that infringes at least claim 9 of the '775 Patent. Upon service of this complaint, if not earlier, Hulu will have knowledge of the '775 Patent, knowledge that its actions will induce infringement of the '775 Patent, knowledge that infringement of the '775 Patent will take place, and, upon information and belief, intent that infringement take place. Hulu's ongoing inducement with such knowledge and intent therefore further subjects Hulu to liability as an indirect infringer.

43. Hulu's infringement of the '775 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 Hulu's infringement of the '775 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

44. 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 Hulu:

(A) That Hulu has infringed each and every one of the Asserted Patents;

(B) That the Asserted Patents are valid and enforceable;

(C) That Hulu, 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 Hulu'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.

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Dated: July 28, 2011