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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

The CALIFORNIA INSTITUTE OF TECHNOLOGY, a California corporation,

Plaintiff,

v.

HUGHES COMMUNICATIONS, INC., a Delaware corporation, HUGHES NETWORK SYSTEMS, LLC, a Delaware limited liability company, DISH NETWORK CORPORATION, a Nevada corporation, DISH NETWORK L.L.C., a Colorado limited liability company, and DISHNET SATELLITE BROADBAND L.L.C., a Colorado limited liability company,

Defendants.

CASE NO. 2:13-CV-07245-MRP (JEMx)

PLAINTIFF CALIFORNIA INSTITUTE OF TECHNOLOGY'S MOTION FOR LEAVE TO AMEND THE COMPLAINT

Hon. Mariana R. Pfaelzer

CALTECH - EXHIBIT 2004

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I. INTRODUCTION

Caltech seeks leave to amend its Complaint to name EchoStar Corporation, EchoStar Technologies LLC, and EchoStar Satellite Services LLC. These entities are within the same corporate family as the named Hughes Defendants[1], and they provide set-top box receivers or satellite services to certain of the named Dish Defendants[2]. Caltech further seeks to amend its Complaint to identify additional set-top box receivers[3] based on Caltech's already-identified infringement theories.[4]

There is a strong presumption favoring liberal amendment of claims created by the Federal Rules and embraced by the Ninth Circuit. Caltech's amendments do not expand the scope of this case to new corporate families or types of products. Nor do the amendments allege new and distinct infringement theories. Rather, as with the previously accused products, all claims are based on the encoding and/or decoding of DVB-S2 compliant signals. For these and other reasons set forth below, Defendants cannot credibly claim any prejudice arising from Caltech's amendment.

---

[1] "Hughes Defendants" include Hughes Communications, Inc. and Hughes Network Systems, LLC.

[2] "Dish Defendants" include Dish Network Corporation, Dish Network L.L.C., and dishNET Satellite Broadband L.L.C.

[3] Caltech seeks to amend its Complaint to identify the following set-top box receivers: the ViP922, ViP722k, ViP622, ViP612c, ViP612, ViP222k, ViP211z, and ViP211k.

[4] To avoid confusion, Caltech inserted additional clarifications in its proposed Second Amended Complaint and clarified the factual bases for its claims. In particular, to avoid any confusion over the term "implement the DVB-S2 standard," Caltech revised these assertions to more clearly allege that Defendants' products and services "encode signals in accord with the DVB-S2 standard and/or decode such signals."

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