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MEMO ENDORSED

**Davis Polk**

**Dana M. Seshens**

Davis Polk & Wardwell LLP 212 450 4855 tel  
450 Lexington Avenue 212 701 5855 fax  
New York, NY 10017 dana.seshens@davispolk.com

Granted.  
Plaintiffs may file the preliminary injunction motion and exhibits under seal, and may file redacted copies on ECF as proposed in their letter to the Court.

The parties' proposed briefing schedule is adopted.  
A preliminary injunction hearing will be held at on July 12, 2016, at 10:00 a.m., in Courtroom 706 of the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, New York.

So Ordered:  
5/31/16

Re: *Comcast Corp., et al. v. Rovi Corp., et al.*, Civ. No. 1:16-cv-03852-AT

The Honorable Analisa Torres  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

  
J. PAUL OETKEN  
United States District Judge

Dear Judge Torres:

We represent Plaintiffs ("Comcast") in the above-referenced matter, in which Comcast seeks, among other relief, declaratory and injunctive relief concerning the breach by Defendants ("Rovi") of two different contracts between the parties. In particular, Comcast and Rovi are parties to software and patent licensing agreements that require disputes between them to be litigated exclusively in New York. Notwithstanding these clear forum selection clauses, Rovi has sued Comcast for patent infringement in two separate cases in the U.S. District Court for the Eastern District of Texas and in a third action before the U.S. International Trade Commission (together, the "Rovi Actions"), thereby breaching the parties' agreements.

Because the Rovi Actions deprive Comcast of its bargained-for forum, and because Rovi's breach requires Comcast to litigate the same disputes on multiple fronts, Comcast is suffering, and will continue to suffer, irreparable harm until the forum selection clauses are enforced. Accordingly, Comcast seeks a preliminary injunction enjoining Rovi from continuing to prosecute the Rovi Actions and ordering Rovi to take all steps necessary to secure the termination of those actions.<sup>1</sup>

Counsel for Comcast has conferred with counsel for Rovi about Comcast's preliminary injunction motion, and the parties have agreed, subject to the Court's approval, to the following briefing schedule:

- Rovi's opposition to Comcast's preliminary injunction motion shall be filed 21 days from the date Comcast's preliminary injunction motion is electronically filed;<sup>2</sup> and

<sup>1</sup> Comcast respectfully submits that, under these circumstances, no pre-motion conference is required in connection with Comcast's preliminary injunction motion because "a delay in filing might result in the loss of a right." Individual Practices in Civil Cases, Part III.A.i.

<sup>2</sup> By letter emailed separately to Chambers in accordance with this Court's Individual Practices in Civil Cases, Comcast is seeking permission from the Court to electronically file its

- Comcast's reply in further support of its preliminary injunction motion shall be filed 7 days from the date Defendants' opposition is electronically filed.

Given the irreparable harm that Comcast is suffering by having to litigate the Rovi Actions in other jurisdictions while it seeks to enforce its contractual rights in New York, Comcast also respectfully requests that the Court set as soon as possible oral argument on Comcast's preliminary injunction motion for the earliest possible date convenient to the Court after the motion is fully briefed.

Comcast is prepared to file its motion for a preliminary injunction now and can do so once the Court informs us whether we may file certain exhibits under seal. *See supra* note 2. If the briefing schedule to which the parties have agreed is acceptable to the Court, we respectfully request that Your Honor "so order" this letter solely with respect to that briefing schedule.

We thank the Court for its consideration.

Respectfully submitted,



Dana M. Seshens

cc: Jesse Jenner, Esq. (Counsel for Rovi)  
Joshua Budwin, Esq. (Counsel for Rovi)

Electronic Filing

So ordered:

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U.S.D.J.

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motion for a preliminary injunction and supporting papers in redacted form and certain of its exhibits under seal.