

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Video Device Competition	)	MB Docket No. 10-91
	)	
Implementation of Section 304 of the Telecommunications Act of 1996	)	CS Docket No. 97-80
	)	
Commercial Availability of Navigation Devices	)	
	)	
Compatibility Between Cable Systems and Consumer Electronics Equipment	)	PP Docket No. 00-67

**REPLY COMMENTS OF ROVI CORPORATION**

**I. SUMMARY**

Rovi Corporation (“Rovi”), was founded in 1983 as Macrovision, acquired Gemstar-TV Guide in 2008, and is an industry-leading provider of entertainment content navigation technologies, information and intellectual property for businesses in the consumer electronics, cable and satellite and entertainment markets across the world. The company is focused on developing entertainment technology that helps consumers sort through the numerous programming options available to find television shows and movies to watch.

For over 50 years, Rovi has collected, arranged and authored original metadata about television programming, and used this copyrighted and copyrightable metadata to provide entertainment navigation technologies to the industry. This data is licensed to MVPDs, consumer electronics vendors and others. As a part of Rovi’s business, it has developed and acquired patents relating to electronic program guides, which are licensed to others.

In its Comments, Rovi proposed a mechanism that will enhance innovation and competition in electronic program guides, and offered comments regarding the viability of the retail navigation device marketplace.<sup>1</sup> We also described Rovi’s participation in, and support for the technical approaches taken by the Digital Living Network Alliance (“DLNA”).

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<sup>1</sup> See *Comments of Rovi Corporation*, MB Docket No. 10-91, CS Docket No. 97-80, PP Docket No. 00-67 (July 13, 2010) (“*Rovi Comments*”).

We offer these Reply Comments in order to clarify, elaborate on and respond to others' comments on program guide billing issues, Rovi's proposed mechanism for making guide data available, and remote user interface issues.

## II. CONSUMERS WILL NOT BE "DOUBLE BILLED" FOR GUIDE DATA

In the NOI the Commission asks for comment on whether "it would be reasonable for MVPDs to charge separately for guide data, thereby saving subscribers who use third-party data from having to pay for the same data twice."<sup>2</sup> Similarly, the Consumer Electronics Association ("CEA") and the Consumer Electronics Retailers Coalition ("CERC") claim that consumers already pay for essentially unlimited use of electronic program guide information and, therefore, would be "double billed" if required to pay for guide data.<sup>3</sup> However, the notion that consumers are charged twice for guide data is misleading and ignores that fact that consumers are not paying for *guide data* specifically; in fact, they are paying for a *video programming service*, which provides access to entertainment content and which includes, among other things, a guide service to find the entertainment content that the consumers are interested in viewing. That guide service includes guide data.

Indeed, the guide data acquired by the operators for use in building their guide service is only a minor portion of the aggregate costs to create the MVPD's guide service. While supplying this data is an important part of Rovi's business and essential to the overall guide service, the other components of a guide service are critical. A guide service involves a substantial amount of user interface design, software engineering, usability and QA testing and similar operations. Furthermore, the resulting guide service must function properly on a wide variety of set-top boxes in many different configurations. Simply put, while the guide data is a significant component of the guide service, it is just one of several components that contribute to the value of the guide service as a whole, and the guide service is one of several components that contribute to the value of the video programming service as a whole, for which consumers are willing to pay a fee.

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<sup>2</sup> See *Notice of Inquiry*, 25 FCC Rcd 4275, 75 FR 27264 (2010) ("Notice") at ¶ 44.

<sup>3</sup> *Comments of the Consumer Electronics Association and the Consumer Electronics Retailers Coalition on Notice of Inquiry*, MB Docket No. 10-91, CS Docket No. 97-80, PP Docket No. 00-67 (July 13, 2010) ("CEA/CERC Comments") at 18.

Moreover, CEA and CERC do not oppose the concept of MVPDs offering a guide service<sup>4</sup> to provide the consumer with more than one option. In doing so consumers will benefit from the enhanced quality of the product, which is a necessary result of increased competition among guide data providers.

### III. PROPOSED ALTERNATIVE METHOD

Rovi's initial Comments proposed an alternative mechanism for ensuring that CE devices have access to EPG data.<sup>5</sup> The proposed mechanism uses a combination of unique identifiers to convey the programming that is available and Internet connectivity to receive metadata about the programming.

Upon reflection, we recognize that not all AllVid adaptors will always have Internet connectivity and that some other data delivery mechanism may be required in those cases. To that end, we recommend that the Commission consider that data may be delivered either via the Internet or via delivery in-band in transport streams, or other mechanisms.<sup>6</sup> Rovi currently offers services that deliver EPG data through in-band mechanisms that may be considered as one of the alternate mechanisms when Internet connectivity is unavailable.

If the Commission finds that non-Internet delivery of EPG data to smart video devices is vital, we suggest that it would be helpful to provide guidance to MVPDs that EPG data should not be filtered from transport streams.

### IV. REMOTE USER INTERFACE ISSUES

Rovi supports both CEA/CERC and NCTA in their comments that MVPDs should be allowed to deliver their own branded and packaged services to smart devices, especially using Remote UI technologies.<sup>7</sup> The joint comments of CEA and CERC describe their position as one

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<sup>4</sup> *CEA/CERC Comments* at 19. (“[] nothing as proposed by CEA or CERC would prevent any MVPD gateway from transmitting its Guide to a client device for display by consumers.”)

<sup>5</sup> *See Rovi Comments* at 6-10.

<sup>6</sup> *See id.* at 7. We wrote “Smart video devices would then acquire program guide data (e.g., via the Internet) for those channels and create an electronic program guide” intending that the parenthetical was an example *only* and that other methods for data delivery are currently planned or in use, and that Internet delivery is descriptive not prescriptive.

<sup>7</sup> *See CEA/CERC Comments* at 9-10 (“The consumer should have the choice of viewing the ... EPG ... rendered by the client [smart video device], or viewing a broader menu [via remote UI technologies]” (emphasis in the original)); *Comments of the National Cable & Telecommunications Association on the Commission’s Notice of Inquiry*, MB Docket No. 10-91, CS Docket No. 97-80, PP Docket No. 00-67 (July 13, 2010) (“*NCTA Comments*”) at 21-23 (“AllVid Interfaces Must Enable Networked Devices to Receive a Provider’s User Interface for Interactive Services,” and generally describing three mechanisms for doing so).

that requires the MVPD's guide offering to be available via the home network, and allows alternative guides to be provided by smart video devices.<sup>8</sup> NCTA describes several different methods for delivering the MVPD's guide and UI over a network, including transferring bitmap information, markup and rendering information and a client application approach (e.g., tru2way).<sup>9</sup>

Previously, we stated a preference for disaggregation of content available through “store[s].”<sup>10</sup> To clarify, Rovi does not believe that MVPDs should be barred from providing complete services or bundling; however, it is important that smart devices be able to access to individual pieces of content, regardless of the end source or system. Rovi believes that the NCTA's concept of searching<sup>11</sup> provides a partial solution to this problem by allowing smart devices to search for content and access a “landing page” for corresponding content that contains MVPD branding or any other data that MVPDs may find relevant to display to consumers. To complement the searching concept, smart devices should have access to listings of VOD or linear programming content so that programs may be browsed or cross-referenced.

This solution is one that is generally being adopted by the market today, such as in Rovi's TotalGuide products. Rovi makes a point of ingesting listings of content from various distributors, whether broadcast or on-demand, and making it clear to consumers that a single piece of content is available from multiple sources. When accessing content through TotalGuide products, consumers are taken to web pages that are controlled by the individual distributors, complete with their branding, messaging, pricing or other relevant information (see Figure 1 below). For avoidance of doubt, the web pages that Rovi links to are specific to the content that a consumer is looking for, and not a general “portal” for the distributor that would require a user to re-search, re-browse or

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<sup>8</sup> *CEA/CERC Comments* at 9-10.

<sup>9</sup> *NCTA Comments* at 21-23.

<sup>10</sup> *Rovi Comments* at 12.

<sup>11</sup> See Letter from Kyle McSlarrow, President and CEO, National Cable & Telecommunications Association, to Chairman Julius Genachowski, Federal Communications Commission, GN Docket Nos. 90-47, 09-51, 09-137, CS Docket No. 97-80 (Mar. 12, 2010) at 1 (including consumer principle four, “Consumers should have the option to purchase video devices at retail that can search for video content across multiple sources, including content from their multichannel provider, the Internet, or other sources”).

otherwise re-find a piece of content. Rovi believes that this direction provides consumers with the “shopping mall” direction that the Chairman has described.<sup>12</sup>



Figure 1 - Screenshot from Rovi's TotalGuide product, showing the options a consumer has for accessing a single piece of content.

## V. CONCLUSION

Program guide data is a vital part of creating an EPG and a navigation device user interface in general. However, the program guide data is not the only (or even most important) part of an EPG service or user interface. As discussed in Section II, the video programming service includes a guide service, that is comprised of a number of ingredients in addition to guide data, all of which contribute to its overall value. Accordingly, the notion that consumers are being “double billed” for guide data is misleading and inaccurate. Moreover, by increasing the number of guide service options consumers receive the benefit of an enhanced product, which is a natural result of increased competition among guide data providers. Additionally, Rovi has proposed an alternate method for associating programming channels with guide data sources, which would enable competition in guide data services and user interfaces. This alternative is complementary to the “shopping mall”

<sup>12</sup> See Notice at 20, attaching *Statement of Chairman Julius Genachowski* (“Just as a shopping mall presents customers with numerous retail outlets, smart video devices would offer viewers a single window into pay TV content and Internet content—as well as content that a viewer has already bought or archived”).

concept discussed by the Chairman, and comports with the consumer user interface choices described by CEA/CERC and NCTA.

Respectfully submitted,

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