

1 Michael S. Kwun (SBN 198945)
mkwun@kblfirm.com
2 Asim M. Bhansali (SBN 194925)
abhansali@kblfirm.com
3 KWUN BHANSALI LAZARUS LLP
555 Montgomery St., Suite 750
4 San Francisco, CA 94111
Telephone: (415) 630-2350
5 Fax: (415) 367-1539

6
7 *Counsel for Plaintiffs*
8 *SONY CORPORATION,*
SONY ELECTRONICS INC., and
SONY INTERACTIVE ENTERTAINMENT LLC

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 SONY CORPORATION, SONY
14 ELECTRONICS INC., and SONY
INTERACTIVE ENTERTAINMENT LLC,

15 Plaintiffs,

16 v.

17 ROVI GUIDES, INC., ROVI
18 TECHNOLOGIES CORPORATION, and
TIVO SOLUTIONS, INC.,

19 Defendants.

Case No.: 5:20-cv-08009

**COMPLAINT FOR DECLARATORY
JUDGMENT OF PATENT
NONINFRINGEMENT**

20
21
22 **REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED**
23
24
25
26
27
28

1 Plaintiffs Sony Corporation, Sony Electronics Inc., and Sony Interactive Entertainment
2 LLC (collectively, “SONY”) bring this action for declaratory judgment of patent
3 noninfringement against Defendants Rovi Guides, Inc. (“Rovi Guides”), Rovi Technologies
4 Corporation (“Rovi Tech. Corp.”), and TiVo Solutions, Inc. (“TiVo”) (collectively,
5 “Defendants”) and allege as follows:

6 **NATURE OF THE ACTION**

7 1. This is an action arising under the Declaratory Judgement Act, 28 U.S.C. § 2201
8 and 2202, and the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.* SONY brings this
9 action for a declaration that it does not infringe any claim of U.S. Patent Nos. [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED] (collectively “the Asserted Patents”).

14 **PARTIES**

15 2. Sony Corporation is a corporation duly organized and existing under the laws of
16 Japan, with a principal place of business located at 1-7-1 Konan, Minato-ku, Tokyo 108-0075,
17 Japan.

18 3. Sony Electronics Inc. (“SEL”) is a corporation duly organized and existing under
19 the laws of Delaware, with a principal place of business located at 16535 Via Esprillo, San
20 Diego CA 92127. SEL provides a wide range of audio-visual products, including televisions
21 and mobile entertainment products. SEL is an indirect, wholly owned subsidiary of Sony
22 Corporation.

23 4. Sony Interactive Entertainment LLC (“SIE”) is a limited liability company duly
24 organized and existing under the laws of California, with a principal place of business located at
25 2207 Bridgepointe Parkway, San Mateo, California 94404. SIE is headquartered in San Mateo,
26 California and is an indirect, wholly owned subsidiary of Sony Corporation. SIE is a leader in
27
28

1 interactive and digital entertainment responsible for the PlayStation™ brand and family of
2 products and services, including PlayStation™ 4 and PlayStation™ Video.

3 5. On information and belief, Rovi Technologies Corporation (“Rovi Tech. Corp.”)
4 is a corporation organized and existing under the laws of Delaware with a principal place of
5 business at 2830 De La Cruz Boulevard, Santa Clara, California 95050.

6 6. On information and belief, Rovi Guides, Inc. (“Rovi Guides”) is a corporation
7 organized and existing under the laws of Delaware with a principal place of business at 2160
8 Gold Street, San Jose, California 95002. On information and belief, Rovi Guides is a wholly
9 owned subsidiary of Rovi Tech. Corp., and in turn a wholly owned subsidiary of TiVo
10 Solutions, Inc.

11 7. On information and belief, TiVo Solutions, Inc. (“TiVo”) is a corporation
12 organized and existing under the laws of Delaware with a principal place of business located at
13 2160 Gold Street, San Jose, California 95002.

14 **JURISDICTION**

15 8. This is an action for declaratory relief under the Patent Laws of the United
16 States, 35 U.S.C. § 1 *et seq.* and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202.

17 9. This Court has personal jurisdiction because, on information and belief,
18 Defendants have, and have had, continuous and systemic contacts within the State of California,
19 including this District. On information and belief, the headquarters or principal place of
20 business of the Defendants is San Jose or Santa Clara, California, both of which are located in
21 this District. Further, on information and belief, Defendants have purposefully directed
22 business activities at this District and residents of this District have used services and products
23 offered for sale or sold by Defendants.

24 10. For example, Rovi Guides has sought to enforce its patent rights in this district
25 previously in *Rovi Corp., et al. v. Roku, Inc.*, Case No. 12-2185, Dkt. No. 1 (N.D. Cal. May 1,
26 2012).

11. In addition, Rovi Guides and Rovi Tech. Corp. admitted this Court had personal jurisdiction over each of them in a prior litigation. *See Netflix, Inc. v. Rovi Corp. et al.*, No. 11-cv-06591, Dkt. No. 16 (N.D. Cal. Feb. 17, 2012) (“Rovi [defined to include Rovi Guides and Rovi Tech. Corp.] admits that this Court has personal jurisdiction over Rovi.”).

12. TiVo (under its former name, TiVo Inc.) previously submitted to this Court’s jurisdiction as well when it filed a complaint for declaratory judgment of non-infringement and invalidity in the Northern District. *See TiVo Inc. v. Digital CBT LLC, et al.*, No. 12-cv-03866, Dkt. No. 1 (N.D. Cal. Jul. 24, 2012).

13. This Court has federal question jurisdiction under 28 U.S.C. §§ 2331 and 1338(a) because this is a civil action arising under the Patent Act. This Court has subject matter jurisdiction over SONY’s declaratory judgment claims pursuant to 28 U.S.C. §§ 2201 and 2202 because an immediate and substantial controversy exists between SONY and Defendants with respect to whether the Asserted Patents cover SONY’s activities.

14. SONY and the Defendants have a history of patent license negotiations. On December 28, 2015, Sony Corporation (together with all of its Subsidiaries, including SEL and SIE) and parent company Rovi Corporation (together with all its Subsidiaries, including Rovi Guides and Rovi Tech. Corp.) executed a Worldwide Patent License Agreement (“2015 License Agreement”), [REDACTED]

15. In 2017, [REDACTED], the parties began discussions regarding a renewed license. Ultimately, these discussions resulted in the September 29, 2017 execution of an amendment to the 2015 License Agreement entitled “SONY Amendment One to Worldwide Patent License Agreement” (“2017 License

1 Agreement”). The 2017 License Agreement added TiVo Solutions Inc. as a party to the
2 agreement [REDACTED]

3 [REDACTED]
4 [REDACTED]

5 16. [REDACTED]
6 [REDACTED]
7 [REDACTED] purportedly remain enforceable as of July 1, 2020. By contrast, the 2015
8 License Agreement and the 2017 License Agreement also covered numerous other patents that
9 expired on or before July 1, 2020.

10 17. [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 18. [REDACTED]

20 19. [REDACTED]

21 [REDACTED]

22 20. PlayStation Vue is no longer offered by SONY.

23 21. Sony Corporation and TiVo subsequently entered into a Non-Disclosure
24 Agreement (“NDA”). Many details relating to the Parties’ more recent licensing discussions are
25 covered by the NDA, and therefore are not included in this Complaint.

26 22. The licensing discussions have been unsuccessful. SONY is not licensed under
27 the Asserted Patents for particular products and services sold after expiration of the 2017
28

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.