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REQUEST FOR EX PARTE REEXAMINATION TRANSMITTAL FORM

Address to:
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Alexandria, VA 22313-1450

Attorney Docket No.:
454032800200

Date: November 10, 2008

68354 U.S. PTO

90009329

1. This is a request for *ex parte* reexamination, pursuant to 37 CFR 1.510 of patent number 6,233,389 B1 issued May 15, 2001. The request is made by:
 patent owner. third party requester.
2. The name and address of the persons requesting reexamination are:
DISH Network Corporation, 9601 S. Meridian Boulevard, Englewood, CO 80112
3. a. A check in the amount of \$ _____ is enclosed to cover the reexamination fee, 37 CFR 1.20(c)(1);
 b. The Director is hereby authorized to charge the fee as set forth in 37 CFR 1.20(c)(1) to Deposit Account No. 03-1952 (submit duplicative copy for fee processing); or
 c. Payment by credit card. Form PTO-2038 is attached.
4. Any refund should be made by check or credit to Deposit Account No. 03-1952 37 CFR 1.26(c). If payment is made by credit card, refund must be to credit card account.
5. A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.510(b)(4)
6. CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
 Landscape Table on CD
7. Nucleotide and/or Amino Acid Sequence Submission
If applicable, items a. - c. are required.
a. Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. CD-ROM (2 copies) or CD-R (2 copies); or
ii. paper
c. Statements verifying identity of above copies
8. A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.
9. Reexamination of claim(s) 31 and 61 is requested.
10. A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.
11. An English language translation of all necessary and pertinent non-English language patents and/or printed publications is included.
12. The attached detailed request includes at least the following items:
a. A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.510(b)(1)
b. An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.510(b)(2)
13. A proposed amendment is included (only where the patent owner is the requester). 37 CFR 1.510(e)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EM268845902US, in an envelope addressed to: MS Ex Parte Reexam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 10, 2008

Signature:  (Marco Jimenez)

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11/10/08

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14. a. It is certified that a copy of this request (if filed by other than the patent owner) has been served in its entirety on the patent owner as provided in 37 CFR 1.33(c).
 The name and address of the party served and the date of service are:

Hickman Palermo Truong & Becker LLP
 2055 Gateway Place, Suite 550
 San Jose, CA 95110

Sterne, Kessler, Goldstein & Fox P.L.L.C.
 1100 New York Avenue, N.W.
 Washington DC 20005

Date of Service: November 10, 2008 ; or

b. A duplicate copy is enclosed since service on patent owner was not possible.

15. Correspondence Address: Direct all communication about the reexamination to:

The address associated with Customer Number: 25224

OR

<input checked="" type="checkbox"/> Firm or Individual Name	David L. Fehrman MORRISON & FOERSTER LLP				
Address	555 West Fifth Street				
City	Los Angeles	State	CA	Zip	90013
Country	US	Telephone	213-892-5601	Email	

16. The patent is currently the subject of the following concurrent proceeding(s):

a. Copending reissue Application No. _____

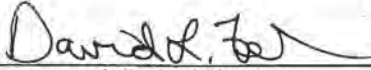
b. Copending reexamination Control No. 90/007,750

c. Copending Interference No. _____

d. Copending litigation styled:

TiVo, Inc. v. EchoStar Communications Corp., et al.,
 Case No. 2-04CV-01 DF, U.S. District Court,
 Eastern District of Texas (Marshall Division)

DISH Network Corp. et al., v. TiVo, Inc., Case No.
 1:08-CV-00327-JJF, U.S. District Court, District of
 Delaware



 Authorized Signature

David L. Fehrman

 Typed/Printed Name

November 10, 2008

 Date

28,600

 Registration No., if applicable

For Third Party Requester

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7. Nucleotide and/or Amino Acid Sequence Submission
If applicable, items a. - c. are required.
a. Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. CD-ROM (2 copies) or CD-R (2 copies); or
ii. paper
c. Statements verifying identity of above copies
8. A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.
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<input checked="" type="checkbox"/> Firm or Individual Name	David L. Fehrman MORRISON & FOERSTER LLP				
Address	555 West Fifth Street				
City	Los Angeles	State	CA	Zip	90013
Country	US	Telephone	213-892-5601	Email	

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b. Copending reexamination Control No. 90/007,750

c. Copending Interference No. _____

d. Copending litigation styled:

TiVo, Inc. v. EchoStar Communications Corp., et al.,
 Case No. 2-04CV-01 DF, U.S. District Court,
 Eastern District of Texas (Marshall Division)

DISH Network Corp. et al., v. TiVo, Inc., Case No.
 1:08-CV-00327-JJF, U.S. District Court, District of
 Delaware

David L. Fehrman
 Authorized Signature

November 10, 2008
 Date

David L. Fehrman
 Typed/Printed Name

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Dated: November 10, 2008

Signature: 
(Marco Jimenez)

68354 U.S. PTO



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE 90009329

68354 U.S. PTO



11/10/08

In re Reexamination of:

James M. BARTON et al.

Patent No.: 6,233,389 B1

Group Art Unit No.: Not Yet Assigned

Issue Date: May 15, 2001

Examiner: Not Yet Assigned

Title: Multimedia Time Warping System

DETAILED REQUEST FOR EX PARTE REEXAMINATION

la-992863

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I. INTRODUCTORY COMMENTS

DISH Network Corporation (“the Requester”) requests reexamination of U.S. Patent No. 6,233,389 B1 (“the ‘389 patent”) under 35 U.S.C. §§ 302-307 and 37 C.F.R. § 1.510. The ‘389 patent issued on May 15, 2001 and is currently assigned to TiVo, Inc.

The ‘389 patent is directed to a system for simultaneously storing and playing back multimedia data, such as a television broadcast program. The system allows a user to rewind or fast forward through the program while viewing it. The ‘389 patent issued with four independent claims. Independent claims 1 and 32 are “hardware claims” directed to the hardware elements for effecting simultaneous storage and play back. Independent claims 31 and 61 are “software claims” directed to the corresponding software elements. This request for reexamination is directed solely to the two independent software claims.

Claims 31 and 61 each recite a physical data source that “parses” video and audio data from broadcast data and three software “objects” that form a software pipeline through which the video and audio data is moved. A “source” object extracts the video and audio data from the data source and fills empty buffers obtained from a “transform” object. The transform object stores the full buffers of data to a storage device and then retrieves them for transfer to a “sink” object. The sink object sends the data to a decoder for output to a display.

During a co-pending litigation discussed *infra*, claims 31 and 61 were broadly construed. For example, the District Court construed the term “object” as “a collection of data and operations” based on TiVo’s urging. Furthermore, TiVo asserted that “parsing” video and audio data was satisfied by detecting video frames in a data stream and generating an index or table of the start of the detected video frames and their storage location on a hard drive.

The Requester is aware of two references that, in combination, raise a substantial new question of patentability in view of TiVo’s construction. The first reference – U.S. Patent No.

6,018,612 to Thomason et al. (“Thomason”) – discloses a system for simultaneous storage and play back of a television broadcast program. It allows a user to rewind or fast forward through the program while viewing it. The system employs three buffers controlled by three direct memory access controllers that move the data through the system. The DMA controllers are, in turn, supervised by a microprocessor that runs software. Thomason thus expressly discloses each of the three recited objects when broadly construed as a collection of data and operations.

The second reference – U.S. Patent No. 5,949,948 to Krause et al. – discloses a compressed video data retrieval system for supporting multi-speed modes such as reverse and fast forward. The system employs an I-frame detector for analyzing incoming MPEG-formatted data to detect I-frames, and the system then generates a table or index of the storage locations of the detected I-frames. I-frames are complete in that they are not dependent on any other frames to complete a picture, so the system can retrieve data more efficiently by detecting and reproducing the appropriate I-frame for the selected speed of reverse or fast forward. It is submitted that it would have been obvious to one of ordinary skill in the art to employ the indexing of detected I-frames in the system of Thomason when Thomason receives MPEG-formatted data or encodes received data into an MPEG format. Indexing the detected I-frames, *i.e.*, “parsing,” would allow the system of Thomason to more efficiently perform operations such as reverse or fast forward.

The combination of Thomason and Krause was never considered in the original examination or in any co-pending proceeding with respect to claims 31 and 61. Thus, the Requester respectfully requests that an order for reexamination be issued.

II. CLAIMS FOR WHICH REEXAMINATION IS REQUESTED

This request for reexamination raises the following substantial new question of patentability with respect to claims 31 and 61 of the '389 patent, submitted herewith in the accompanying Exhibits as Exhibit 1.

Claims 31 and 61 are obvious under § 103(a) in view of Thomason et al. (U.S. Patent No. 6,018,612 and submitted herewith as Exhibit 2) and Krause et al. (U.S. Patent No. 5,949,948 and submitted herewith as Exhibit 3).

III. CO-PENDING PROCEEDINGS

The '389 patent is the subject of two co-pending litigations and one co-pending reexamination. The combination of Thomason and Krause with respect to claims 31 and 61 has not been considered in any of these co-pending proceedings.

The first co-pending litigation is an action styled *TiVo, Inc. v. EchoStar Communications Corp., et al.*, Case No. 2-04CV-01 DF, in the United States District Court for the Eastern District of Texas. TiVo initiated this action against the Requester (then known as EchoStar Communications Corporation) in 2004. It asserted that certain digital video recorders of the Requester infringed the hardware and software claims of the '389 patent. In 2006, the District Court entered judgment for TiVo after a jury found that certain hardware and software claims were infringed.

The Federal Circuit affirmed in part and reversed in part the District Court's judgment. *See TiVo, Inc. v. EchoStar Communications Corp.*, 516 F.3d 1290 (Fed. Cir. 2008). The Court affirmed the judgment of infringement with respect to the software claims, but reversed the judgment of infringement with respect to the hardware claims. That is, the Court found only claims 31 and 61 of the '389 patent to be infringed. The combination of Thomason and Krause with respect to claims 31 and 61 was not raised at trial nor considered on appeal.

The second co-pending litigation is an action styled *DISH Network Corporation et al. v. TiVo, Inc.*, Case No. 1:08-CV-00327-JJF, in the United States District Court for the District of Delaware. This action was initiated by the Requester in May 2008 against TiVo after TiVo publicly stated that the Requester's new digital video recorder infringes the '389 patent. The Requester is seeking declaratory relief that it does not infringe any claims of the '389 patent, including software claims 31 and 61. This co-pending litigation has just commenced, and the combination of Thomason and Krause with respect to claims 31 and 61 has not been considered.

The co-pending reexamination of the '389 patent bears serial no. 90/007,750. In October 2005, the Requester (then known as EchoStar Communications Corporation) requested reexamination of certain hardware claims – *i.e.*, claims 1, 6, 20, 21, 23, 32, 37, 51 and 52 – of the '389 patent. The request raised substantial new questions of patentability based on U.S. Patent No. 5,614,940 to Cobbley et al. alone, as well as Krause in combination with another Krause patent (U.S. Patent No. 6,304,714). The request did not seek reexamination of software claims 31 and 61, nor did it raise any question of patentability based on Thomason alone or Thomason with Krause as to any claims. In fact, at that time, Thomason was not known to counsel who prepared the reexamination request.

The reexamination request was granted in December 2005. In the order granting reexamination, the Examiner indicated that he would reexamine all the claims of the '389 patent. The Examiner subsequently rejected only certain hardware claims based on Geer at al. (U.S. Patent No. 6,788,882) and Cobbley. The Examiner did not reject the hardware claims based on Krause and Krause '714 raised in the reexamination request. He found that Krause and Krause '714 did not disclose “parsing” *and* “separating” the video and audio data as recited in the hardware claims.¹ In any event, TiVo overcame the rejection of the hardware claims in November 2007 when the Examiner issued a Notice of Intent to Issue an Ex Parte Reexamination Certificate confirming the patentability of all the claims, including claims 31 and 61, and it appears that the reexamination certificate will issue shortly. Thus, in the co-pending reexamination, Thomason (or its combination with Krause) was not used to reject any claims or even discussed on the record.

¹ Software claims 31 and 61 do not recite “separating” the video and audio data in addition to “parsing” like the hardware claims. Claims 31 and 61 are accordingly broader in this aspect.

The only mention of Thomason in the co-pending reexamination was in an Information Disclosure Statement filed in March 2006 by TiVo. The statement listed Thomason with 232 other references. The statement did not explain the content or relevance of any of the listed references, including Thomason. MPEP 2256 explains that the Examiner's consideration of a reference listed in an information disclosure statement is limited to what is provided by the party submitting the statement:

When patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and 08B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the Examiner any further than to the extent noted above.

TiVo's statement did not provide any discussion of Thomason's content or relevance, so the consideration of Thomason was accordingly limited. This conclusion is underscored by the remainder of the reexamination record as there is no discussion of Thomason at all. Thus, the question of patentability raised in this Request is new to any question of patentability addressed in the co-pending reexamination.

IV. SUMMARY OF THE '389 PATENT

A. **Brief Overview**

The '389 patent (submitted herewith as Exhibit 1) is directed to a system for simultaneously storing and playing back multimedia data, such as a television broadcast program. The ability to simultaneously store and play back the program allows the user to rewind or fast forward through the program while viewing it. Fig. 1 (reproduced below) illustrates the system.

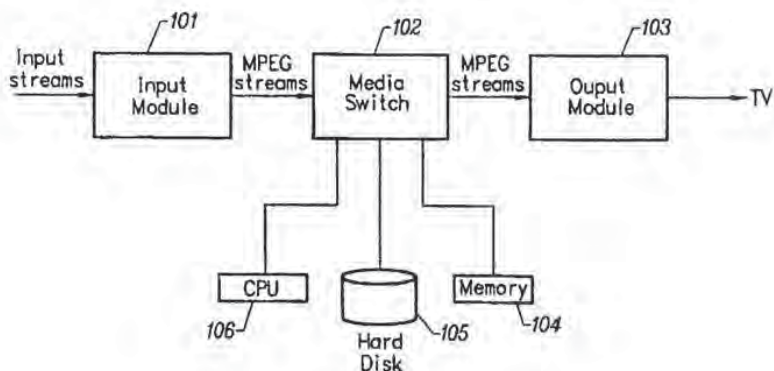


FIG. 1

Input Module 101 receives a television input stream and outputs an MPEG formatted stream. For example, if the television input stream is an analog signal, Input Module 101 converts the signal into an MPEG format through the use of video and audio encoders. (Col. 2, lines 10-14 and Col. 3, lines 49-52.) The MPEG formatted stream is then sent to Media Switch 102.

Media Switch 102 includes a “parser.” The parser “parses the stream looking for MPEG distinguished events including the start of video, audio or private data segments.” (Col. 5, lines 3-6.) When a video or audio segment is distinguished, the parser indexes the segment in an

appropriate video or audio circular buffer represented by memory 104. (See also Fig. 4 at video buffer 410 and audio buffer 411.)

At the same time, the parser places events corresponding to the parsed video and audio segments in an event buffer or memory 104. (Col. 5, lines 6-19.) From the events in the event buffer, the system generates a sequence of logical segments that correspond to the parsed MPEG segments in the audio and video buffers. (Col. 5, lines 36-38.) The logical segments are then gathered together in a PES buffer and stored in hard disk or storage device 105:

When a PES buffer is written to storage, these logical segments are written to the storage medium in the logical order in which they appear. This has the effect of gathering components of the stream, whether they be in the video, audio or private data circular buffers, into a single linear buffer of stream data on the storage medium. (Col. 6, lines 2-7.)

The stored data is thereafter read from the storage device and decoded into an analog signal by Output Module 103 which includes an MPEG video decoder. (Col. 4, lines 5-9.)

Claims 31 and 61 are directed to the program logic within CPU 106 that controls the movement of data through the system. The program logic has three conceptual components as illustrated in Fig. 8 below.

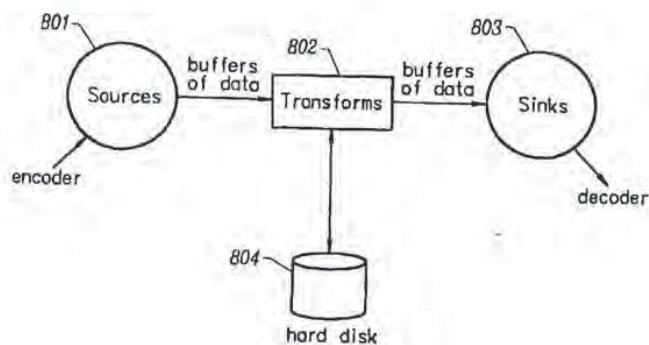


FIG. 8

The first component is sources 801. Sources 801 accept data from an encoder and package the data in buffers acquired from transforms 802. Sources 801 then push the buffers down the pipeline as shown in Fig. 8 above. (Col. 7, lines 58-61.) Transforms 802 write the buffers to a file on the storage medium or hard disk 804. The buffers are pulled out a later time – *i.e.*, a temporal transform – and then sent down the pipeline to be sequenced with the stream. (Col. 8, lines 3-8.) Sinks 803 take the buffer from transforms 802 and send the data to a decoder.

The '389 patent describes the use of object-oriented programming language, *e.g.*, the C++ programming language, to implement the program logic illustrated conceptually in Fig. 8 above. Specifically, the '389 patent describes the use of a “source object” 901, a “transform object” 902 and a “sink object” 903 corresponding to sources 801, transforms 802 and sinks 803. (Col. 8, lines 9-18; Fig. 9.) A “control object” 917 is also employed to accept commands from the user. (Col. 9, lines 25-32.)

The source, transform and sink objects operate in conjunction with the hardware elements described above in Fig. 1. The source object “takes data out of a physical data source, such as the Media Switch [102 of Fig. 1], and places it into a PES buffer.” (Col. 8, lines 43-45.) The '389 patent describes that the source object calls the transform object for a buffer to fill. (Col. 8, lines 45-48.) The transform object provides the empty buffer to the source object and then takes the full buffer from the source object and stores it on hard disk or storage device 105 in Fig. 1. (Col. 9, lines 2-9.) The sink object calls the transform object for a full buffer and then sends the data to a decoder in Output Module 103 of Fig. 1. (Col. 9, lines 10-16.) It then releases the empty buffer to the transform object for use again by the source object. (Col. 8, lines 55-59.)

Under this system, the source object must wait for the transform object to provide an empty buffer. Similarly, the sink object must wait for the transform object to provide a full

buffer. According to the '389 patent, “[t]his means that the pipeline is self-regulating; it has automatic flow control.” (Col. 8, lines 48-49.)

B. The Prosecution History Of The '389 Patent

The application that matured into the '389 patent was filed on July 30, 1998 with 61 claims, including claims 31 and 61. In a first Office Action dated November 22, 2000, the Examiner allowed claims 31 and 61, but rejected the remaining claims under § 112, second paragraph. TiVo responded to the Office Action by amending the rejected claims in an Amendment dated December 13, 2000. The Examiner thereafter allowed all the claims and passed the application to issuance. Neither Thomason nor Krause was considered by the Examiner in allowing the claims.

V. **DETAILED EXPLANATION OF PERTINENCY OF PRIOR ART TO THE CLAIMS**

A. **Claims Must Be Given Their “Broadest Reasonable Construction”**

The standard for reexamination is well established: claims must be given their broadest reasonable construction consistent with the specification. *See* MPEP § 2258 I(G). The requirement that claims be given their broadest reasonable construction was detailed in *In Re American Academy of Science Tech Center*, 367 F.3d 1359 (Fed. Cir. 2004). As explained by the Federal Circuit in that case, “[g]iving claims their broadest reasonable construction ‘serves the public interest by reducing the possibility that claims, finally allowed, will be given broader scope than is justified.’” *Id.* at 1364 (quoting *In Re Yamamoto*, 740 F. 2d 1569, 1571 (Fed. Cir. 1984)). The Court further stated that “[c]onstruing claims broadly during prosecution is not unfair to the applicant (or in this case, the patentee), because the applicant has the opportunity to amend the claims to obtain more precise claim coverage.” *Id.* (citing *Yamamoto*, 740 F.2d at 1571).

As discussed in the Introduction, claims 31 and 61 were broadly construed in the co-pending *TiVo* litigation. For example, the District Court construed the term “object” – based on TiVo’s proposed claim construction – as not being limited to an object-oriented computer programming language, but rather “a collection of data and operations.” *Claim Construction Order*, at 26 (hereinafter “Order” and submitted herewith at Exhibit 8); *TiVo Inc. ’s Opposition Brief On Claim Construction*, at 13 and 21 (submitted herewith as Exhibit 7). For its part, the Federal Circuit adopted the District Court’s construction of “object.” *TiVo*, at 516 F.3d at 1306-7 (submitted herewith as Exhibit 9).

The Requester disagrees with TiVo’s asserted constructions of claims 31 and 61 in the co-pending litigation, and the PTO is, of course, not bound by a patent owner’s construction or

even a Court's construction when giving claims their broadest reasonable interpretation during a reexamination. Nevertheless, TiVo's and the Court's constructions are important to the present request for reexamination, because it establishes a "baseline" interpretation of claims 31 and 61. If the claims 31 and 61 are obvious in view of Thomason and Krause based on this "baseline" interpretation, the claims will necessarily be obvious based on any broader interpretation given by the PTO.

B. Claim 31 Is Obvious In View Of Thomason And Krause

A concise explanation of Thomason and Krause is provided below and then followed by their application to claim 31. A corresponding claim chart is submitted herewith as Exhibit 4.

1. Thomason

The earliest effective filing date of Thomason (submitted herewith as Exhibit 2) is October 4, 1993. It thus qualifies as prior art under § 102(e) based upon the filing date of the '389 patent, *i.e.*, July 30, 1998.²

Thomason is directed to a system that simultaneously stores and plays back a television program. It explains that the system allows for functions such as reverse and fast forward and conventionally employs a main memory, an input buffer memory and an output buffer memory.

In order to enable an uninterrupted storage of a live television program in the main memory, and enable uninterrupted and simultaneous retrieval of the historical program from the main memory, an input buffer memory and an output buffer memory are present. Data arriving for storage in the main memory, while the main memory is temporarily busy for another operation, will be stored in the input buffer memory, and will be stored at a later moment in the main memory by retrieving the data from the input buffer memory. Data will also be requested regularly from the main memory to be displayed on a TV screen as a historical program. Again, the main memory may be temporarily busy for another operation, so data must be readily available in the output buffer memory, so as to provide continuity of viewing from the user. (Col. 2, lines 36-51.)

² The corresponding European patent to Thomason – EP 0594241 B1 – was first published on April 27, 1994 as EP 0594241 A1. The publication qualifies as prior art under § 102(b).

Thomason discloses an improvement to the conventional system by combining the input buffer memory and the output buffer memory into a single buffer memory. (Col. 2, lines 54-58.) This is achieved by recognizing that the input buffer memory should be empty to receive data and the output buffer memory should be full to output data, thereby allowing the same buffer to be used for input and output. (Col. 2, line 59 to Col. 3, line 7.) Fig. 1 (reproduced below) illustrates one embodiment.

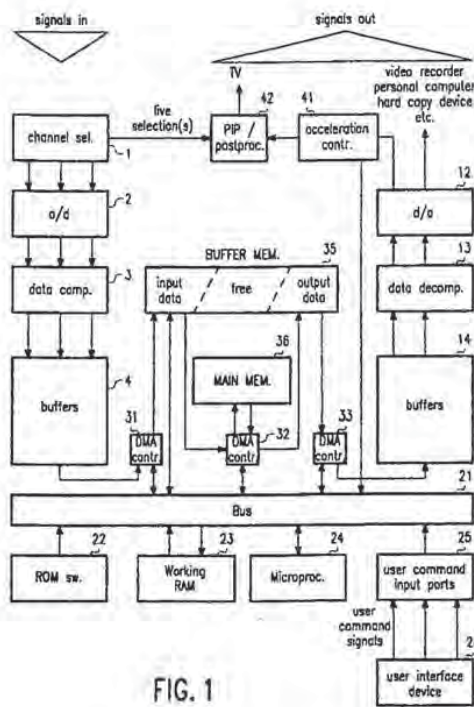


FIG. 1

One or more television signals pass through channel selector 1. Channel selector 1 selects which channels to be stored and which channels to be displayed live. (Col. 3, lines 39-43.) The channels selected for storage are digitized by a/d converter 2 and then compressed in real time by data compressor 3. (Col. 3, lines 43-46.) The output is placed in one or more buffers 4, with one buffer per selected channel. Thomason explains that flow of data from buffer

4 to buffer memory 35 is controlled by DMA controller 31. The controller 31, in turn, is supervised by microprocessor 24 that runs software:

The information contained in the buffers 4 will be transferred to the buffer memory 35 under supervision of a microprocessor 24 by a DMA (direct memory access) controller 31, and is identifiable as input destined for a main memory 36, which is in the form of a band disk arrangement. The microprocessor 24 initiates the data transfer from the buffer 4 to the buffer memory 35, and performs memory allocation in the buffer memory. The microprocessor 24 runs ROM-(read-only memory) 22 based software and makes use of a working RAM (random access memory) 23 for temporary variables, the administration of the buffer memory 35, storage of user commands and the user status, etc. (Col. 3, lines 53-64.)

Once the data from buffer 4 is transferred to buffer memory 35, it is transferred to main memory 36 "as soon as it is convenient under supervision of the microprocessor 24 by another DMA controller 32." (Col. 3, lines 64-67.) The stored data in the main memory 36 is transferred back to buffer memory 35 by DMA controller 32 under the supervision of microprocessor 24 as desired, such as based on commands from user interface 26. (Col. 4, lines 1-3; *see also* Col. 2, lines 1-5.) The data is then transferred to buffer 14 by DMA controller 33 under the supervision of microprocessor 24. (Col. 4, lines 5-8.) The data in buffer 14 is subsequently decompressed by decompressor 13 and converted to an analog signal by d/a converter 12 for output to a television. (Col. 4, lines 15-18.)

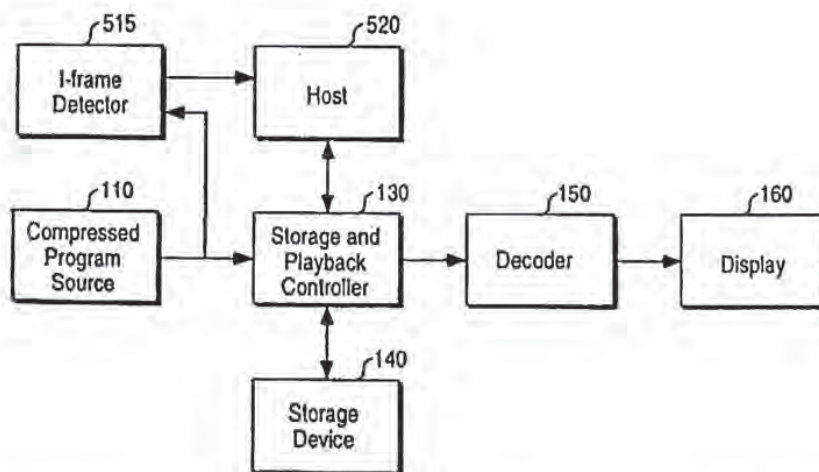
Thomason describes that buffer memory 35 operates as an input buffer when the main memory is temporarily busy for another operation (such as when the main memory is being read) until the main memory is ready to receive the data. The buffer memory also operates as an output buffer when the main memory is busy for another operation (such as when the main memory is being written to) until the main memory is ready to output data. (Col. 4, lines 40-67; Fig. 2.) This is shown in Figs. 1 and 2 by the diagonal dashed lines in buffer memory 35.

2. Krause

Krause (submitted herewith as Exhibit 3) has a filing date of November 20, 1995. It also qualifies as prior art under § 102(e) based upon the July 30, 1998 filing date of the '389 patent.

Krause is directed to a system that efficiently retrieves MPEG-compressed data in multi-speed modes. Multi-speed modes include both forward and reverse. (Col. 6, lines 5-7.) An embodiment of the system is illustrated in Fig. 5 below.

FIG. 5



The system receives data from a compressed program source 110. The compressed data can be MPEG-formatted video data having I-frames, P-frames and B-frames. (Col. 6, lines 31-39.) Under MPEG, an I-frame provides enough information for a complete picture to be generated from the I-frame alone. (Col. 2, lines 4-5.) In contrast, P-frames and B-frames are dependent on other frames to complete a picture.

The system includes I-frame detector 515 that monitors the compressed data and interrupts host 520 each time an I-frame is detected. (Col. 12, lines 1-5.) Host 520 then “reads

the sequence number corresponding to the detected I-frame and matches it with the storage block currently being addressed on Storage Device 140.” (Col. 12, lines 5-8.) In this manner, a table is generated that provides the stored locations of the I-frames. By knowing the locations of the I-frames in advance, the system can efficiently retrieve data for forward or reverse at any speed by directly retrieving the appropriate I-frames for the selected speed. (Col. 11, lines 35-55.)

3. Claim 31 Is Obvious In View Of Thomason And Krause

Claim 31 is reproduced below in its entirety:

31. A process for the simultaneous storage and play back of multimedia data, comprising the steps of:

providing a physical data source, wherein said physical data source accepts broadcast data from an input device, parses video and audio data from said broadcast data, and temporarily stores said video and audio data;

providing a source object, wherein said source object extracts video and audio data from said physical data source;

providing a transform object, wherein said transform object stores and retrieves data streams onto a storage device;

wherein said source object obtains a buffer from said transform object, said source object converts video data into data streams and fills said buffer with said streams;

wherein said source object is automatically flow controlled by said transform object;

providing a sink object, wherein said sink object obtains data stream buffers from said transform object and outputs said streams to a video and audio decoder;

wherein said decoder converts said streams into display signals and sends said signals to a display;

wherein said sink object is automatically flow controlled by said transform object;

providing a control object, wherein said control object receives commands from a user, said commands control the flow of the broadcast data through the system; and

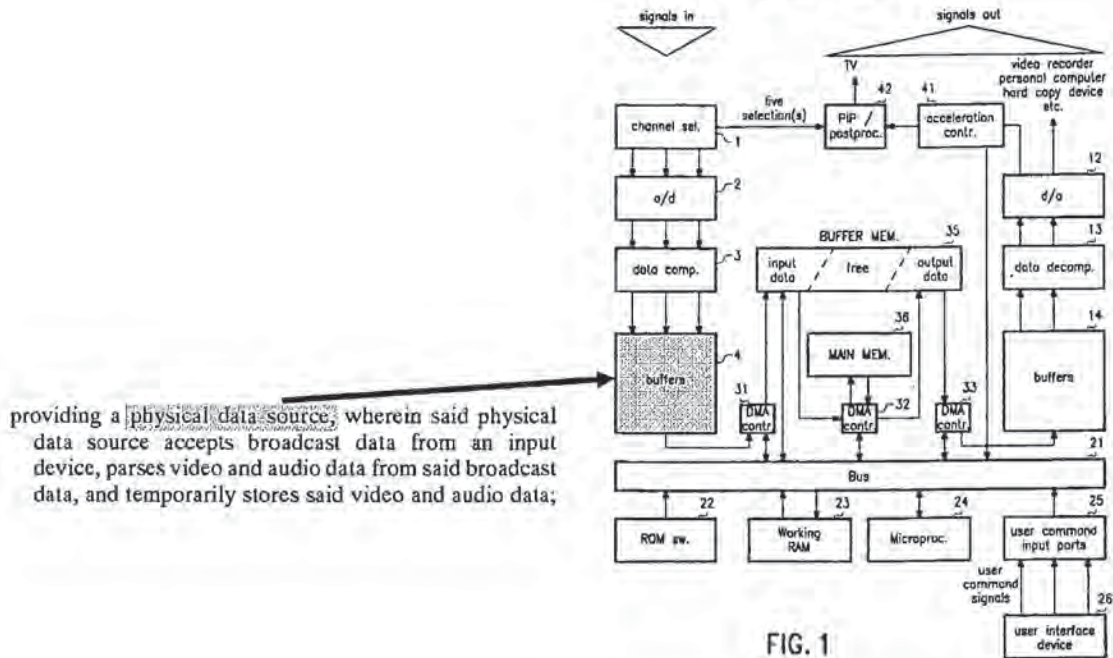
wherein said control object sends flow command events to said source, transform, and sink objects.

The preamble and every recitation of claim 31 are met by Thomason in combination with Krause.

With respect to the preamble, *i.e.*, “a process for the simultaneous storage and play back of multimedia data,” Thomason describes a conventional system that simultaneously stores and plays back a television program. (Col. 1, lines 28-31.) Thomason is directed to an improvement of the conventional system with respect to its use of memories. (Col. 2, lines 54-55.)

The first step of claim 31 is “providing a physical data source, wherein said physical data source accepts broadcast data from an input device, parses video and audio data from said broadcast data, and temporarily stores said video and audio data.” Thomason discloses channel selector 1 that receives one or more television signals. (Col. 3, lines 39-43; Fig. 1.) Channel selector 1 selects the television signals desired by the user for storage and then passes the selected signals to a/d converter 2 and compressor 3. The resulting compressed data is then stored in one or more buffers 4. (Col. 3, lines 47-57.) Thus, buffer 4 meets the recited physical data source as it accepts broadcast data from an input device, *i.e.*, channel selector 1, and temporarily stores the data as shown in the illustration below which matches the first step of claim 31 to Fig. 1 of Thomason. Thomason does not disclose that buffer 4 parses the video and audio data from the broadcast data prior to storage, but this portion of the recited step is met by Krause as discussed below.

'612, Figure 1



providing a physical data source, wherein said physical data source accepts broadcast data from an input device, parses video and audio data from said broadcast data, and temporarily stores said video and audio data;

The next step of claim 31 is “providing a source object, wherein said source object extracts video and audio data from the said physical data source.” In the co-pending *TiVo* litigation, “object” was construed as “a collection of data and operations” and not limited to the use of an object-oriented computer programming language. *Order*, at 26 (Exh. 8); *see also TiVo*, at 516 F.3d at 1306-7 (Exh. 9) and *TiVo Inc.’s Opening Claim Construction Brief*, at 11 (hereinafter “Opening Brief” and submitted herewith as Exh. 6).

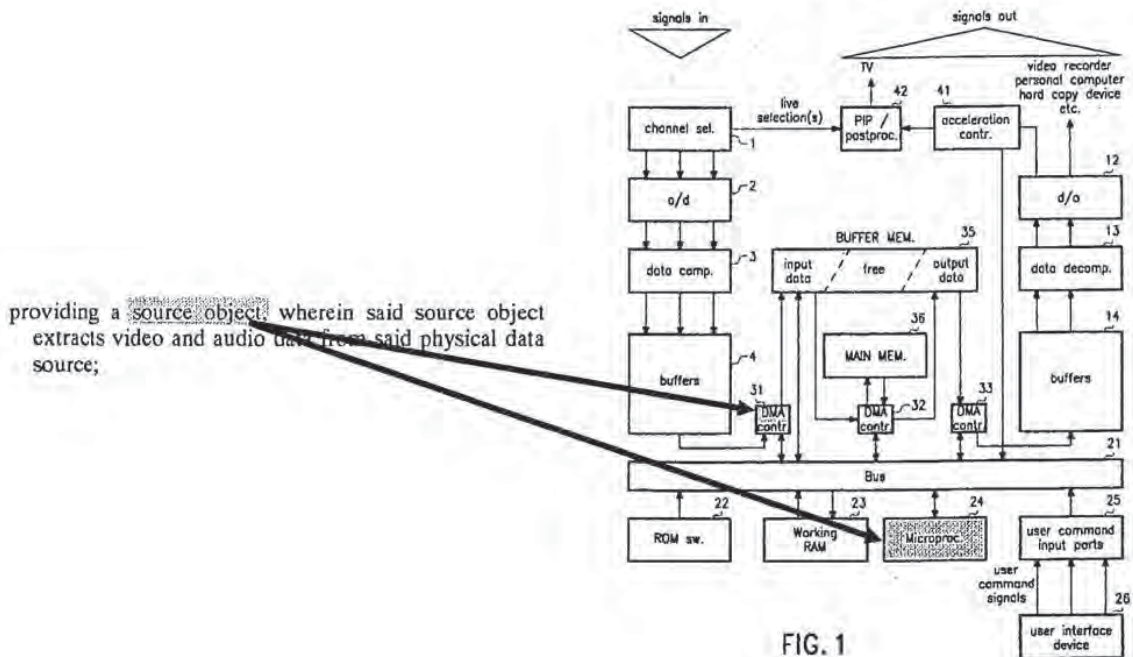
Based on this construction, the step is met by Thomason. Thomason discloses DMA controller 31 that transfers data from buffer 4 to buffer memory 35. DMA controller 31 is supervised by microprocessor 24 that accesses ROM 22 to run software:

The information contained in the buffers 4 will be transferred to the buffer memory 35 under supervision of a microprocessor 24 by a DMA (direct memory access) controller 31, and is identifiable as input destined for a main memory 36, which is in the form of a hard disk arrangement. The microprocessor 24 initiates the data transfer from the buffer 4 to the buffer memory 35, and performs memory allocation in the buffer memory. The microprocessor 24 runs ROM-(read-only

memory) 22 based software and makes use of a working RAM (random access memory) 23 for temporary variables, the administration of the buffer memory 35, storage of user commands and the user status, etc. (Col. 3, lines 53-64 (emphasis added).)

Thus, the operation of DMA controller 31 and microprocessor 24 through software meets the recited source object step as the operation transfers video and audio data from the physical data source, *i.e.*, buffer 4, to buffer memory 35. This is illustrated below.

'612, Figure 1



providing a source object, wherein said source object extracts video and audio data from said physical data source;

FIG. 1

Claim 31 further recites “providing a transform object, wherein said transform object stores and retrieves data streams onto a storage device.” The District Court construed transform object as “a collection of data and operations that transforms the form of data upon which it operates.” *Order*, at 27 (Exh. 8).

Thomason discloses the recited step under this construction. Thomason explains that DMA controller 32 operates under the supervision of microprocessor 24 that runs software. DMA controller 32 stores and retrieves data from buffer memory 35 to a storage device, *i.e.*, main memory 36:

Input data in the buffer memory 35 is transferred to the main memory 36 as soon as it is convenient under the supervision of the microprocessor 24 by another DMA controller 32. The stored data in main memory 36 is in due course transferred to the buffer memory 35 under supervision of the microprocessor 24 by DMA controller 32. (Col. 3, line 64 to Col. 4, line 3.)

The data stored and retrieved from main memory 36 is a data stream as Thomason discloses operating the system of Fig. 1 to simultaneously record and play a television program. Thomason further discloses that data stored on the main memory can be retrieved at a later time, thereby creating a temporal transformation. (*See, e.g.*, Thomason at Col. 1, lines 56-59 (“If the viewer is interrupted while watching a program, for example by a telephone call or a call at the door, he can resume watching the program from the point at which he was interrupted.”); *see also* '389 patent, at Col. 8, lines 3-8 (describing temporal transformations in the context of transforms 802).) Thus, the operation of DMA controller 32 and microprocessor 24 through software meets the transform object step as the operation stores and later retrieves data streams from a storage device, *i.e.*, main memory 36, as illustrated below.

'612, Figure 1

providing a transform object, wherein said transform object stores and retrieves data streams onto a storage device.

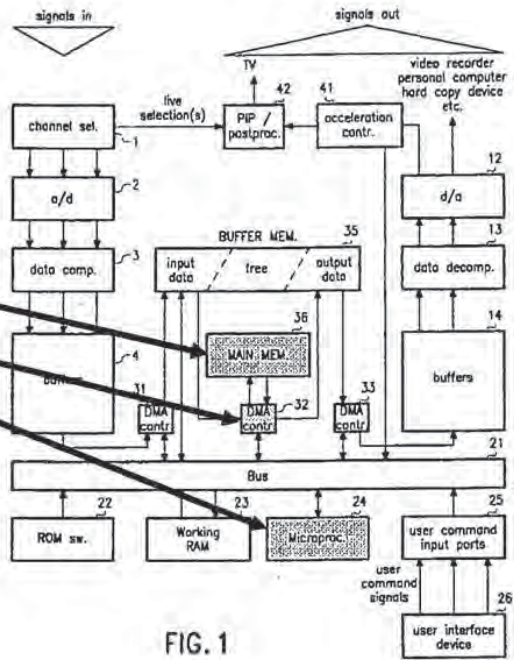


FIG. 1

Claim 31 next recites “wherein said source object obtains a buffer from said transform object, said source object converts video data into data streams and fills said buffer with said streams.” Thomason discloses that the operation of DMA controller 31 under the supervision of microprocessor 24 – *i.e.*, the source object – is to transfer data from buffer 4 to the buffer memory 35, with the data being “identifiable as input destined for a main memory 36.” (Col. 3, lines 53-64.) As discussed above, the operation of DMA controller 32 as supervised by microprocessor 24 – *i.e.*, the transform object – is to control the transfer of data to and from buffer memory 35 to main memory 36. (Col. 3, line 64 to Col. 4, line 3.) Fig. 1 of Thomason shows buffer memory 35 as being variable by the diagonal dashed lines. Thus, the source object 31/24 obtains a buffer, *i.e.*, variable buffer memory 35, from the transform object 32/24 to fill the buffer with data identified for input to main memory 36 as illustrated below. The source object

31/24 converts the data to a stream by successively outputting data from buffer 4 to buffer memory 35 for generating a television program.

wherein said source object obtains a buffer from said transform object, said source object converts video data into data streams and fills said buffer with said streams;

'612, Figure 1

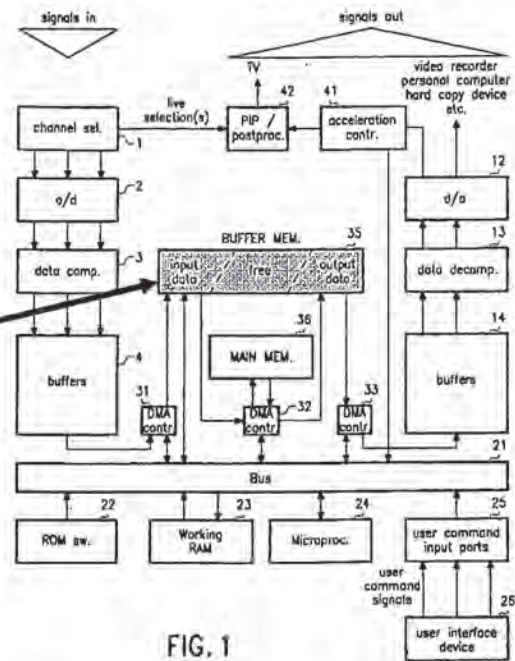


FIG. 1

Claim 31 further recites that “said source object is automatically flow controlled by said transform object.” In the co-pending *TiVo* litigation, this recitation was construed as meaning that the flow of data is self-regulating. *Order*, at 24 (Exh. 8); *see also* '389 patent, at Col. 8, lines 48-49. Self-regulation is taught in Thomason as data is buffered from buffer 4 to buffer memory 35 until the main memory 36 is available to receive data. (*See, e.g.*, Col. 4, lines 43-51.)

The next step of claim 31 is “providing a sink object, wherein said sink object obtains data stream buffers from said transform object and outputs said streams to a video and audio decoder.” Sink object was construed in a similar manner as source and transform objects in the *TiVo* litigation. *Order*, at 27-8 (Exh. 8).

Thomason discloses transferring a data stream from main memory 36 to buffer memory 35 through the operation of DMA controller 32 and microprocessor 24, *i.e.*, the transform object. Buffer memory 35 is variable as discussed above, and DMA controller 33 under the supervision of microprocessor 24 through software operates to obtain the data stream buffers from the transform object. (Col. 4, lines 1-19.) Fig. 1 shows that buffer 14 receives the data from buffer memory 35. That is, the operation of DMA controller 33 and the microprocessor 24 meets the sink object step as it operates to transfer data streams from variable buffer memory 35 to buffer 14 as illustrated below. Fig. 1 shows that buffer 14 outputs the data to decompressor 13 and d/a converter 12. As discussed below, if the data is in MPEG format, the decompressor would include a video decoder and an audio decoder.

'612, Figure 1

providing a sink object, wherein said sink object obtains data stream buffers from said transform object and outputs said streams to a video and audio decoder;

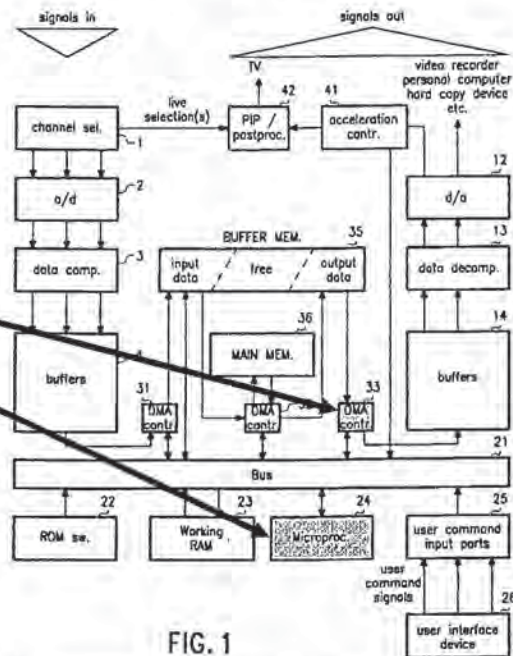
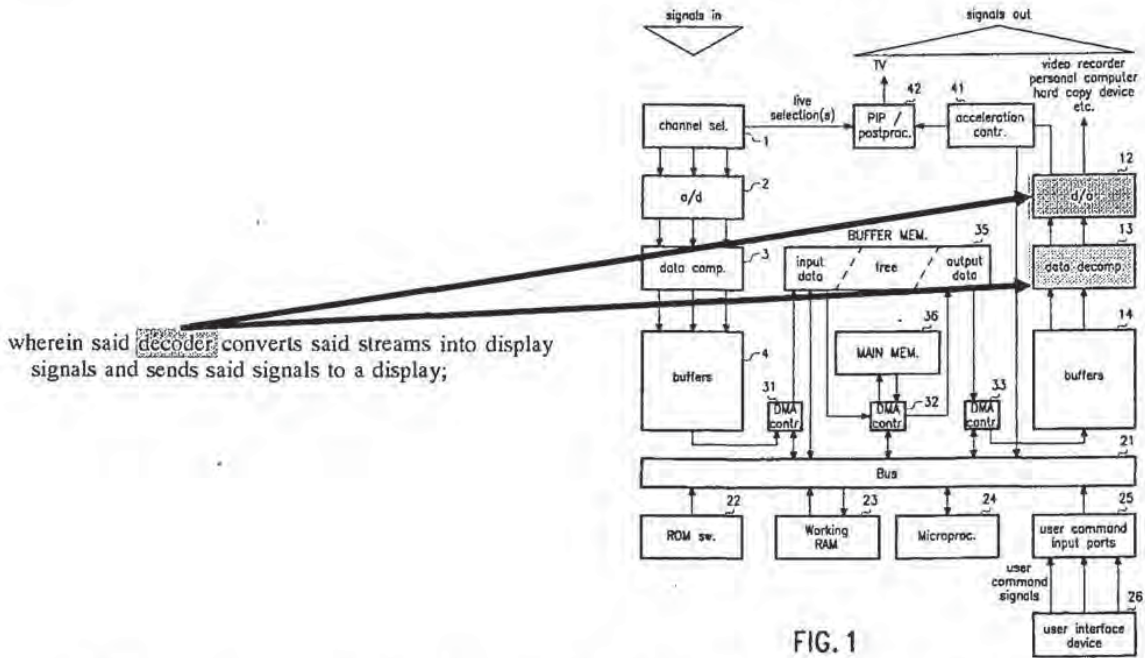


FIG. 1

Claim 31 further recites “wherein said decoder converts said stream into display signals and sends said signals to a display.” Thomason discloses that data from decompressor 13 is

received by d/a converter 12 which converts the signals from a digital stream to an analog signal that can then be sent "to a video recorder or television." (Col. 4, lines 15-19; *see also* Fig. 1 below.)

'612, Figure 1



wherein said decoder converts said streams into display signals and sends said signals to a display;

The next recitation of claim 31 is "wherein said sink object is automatically flow controlled by said transform object." This recitation was construed in the same manner as "wherein said source object is automatically flow controlled by said transform object." As discussed for that recitation, Thomason discloses self-regulation in that data is buffered from buffer 4 to buffer memory 35 until the main memory 36 is available to receive data. (*See, e.g.,* Col. 4, lines 43-51.) The same process applies between the transform object and the sink object as data is transferred from buffer memory 35 to buffer 14 until the main memory is available to output data. (*See* Col. 4, lines 52-61.)

Finally, claim 31 recites “providing a control object, wherein said control object receives commands from a user, said commands control the flow of the broadcast data through the system” and “wherein said control object sends flow command events to said source, transform and sink objects.” In the co-pending *TiVo* litigation, “control object” was construed as “a collection of data and operations that receives commands from a user that control the flow of broadcast data.” *Order*, at 29.

Fig. 1 of Thomason illustrates a “user interface device” 26 providing command signals to a “user command input ports” 25 connected to bus 21. Thomason discloses that conventional systems allow the user to provide commands to control viewing such as reversing or fast forwarding *i.e.*, control the flow of data. (Col. 1, line 45 to Col. 2, line 32.) Fig. 1 (below) illustrates that bus 21 in turn is connected the microprocessor 24 and DMA controllers 31-33 and, thus, the commands from device 26 for controlling the flow of data are sent to the elements defined above as meeting the recited source, transform and sink objects to effect the desired commands.

'612, Figure 1

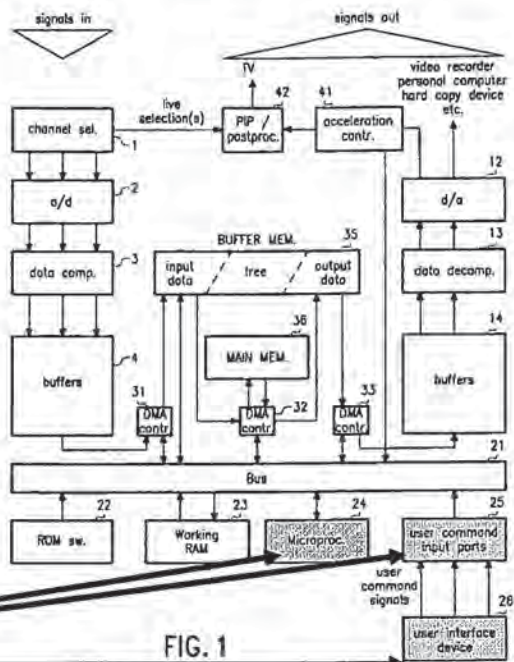


FIG. 1

providing a control object, wherein said control object receives commands from a user, said commands control the flow of the broadcast data through the system; and wherein said control object sends flow command events to said source, transform, and sink objects.

Thomason discloses all of the basic flow control operations recited in claim 31. The only recitation of claim 31 not met by Thomason is parsing the video and audio from the broadcast data prior to storage in buffer 4. In the co-pending *TiVo* litigation, “parsing” was construed by the District Court to mean “analyzing” based on *TiVo*’s proposed construction. *Order*, at 22 (Exh. 8); see also *Opening Brief*, at 9 (Exh. 6).

At trial, TiVo asserted that the recited parsing of video and audio data was met by detecting video frames and then generating an index or table of the start of the detected video frames and their storage location on a hard drive.

Krause discloses parsing video and audio data from broadcast data as construed by TiVo in the co-pending litigation. Krause discloses an I-frame detector that detects I-frames in MPEG-formatted broadcast data and then generates a table or index of the storage locations of the detected I-frames.

As the compressed program is received by a storage device, an I-frame detector notes the arrival of each I-frame and provides this information to a host system which may control the maintenance of a table which corresponds [sic] I-frames to particular blocks of memory in the storage device. In this way, efficient and rapid retrieval of I-frame data blocks may be provided by the storage controller for providing appropriate blocks of memory to the decoder for effecting various playback modes. (Col. 5, lines 35-44; *see also* Col. 6, lines 31-39 and Fig. 5.)

That is, the detector in Krause “parses” the broadcast data by identifying a specific type of video frame from broadcast data having both video and audio data and generates a table based on the detected frames. The act of identifying a certain type of a video frame and generating a table based on the identification necessarily parses the broadcast between video data, *i.e.*, the data corresponding to I-frames, and audio data, *i.e.*, the data not detected by the I-frame detector.

It would have been obvious to one of ordinary skill in the art to employ Krause’s indexing in the system of Thomason. Thomason discloses that the selected television signals are digitized by a/d converter 2 and compressed by compressor 3 before being input to buffer 4 for storage. The skilled artisan would appreciate that compressor 3 could be an MPEG encoder or, additionally, that a received digital MPEG-formatted broadcast stream could be directly input to buffer 4 without the need for conversion and compression.

In either situation, one of ordinary skill in the art would employ the indexing of detected I-frames, *i.e.*, “parsing,” of the MPEG-formatted data to identify I-frames from other video and audio data prior to storage in buffer 4. An I-frame provides enough information for a complete picture to be generated from the I-frame alone, in contrast to other types of frames. Knowing the locations of the I-frames in advance would allow Thomason to more efficiently perform operations such as varying speed reverse or varying speed forward by directly retrieving the appropriate I-frames for the selected speed. (Krause, at Col. 11, lines 35-55; *see also* Thomason, at Col. 2, lines 16-32 (describing different fast forward and reverse speeds).) The retrieved data would be transferred to buffer 14 as discussed above and then would be either output to decompressor 13 (operating as an MPEG decoder having a video decoder and an audio decoder) and d/a converter 14 for generating an analog television signal or would be directly output to a digital television having an MPEG decoder. Thus, Krause clearly discloses “parsing” video and audio data.

Accordingly, for the reasons set forth above, claim 31 is obvious in view of Thomason and Krause.

C. Claim 61 Is Obvious In View Of Thomason and Krause

Claim 61 is reproduced below in its entirety:

61. An apparatus for the simultaneous storage and play back of multimedia data, comprising:

a physical data source, wherein said physical data source accepts broadcast data from an input device, parses video and audio data from said broadcast data, and temporarily stores said video and audio data;

a source object, wherein said source object extracts video and audio data from said physical data source;

a transform object, wherein said transform object stores and retrieves data streams onto a storage device;

wherein said source object obtains a buffer from said transform object, said source object converts video data into data streams and fills said buffer with said streams;

wherein said source object is automatically flow controlled by said transform object;

a sink object, wherein said sink object obtains data stream buffers from said transform object and outputs said streams to a video and audio decoder;

wherein said decoder converts said streams into display signals and sends said signals to a display;

wherein said sink object is automatically flow controlled by said transform object;

a control object, wherein said control object receives commands from a user, said commands control the flow of the broadcast data through the system; and

wherein said control object sends flow command events to said source, transform, and sink objects.

Claim 61 is thus an apparatus claim that corresponds to method claim 31. Accordingly, claim 61 is obvious in view of Thomason and Krause for the reasons set forth above with respect to claim 31 and as detailed in the corresponding claim chart. (*See Exhibit 5.*)

VI. SUBSTANTIAL NEW QUESTION OF PATENTABILITY

The combination of Thomason and Krause was not considered during the original examination or in any of the co-pending proceedings. Furthermore, an Examiner would consider the disclosure of Thomason and Krause in combination important for determining the patentability of claims 31 and 61 as discussed above. Thus, the combination of Thomason and Krause raises a substantial new question of patentability with respect to claims 31 and 61.

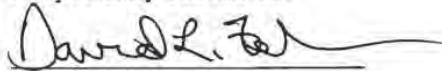
VII. CONCLUSION

For the reasons set forth above, the Requester respectfully requests reexamination of claims 31 and 61 of the '389 patent.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, the Requester petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 454032800200.

Dated: November 10, 2008

Respectfully submitted:



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ATTORNEY FOR REQUESTER

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EM268845902US, in an envelope addressed to: MS Ex Parte Reexam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 10, 2008

Signature:

(Marco Jimenez)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reexamination of:

James M. BARTON et al.

Patent No.: 6,233,389 B1

Group Art Unit No.: Not Yet Assigned

Issue Date: May 15, 2001

Examiner: Not Yet Assigned

Title: Multimedia Time Warping System

EXHIBITS ACCOMPANYING

DETAILED REQUEST FOR EX PARTE REEXAMINATION

ATTACHED EXHIBITS

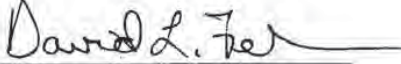
- Exhibit 1..... U.S. Patent No. 6,233,389 B1 to Barton et al.
- Exhibit 2..... U.S. Patent No. 6,018,612 to Thomason et al.
- Exhibit 3..... U.S. Patent No. 5,949,948 to Krause et al.
- Exhibit 4..... Claim Chart for Claim 31 Based On Thomason and Krause
- Exhibit 5..... Claim Chart for Claim 61 Based On Thomason and Krause
- Exhibit 6..... TiVo Inc.'s Opening Brief on Claim Construction
- Exhibit 7..... TiVo Inc.'s Opposition Brief on Claim Construction
- Exhibit 8..... Claim Construction Order
- Exhibit 9..... *TiVo, Inc. v. EchoStar Communications Corp.*, 516 F.3d 1290 (Fed. Cir. 2008)

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 1.510(b)(5), the undersigned, on behalf of the Requester, hereby certifies that a copy of the request in its entirety:

1. Request for Ex Parte Reexamination Transmittal Form (2 pages and duplicate);
2. U.S. Patent No. 6,233,389 B1 (23 pages);
3. Information Disclosure Statement listing two U.S. patents on a substitute for form 1449/PTO (1 page) and a copy of each of the listed patents;
4. The attached Detailed Request (33 pages, including this certificate, the cover page and the table of contents);
5. Exhibit Transmittal (2 pages) and Accompanying Exhibits (9 in total); and
6. Postcard

was served on the patent owner at the following addresses, Hickman Palermo Truong & Becker LLP, 2055 Gateway Place, Suite 550, San Jose, CA 95110 and Sterne, Kessler, Goldstein & Fox P.L.L.C., 1100 New York Avenue, N.W., Washington DC 20005, via first class mail on November 10, 2008.



David L. Fehrman

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY THIRD PARTY REQUESTER <i>(Use as many sheets as necessary)</i>				Complete if Known		
				Patent Number	6,233,389 B1	
				Issue Date	May 15, 2001	
				First Named Inventor	James BARTON	
				Art Unit	Not Yet Assigned	
				Examiner Name	Not Yet Assigned	
Sheet	1	of	1	Attorney Docket Number	454032800200	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	1.	5,949,948		09/07/1999	Krause et al.	
	2.	6,018,612		01/25/2000	Thomason et al.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)					

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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US005949948A

United States Patent [19]

[11] Patent Number: **5,949,948**

Krause et al.

[45] Date of Patent: ***Sep. 7, 1999**

[54] **METHOD AND APPARATUS FOR IMPLEMENTING PLAYBACK FEATURES FOR COMPRESSED VIDEO DATA**

[75] Inventors: **Edward A. Krause**, El Cerrito; **Paul Shen**; **Adam S. Tom**, both of San Francisco, all of Calif.

[73] Assignee: **Imedia Corporation**, San Francisco, Calif.

[*] Notice: This patent issued on a continued prosecution application filed under 37 CFR 1.53(d), and is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2).

[21] Appl. No.: **08/560,732**

[22] Filed: **Nov. 20, 1995**

[51] Int. Cl.⁶ **H04N 5/76**

[52] U.S. Cl. **386/6; 68/110; 68/125**

[58] Field of Search **358/335, 312; 360/10.1, 10.3; 386/5, 6, 68, 110, 107, 125; H04N 5/92, 5/78, 5/76**

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[57] ABSTRACT

A compressed video playback system which eliminates playback mode transition artifacts. Transitions between various playback modes are effected in such a manner that transition artifacts are eliminated by delaying playback mode transitions until appropriate frames of data are detected for propagation to the compressed video decoder. In addition, compressed video data retrieval methods are improved for supporting multi-speed playback modes in both forward and reverse directions in an optimal manner.

28 Claims, 5 Drawing Sheets

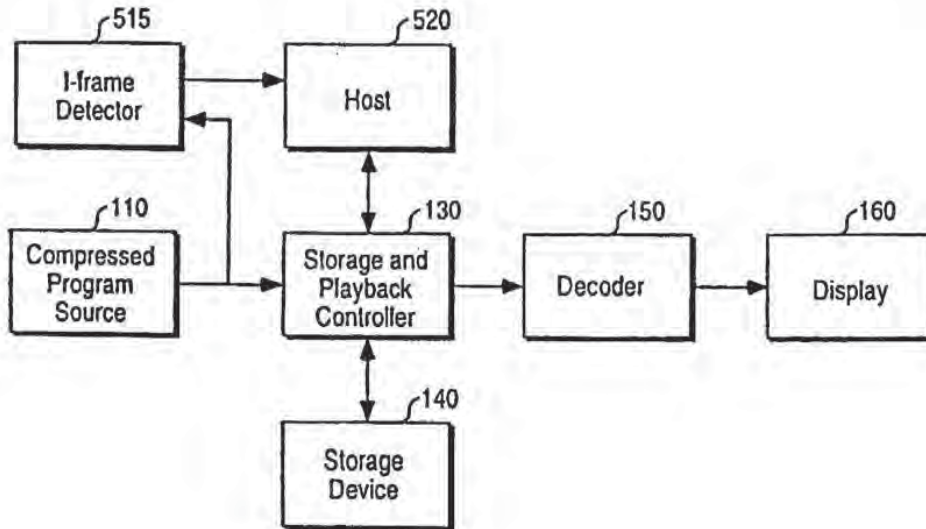


FIG. 1

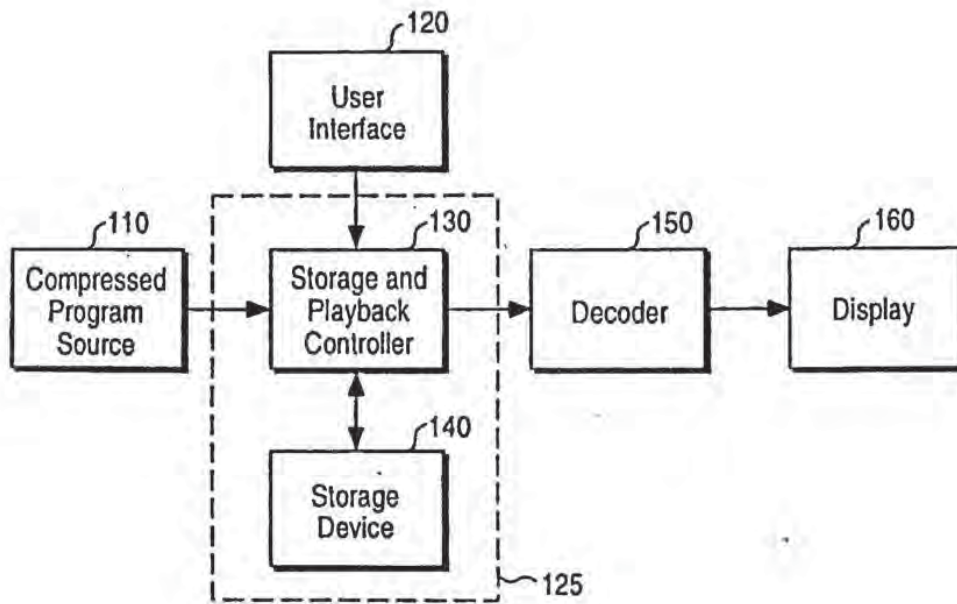


FIG. 2

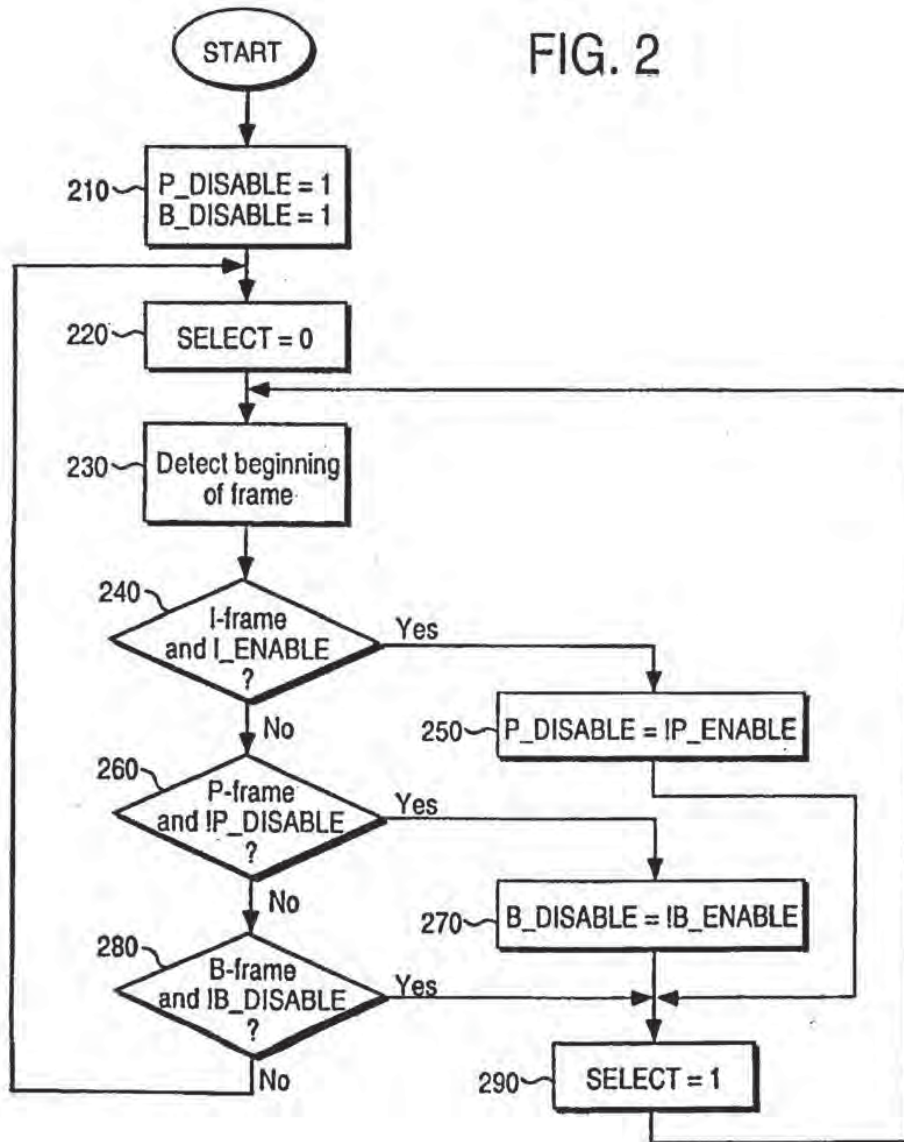


FIG. 3

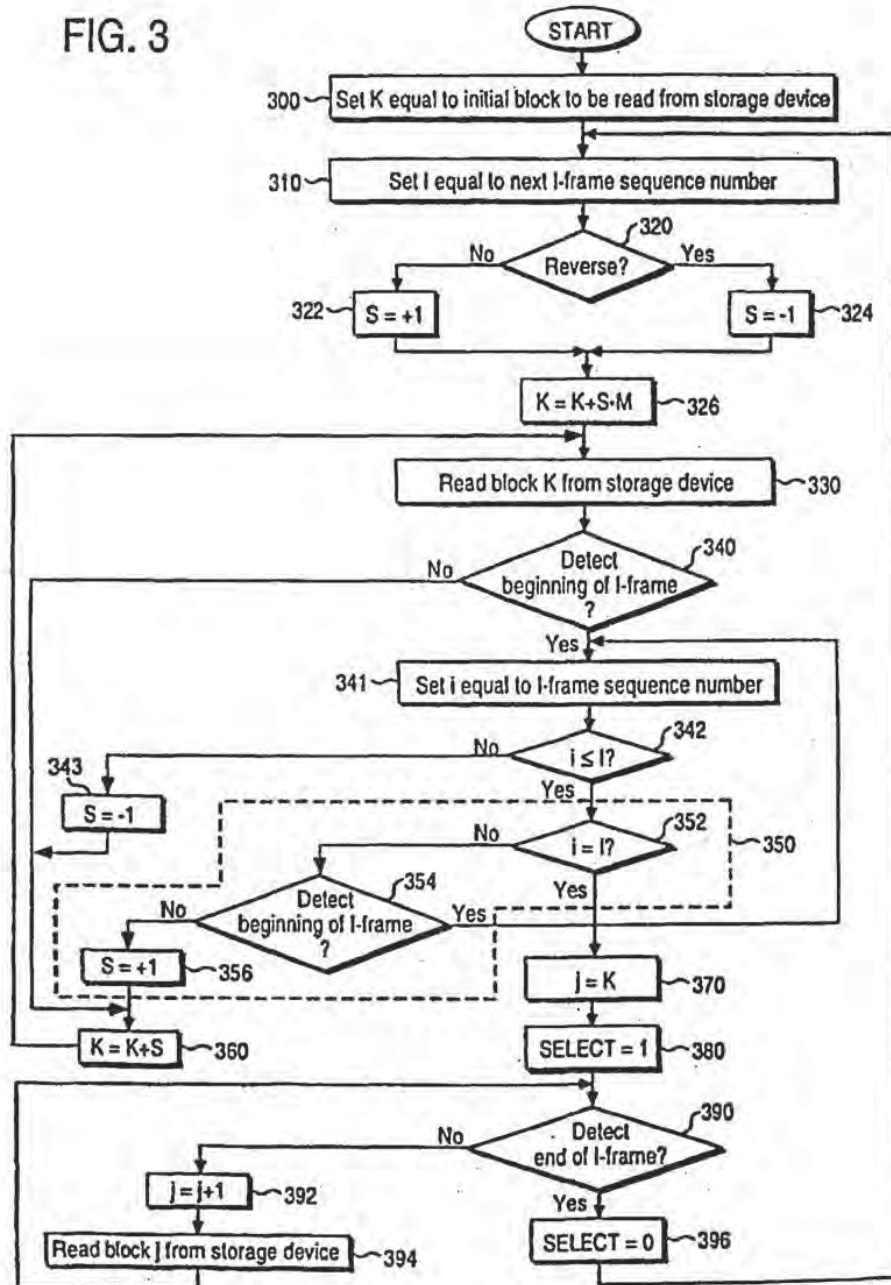


FIG. 4

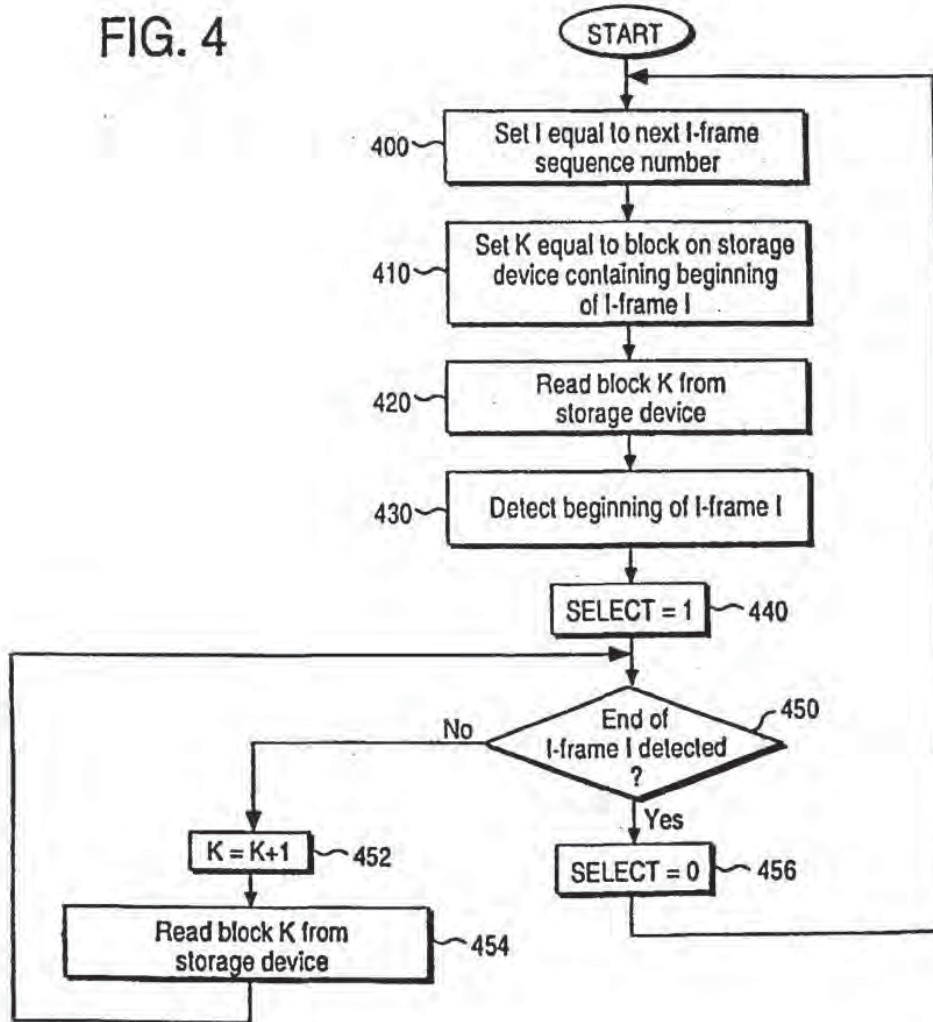
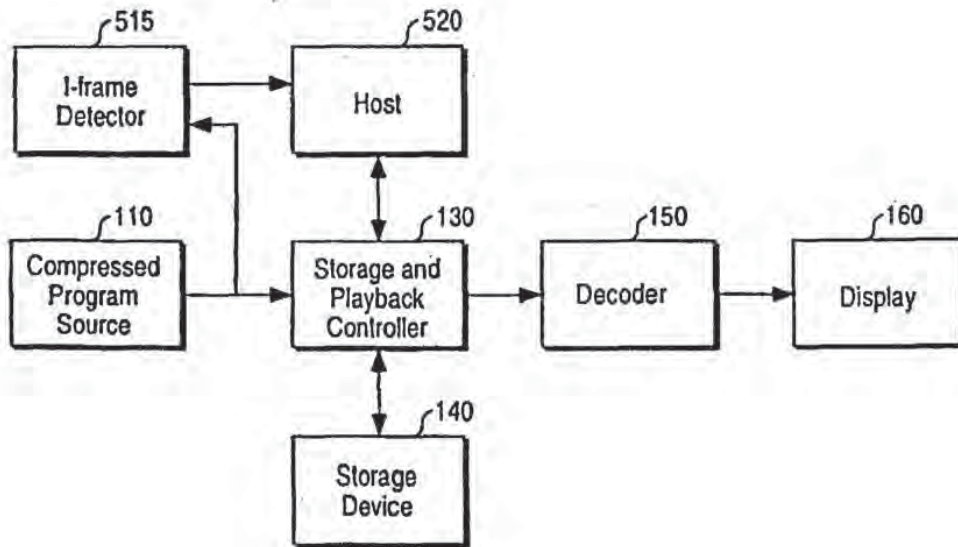


FIG. 5



METHOD AND APPARATUS FOR IMPLEMENTING PLAYBACK FEATURES FOR COMPRESSED VIDEO DATA

BACKGROUND OF THE INVENTION

1. Field of the Invention

The present invention relates to the field of storage and transmission of compressed video information. More particularly, the present invention relates to providing playback features such as fast forward and reverse playback during decompression of encoded video programs.

2. Background

Applications involving video transmission or storage require some form of data compression to reduce the otherwise tremendous volume of information required for video data. The International Organization for Standardization (ISO) Motion Picture Experts Group (MPEG) has developed a standard for compressing video data to manageable or useful volumes while still preserving enough "information" to be useful for various storage or transmission applications. These applications for storage or transmission on various digital media include compact disc, remote video data bases, movies on demand, digital cable television, and high definition television. MPEG is documented in ISO/IEC publications 11172 ("Coding of Moving Pictures and Associated Audio for Digital Storage Media") and 13818 ("Generalized Coding of Motion Pictures and Associated Audio Information"), also known as MPEG-1 and MPEG-2, respectively. As used hereafter, "MPEG" will be understood to refer to either MPEG-1 or MPEG-2 without distinction therebetween.

The MPEG standard recognizes that much of the information in a picture within a video sequence is similar to information in a previous or subsequent picture. The MPEG standard takes advantage of this temporal redundancy to represent some pictures in terms of their differences from one or more pictures. A picture consists of a number of horizontal slices; a slice consists of a number of macroblocks; a macroblock consists of an array of blocks; and a block consists of a 8x8 array of pixels.

The video part of the MPEG standard uses motion compensated predictive coding, the discrete cosine transform (DCT), adaptive quantization, variable-length encoding, and run-length encoding to compress images on a block-by-block basis. Motion compensation replaces a macroblock with a motion vector representing its gross displacement from a corresponding macroblock in the reference picture, plus error terms for each of the pixels in the macroblock. MPEG uses both forward motion compensation (in which a future picture referenced to a past picture), and a combination of forward and backward motion compensation (in which a picture is referenced to a past picture). The combined forward and backward motion compensation is called bi-directional motion compensation.

According to the MPEG standard, video frames (pictures) are classified into one of three types: I-frames, also called I-pictures or intraframe coded pictures; predicted pictures, also called P-frames or P-pictures; and B-frames or B-pictures, also called bi-directionally coded pictures. P-frames and B-frames are also collectively referred to as interframe coded images. The three types of video frames differ in their use of motion compensation.

Intra pictures (I-frames or I-pictures) are coded using only information present in the picture itself. They can be thought

of as being independent pictures. I-pictures provide random access points into the compressed video data. I-pictures use only transform coding and therefore provide only moderate compression. An I-frame provides enough information for a complete picture to be generated from the I-frame alone.

Predicted pictures (P-pictures or P-frames) are coded from a previous I-picture or previous P-picture as a reference. They can be thought of as dependent pictures. The compression of P-pictures uses motion-compensated temporal prediction of some or all macroblocks in the P-picture relative to corresponding macroblocks from the previous I- or P-picture. Only forward motion estimation/compensation is used in this temporal prediction. The I- or P-picture from which a P-picture is temporally predicted is called the anchor picture to the P-picture and is sometimes referred to as the reference picture or reference frame. Predicted pictures provide more compression than I-pictures because only the difference from a previous picture is encoded. One drawback of using P-pictures as anchors for subsequent P-pictures is that coding errors may be propagated through the subsequent prediction of P-pictures.

Bi-directional pictures (B-pictures or B-frames) are pictures that use both a past and future pictures as references. Like P-pictures they can be thought of as dependent pictures. Some or all macroblocks in B-pictures are coded by a bi-directional motion-compensated predictive encoder using corresponding macroblocks from a "future" I- or P-picture for backwards prediction and from a previous I- or P-picture for forward prediction. The two reference I- or P-pictures from which a B-picture is temporally predicted are thus called the anchor pictures of the B-picture. Like P-pictures, B-pictures only encode the temporal differences between the B-picture and its two anchor pictures. Bi-directional pictures provide the most compression and do not propagate errors because they are never used as a reference. Bi-directional prediction also decreases the effects of noise by averaging two pictures.

In accordance with the MPEG standard, pictures are arranged in ordered groups. The MPEG standard allows the encoder to choose the frequency and location of I-pictures. As an example, a single group might include an I-picture as the first picture in the group with P-pictures distributed following every third picture and B-pictures between each "I and P" and "P and P" sequence. A typical display order of picture types might include an I-picture every fifteenth frame, each I-picture followed by two B-pictures with P-pictures between each group of B-pictures in a sequence something like I B B P B B P B B P B B P B B I. Including an I-picture every fifteenth frame corresponds to (in a frame per second environment), having a complete picture representation (an independent picture) every one half-second.

In some MPEG systems, the MPEG encoder will reorder the pictures in the video stream to present the pictures to the decoder in the most efficient sequence. In particular, the reference pictures needed to reconstruct B-pictures may be sent before the associated B-pictures.

A number of well-known references, e.g. Mattison, "Practical Digital Video", Wiley, 1994 may be referenced for details about various actual mechanisms for encoding the video data in accordance with the MPEG standard. For purposes of the present application, it is important to understand the distinction between I-, P- and B- pictures. Specifically, it is important to recognize that only I-pictures (independent or reference pictures) provide enough information to reconstruct a complete picture in a video sequence without reference to other pictures.

Existing MPEG decoders are concerned with the reconstruction and display of encoded video information. However, for users viewing the decoded information, it is often desirable to view the information in a mode other than normal speed forward playback. Such alternative modes include being able to pause, or freeze, a current image that is being displayed. Likewise, it is often desirable to provide a slow motion playback in both the forward and reverse directions as well as fast forward and high-speed reverse functionality.

To implement a pause function, MPEG decoders generally provide some mechanism for freezing the current image that is being displayed, thereby temporarily halting the decompression process. Decoders also generally include an input buffer in order to provide a certain level of decoupling between the timing of the decoding process and the timing of the data delivery system which would typically consist of a storage device and a storage controller. Therefore, when the decoding process is halted, the amount of data that is stored in the buffer begins to increase. In some implementations, a feedback mechanism responsive to the depth level of the input buffer is provided to the storage controller, causing it to halt the data transfer whenever necessary to prevent the buffer from overflowing.

Like the pause function, slow motion playback in the forward direction can be achieved simply by sending one or more instructions to the decoder. These instructions cause the decoder to repeat each or some frames one or more times. As before, the amount of data accumulating in the decoder's input buffer will increase during slow motion playback due to the reduced output rate. This can be compensated for by a feedback mechanism similar to the one described above.

In order to implement the fast forward function, some frames must be discarded, either by the decoder or the preceding data delivery system. This is because the output display rate is generally limited by the decoding and/or display apparatus (e.g., 30 frames per second on a standard television video display). An increase in the rate of playback can be realized by deleting the B-frames, should any exist. For example, if two of every three frames is a B-frame, then eliminating B-frames results in a three-fold increase in the rate of playback. Alternatively, the playback rate can be increased by fifty percent by first deleting all of the B-frames and then instructing the decoder to repeat each remaining frame one time. Since the B-frames are not needed for reconstruction of the remaining I- and P-frames, their deletion would not compromise the accuracy of the remaining images. Higher playback rates can be achieved by deleting not only the B-frames, but the P-frames as well. This would leave only the I-frames which can always be reconstructed without referencing any other images. For example, if every fifteenth frame is an I-frame, then the rate of playback could be increased by a factor of fifteen simply by deleting all other frames. In practice, such an increase may be realized only if the data delivery system is capable of retrieving and presenting the data to the decoder fifteen times faster than the rate required for normal playback. Otherwise, if the data delivery hardware is not fast enough, the decoder's input buffer may underflow, forcing the decoder to freeze a current image until more data becomes available.

The demands placed on the data delivery hardware can be even more severe during reverse playback. In a practical implementation of reverse playback, only the I-frames are useful. This is because the P- and B-frames cannot be reconstructed without using previously decoded frames for prediction. Unfortunately, the previous frames referred to

during forward playback become future frames during reverse playback. Theoretically, these prerequisite frames could be reconstructed in advance and then stored in memory, but this would significantly increase the cost of the playback system. Therefore, a preferred solution is to retrieve and display only the I-frames. Various playback rates can still be achieved by repeating these I-frames one or more times. A more difficult problem, however, is to attain high reverse playback rates without having to repeat each frame a multiple number of times while waiting for additional data to become available. Such multiple repetitions can seriously degrade motion rendition.

One of the difficulties associated with multi-speed playback of compressed bit streams is the problem of transitioning from one playback mode to another. For example, during forward playback at high speed or reverse playback at any speed, generally, only the I-frames are selected by the storage controller and provided to the display system's decoder. When transitioning from one of the modes to forward playback at normal speed, the sequence in which frames are selected by the controller and presented to the decoder is altered. In this particular case, the controller would stop deleting P-frames and B-frames from the compressed bit stream and instead would pass all types of frames to the decoder. Such a transition may cause artifacts to appear and remain visible during the entire transition. For example, if the first frame encountered after the controller begins to accept all types of frames is a P-frame, then the decoder must reference a preceding I- or P-frame when forming the prediction required for reconstruction. However, the decoder would only be able to access the last I-frame that was received prior to the transition to normal playback, and if this is not identical to the preceding frame that was used during the original encoding process, then an artifact will occur. Similarly, if the first frame encountered after the transition is a B-frame then artifacts are almost certain to occur since two prerequisite frames would be required to form the prediction, and at least one of these prerequisite frames is likely to be a P-frame, assuming typical encoding parameters.

From the foregoing it can be appreciated that it is desirable, and is therefore an object of the present invention, to prevent transition artifacts when changing playback modes in a multi-speed playback compressed video system. Further, it would be desirable to have a mechanism for efficient data access to support multi-speed playback in a compressed video system.

SUMMARY OF THE INVENTION

From the foregoing, it can be appreciated and it is desirable, and therefore an object of the present invention, to provide a method and apparatus for eliminating transition artifacts in the playback of compressed video information when transitioning from one playback mode to another. It is another object of the present invention to provide mechanisms for efficiently retrieving from a storage device compressed video information in accordance with a desired playback mode.

These and other objects of the present invention are provided in a video playback system in which a storage controller controls the flow of compressed video data to a video decoder in a manner to eliminate transition artifacts when transitioning from one playback mode to another. The storage controller, in response to a playback mode transition instruction, delays altering the mode of data propagation to the video decoder in accordance with an optimal propaga-

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tion approach for the transition mode. In accordance with one embodiment of the present invention where the compressed video data are encoded in accordance with the MPEG standard, the storage controller will delay switching to the requested playback mode until the transition is completed. Upon entry into a transition interval, all retrieved data frames will be discarded until the occurrence of the next I-frame. This eliminates the possibility of interframe images being supplied to the decoder for which no reference frame is available for accurate frame depiction. Subsequently, the controller continues to discard B-frames until receipt of the first P-frame. In some implementations it may be desirable to instruct the decoder to flush or empty its associated buffer upon entering a transition interval. However, since this will not shorten the duration of the interval, a more pleasing effect may be achieved by allowing the decoder to continue decoding and displaying images as long as its buffer does not become empty. In this way the halting of the decoding and display processes may be delayed and in some cases prevented depending on the duration of the transition interval.

In accordance with another aspect of the present invention, a mechanism is implemented for supporting various playback modes where it is desirable to efficiently seek I-frames as they are stored in a storage device. In this aspect of the present invention, it is recognized that I-frames will occur with a reasonable amount of predictability throughout the storage device and thus, memory retrievals may be made to blocks of memory that reasonably estimate the location of the I-frames. The optimally selected blocks of memory then retrieved may be quickly scanned for the presence of the desired I-frame to support both forward and reverse playback at varying rates of speed.

In an alternative embodiment of the present invention, a mechanism is introduced for tabling the memory location of each I-frame in a compressed video program. As the compressed program is received by a storage device, an I-frame detector notes the arrival of each I-frame and provides this information to a host system which may control the maintenance of a table which corresponds I-frames to particular blocks of memory in the storage device. In this way, efficient and rapid retrieval of I-frame data blocks may be provided by the storage controller for providing appropriate blocks of memory to the decoder for effecting various playback modes.

BRIEF DESCRIPTION OF THE DRAWINGS

The objects, features and advantages of the present invention will be apparent from the following detailed description, in which:

FIG. 1 illustrates a block diagram of a compressed video display system which may incorporate the teachings of the present invention.

FIG. 2 illustrates a flow diagram for use by a compressed video display system for eliminating transition artifacts when transitioning between various playback modes.

FIG. 3 illustrates a flow diagram for an efficient data retrieval process for use in a compressed video display system operating with various speed modes.

FIG. 4 illustrates a flow diagram for data retrieval for a compressed video display apparatus as an alternative procedure to that illustrated in FIG. 3.

FIG. 5 illustrates a block diagram of a compressed video display system in which tables are maintained to facilitate the efficient retrieval of compressed video data for display at various playback speeds in accordance with the flow diagram at FIG. 4.

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DETAILED DESCRIPTION OF THE INVENTION

A method and apparatus are disclosed for use in a compressed video playback system wherein multi-speed playback modes are envisioned. These multi-speed playback modes include both varying speed forward playback as well as varying speed reverse playback. Although the present invention is described predominantly in terms of the transmission and storage of video information encoded in accordance with the MPEG format, the concepts and methods are broad enough to encompass video playback systems using other video compression techniques. Throughout this detailed description, numerous details are specified such as frame types and sequence organizations, in order to provide a thorough understanding of the present invention. To one skilled in the art, however, it will be understood that the present invention may be practiced without such specific details. In other instances, well-known control structures and encoder/decoder circuits have not been shown in detail in order not to obscure the present invention. Particularly, many functions are described to be carried out by various components within a compressed video playback system. Those of ordinary skill in the art, once the functionality to be carried out by such circuits is described, will be able to implement the necessary components without undue experimentation.

Referring now to FIG. 1, there is shown a generalized hardware diagram suitable for practicing the present invention. A Storage System 125 includes a Playback/Storage Controller 130 and a Storage Device 140. In an exemplary embodiment, Controller 130 receives data from a Compressed Program Source 110, which may be an encoder, a cable or satellite receiver, a host processor, or any other source of encoded video data. In one embodiment of the present invention, the compressed video data are encoded in accordance with the MPEG standard described above and includes data about I-, P-, and B-pictures comprising the video information. The compressed program data are typically written to a Storage Device 140 under the control of Controller 130. Alternatively, the Compressed Program Source 110 may deliver the data directly to the Storage Device 140. Storage Device 140 may comprise one or more hard disks that stores the entire data stream for delayed decoding, a computer memory which buffers a moving window of the data stream needed for on-the-fly decoding, or any other storage device.

During playback, the compressed program data are retrieved from Storage Device 140 and delivered under the direction of Controller 130 to Decoder 150 where the data are decompressed and subsequently displayed on a display device 160. This playback process is performed in accordance with playback mode commands sent from User Interface 120 to Controller 130. Such playback modes might include normal playback, fast forward and reverse playback, slow forward and reverse playback, and pause. The User Interface 120 may be incorporated into a set-top box or other control mechanism suitable for directing playback of a video program.

The compressed video data stream retrieved from Storage Device 140 generally must be edited before the data are presented to the Decoder 150, especially when the playback command is different from normal playback. This data manipulation functionality is provided by Controller 130. As will be described below, the compressed data manipulation process is dependent on the particular playback mode that has been selected and involves the extraction of certain I-,

P-, or B-frames from the sometimes discontinuous data stream that is recovered from Storage Device 140. It is possible that some of these editing capabilities may come to be implemented commercially in certain decoders, and if this is the case, then the Controller 130 may be simplified accordingly.

It should also be mentioned that MPEG compressed data streams consist of a hierarchy of header and extension layers in addition to the actual I-, P-, and B-frame data. During the following discussion, it will be assumed that all such header and extension layer information is combined with the image frame that immediately follows. For example, if an I-frame is encountered and it is preceded by a sequence header, sequence extension header, group-of-pictures header, and picture header, then all of this information would be considered as part of the I-frame itself, and the beginning of the first such header would be treated as the beginning of the frame.

One of the difficulties associated with multi-speed playback of compressed bit streams is the problem of transitioning from one mode to another. For example, during forward playback at high speed or reverse playback at any speed, generally only the I-frames are selected by the Controller 130 and provided to the decoder (as will be discussed with respect to Table I below). When transitioning from one of these modes to normal playback, the sequence in which frames are selected by the Controller 130 and presented to the decoder, is altered. In this particular case, the Controller 130 will stop discarding P-frames and B-frames from the compressed bit stream and instead will pass all types of frames to the Decoder 150. Usually, such a transition will cause transition artifacts to appear and remain visible during the entire transition period. For instance, if the first frame encountered after the Controller 130 begins to accept all types of frames is a P-frame, then the decoder must reference a preceding I- or P-frame when forming the prediction required for reconstruction of this frame. However, the Decoder 150 is only able to reference the last I-frame that was received prior to the transition to normal playback, and if this is not the reference frame used during the encoding process, then an artifact will occur. Alternatively, if the first frame encountered after the transition is a B-frame, then artifacts will most certainly occur since two prerequisite frames are required to form the prediction, and at least one of these prerequisite frames is a P-frame, assuming typical encoding parameters.

A method for preventing such transition artifacts is described with reference to FIG. 2. Upon receiving a command to transition to a different playback mode, the Controller 130 determines the types of frames that are needed for the specified playback mode according to Table I below:

TABLE I

PLAYBACK MODE	I_ENABLE	P_ENABLE	B_ENABLE
NORMAL PLAYBACK	1	1	1
SLOW MOTION FORWARD	1	1	1
MEDIUM FORWARD	1	1	0
FAST FORWARD	1	0	0
SLOW REVERSE	1	0	0
MEDIUM REVERSE	1	0	0
FAST REVERSE	1	0	0

For example, normal playback or slow motion forward playback requires I-, P- and B-frames, medium forward requires only I- and P-frames, and fast forward or any

reverse speed requires only I-frames. The required frame types for a given playback mode are indicated by setting I_ENABLE, B_ENABLE and P_ENABLE to 1 or 0, depending on whether I-frames, P-frames, and B-frames are to be allowed or disallowed respectively during the particular mode of playback subsequent to the transition.

Once the required frame types are specified, the Controller 130 implements the process shown in FIG. 2 in accordance with the specified frame types. In step 210, frame-forwarding variables P_DISABLE and B_DISABLE are set to 1 in order to temporarily disable the selection of P- and B-frames that would cause artifacts absent the prerequisite frames. Such disablement is required for most playback transitions; however, those skilled in the art will appreciate that for certain transitions, temporary disablement need not occur. For example, in transitioning from medium forward playback (I- and P-frames) to normal playback (I-, P- and B-frames), it would not be necessary to disable either P- or B-frames prior to the first I-frame after the transition command. For the majority of transitions, in which disablement is implemented, a variable called SELECT is set to 0 in step 220 to indicate that any subsequent data are also to be discarded rather than passed on to the decoder. SELECT will remain unchanged until the beginning of the first I-frame is detected at step 240. When this occurs, SELECT will be set to 1, in step 290, so that the I-frame data will be selected and provided to the decoder. Once the first I-frame has been detected and forwarded to the Decoder 150, subsequent P-frames can be forwarded to the Decoder 150 without danger of transition artifacts due to a missing prerequisite I- or P-frame. P_DISABLE is then turned off to allow subsequent selection of P-frames if P-frames are required for the specified playback mode. Thus, in step 250, if P-frames are required (P_ENABLE=1), then P_DISABLE is set to 0, but if P-frames are not required (P_ENABLE=0), then P_DISABLE remains set at 1.

Steps 260 and 270 illustrate a process for enabling the selection of B-frames analogous to that for enabling the selection of P-frames in steps 240 and 250. That is, once the first P-frame has been selected (P_DISABLE=0 in step 260), B-frame selection can be enabled if B-frames are required (B_ENABLE=1 in step 270) and any required B-frames can be sent to the Decoder 150 in step 280 without danger of transition artifacts due to a missing prerequisite P- or I-frame. Of course, if P-frames are not required (P_DISABLE=1), B-frame selection will never be enabled (step 270 is skipped and B_DISABLE remains at 1 as initialized in step 210), and B-frames will always be discarded (condition 'n') at step 280.

At this point, the transition process is completed and a steady state process begins. This method of frame selection during transitions will insure that the Decoder 150 will only receive frames that can be properly decoded during the entire transition period. Of course, any subsequent transition, either prior to or after completion of the present transition, would restart the process in its entirety. For example, whenever a new playback mode is specified, a reset signal could be sent to the Controller 130 to jump to step 210 of FIG. 2. The method can also be used when accessing a compressed bit stream for the first time or when randomly accessing one or more bit streams at any point thereafter.

Those skilled in the art will readily appreciate that the exemplary process illustrated in FIG. 2 can easily be extended to any desired frame selection criteria. For example, instead of conditioning selection of P-frames on preceding I-frames and selection of B-frames on preceding

P-frames, one could condition selection of n-th I-frames on preceding I-frames and selection of P-frames on the preceding n-th I-frames. In general, frames may be hierarchically characterized as a multitude of frame types according to any definable characteristic, and selection of frames of any particular type can be conditioned on previous selection of one or more frames of different types. Thus, the generalized process is not limited to transitioning between different playback speeds, but is generally useful for any transition that can be characterized in terms of changes to identifiable frame types.

During normal playback, the steady state operation of Controller 130 and Storage Device 140 is usually quite simple. All of the compressed program data are retrieved from Storage Device 140 in sequential order and then provided to Decoder 150. However, during high speed forward playback, Storage Device 140 or Controller 130 may not be capable of delivering all of the data at the desired rate. Therefore at certain playback speeds, it may be necessary to sample the compressed data by retrieving certain storage blocks from Storage Device 140 and skipping over others. In fact, the compressed data must always be sampled at certain intervals during reverse playback since sequential access can no longer be applied. Ideally, the storage blocks which are retrieved would correspond to the frames which are to be displayed and the storage blocks which are skipped would correspond to the frames which are to be discarded. However, in practice, an exact correspondence is difficult to achieve. Storage devices are typically sub-divided into fixed-size storage blocks and any transfer of information must be rounded upwards to the nearest integral number of storage blocks. Frames, on the other hand, are variable in size with I-frames typically containing more data than P-frames and P-frames typically containing more data than B-frames. These frames need not begin at storage block boundaries and it would be inefficient to force such a constraint. Moreover, the size of these frames would not be known at the time they are to be retrieved unless additional steps are taken to calculate and store these values in advance. The preferred solution is to transfer at least a fixed minimum number of storage blocks to the Controller each time data are to be retrieved. For simplicity, this fixed minimum amount of data corresponding to an arbitrary number of storage blocks, will be referred to as a single storage block.

Two exemplary embodiments of processes for non-sequentially accessing the storage device will be described with respect to FIGS. 3 and 4, respectively. In these embodiments, it will be assumed that data are stored on the storage device in contiguous and sequential format without using a file system. However, the methods apply as well to storage devices in which file systems (e.g., look-up tables or other well-known techniques) are used to associate sequential storage block addresses with non-sequential physical addresses on the storage device. In such cases, the storage block addresses can be derived using the same methods that will be described, and then mapped to the corresponding physical addresses on the storage device by applying the parameters of the file system.

It will further be assumed that only the I-frames are to be selected (corresponding to fast forward or reverse playback modes in Table I), since non-sequential access can usually be avoided if this is not the case (normal playback, slow motion forward, and medium motion forward playback modes in Table I). In the first embodiment, the location of these I-frames on the storage device is assumed to be unknown. In the second embodiment, the storage block

address corresponding to the beginning of each I-frame is assumed to be known during playback and a mechanism for generating this information will also be described.

Non-Sequential Access Without Previously Known Address Information

FIG. 3 shows the first embodiment of a process for retrieving I-frames for fast forward or reverse playback. The sequence number of the storage block last read from the Storage Device 140 is used to initialize a storage block counter k in step 300. The sequence number of the next I-frame to be displayed is determined based on the current playback mode and is denoted by 'I' in step 310. In steps 320-326, an initial estimate of k corresponding to the beginning of this next I-frame is also determined, either by adding a constant M to the previous storage block number (k from step 300) if in fast forward mode (steps 320, 322, and 326), or by subtracting the constant M if in reverse mode (steps 320, 324, and 326). The value of M can be specified based on the compression ratio and the playback speed or it may be continuously adjusted based on the observed number of storage blocks separating the most recently-retrieved I-frames.

The storage block identified by the preceding calculation is retrieved from the Storage Device 140 in step 330 and examined for a unique sequence of bits which identify the beginning of all I-frames in step 340. For example, in the MPEG standard, this sequence of bits is specified in international specification ISO/IEC-11172. If an I-frame is not found, then an adjacent storage block will be retrieved by incrementing the storage block counter k in step 360 and reading in a new storage block in step 330. Once an I-frame is detected, in step 340, its sequence number is extracted from the bitstream in step 341 and compared to the desired sequence number I in steps 342 and 352. The I-frame may be earlier than the desired I-frame (condition 'n' in step 352), later than the desired I-frame (condition 'n' in step 342), or equal to the desired I-frame (condition 'y' in step 352).

Depending on the size of each storage block and the current compression ratio, it may be possible for a storage block to contain more than one I-frame. Therefore, if the I-frame is earlier than the desired I-frame (condition 'n' in step 352), the remainder of the storage block will continue to be examined until the next I-frame is found either in the present storage block (condition 'y' in step 354) or in the next storage block (steps 356, 360, 330 and 340).

If the I-frame is later than the desired I-frame (condition 'n' in step 342), the storage block counter is decremented in steps 343 and 360, the previous storage block is read from the storage device in step 330, and the search is repeated from step 340 forward.

If the I-frame is the desired I-frame, no additional searching is required.

Once the beginning of the desired I-frame is found, SELECT is set to 1 in step 380 to indicate that subsequent data are to be provided to the Decoder 150 for display. Data will continue to be provided until the end of the I-frame is detected in step 390, even if this requires the retrieval of additional blocks from the storage device. Steps 392 and 394 show that a second storage counter, j , allows this additional retrieval without resetting the previous storage block counter k .

When the end of the frame is detected, usually by detecting the beginning of the next frame, SELECT is cleared to 0 in step 396 to indicate that the following data are not to be transferred to the decoder. The next I-frame to be retrieved is then determined by adjusting the value of I to the next desired sequence number and the process is repeated from step 310 forward.

At high playback speeds, it may not be necessary to retrieve the exact I-frame whose sequence number equals I. For example, if reverse playback mode has been selected and if every twelfth frame of the compressed bit stream is an I-frame, then one might choose the value of I to coincide with the sequence number of the I-frame that occurs 12 frames earlier than the previously displayed I-frame. Suppose, however, that in the process of searching for this particular I-frame, a different I-frame is detected. If this is the one that occurs 24 frames before the last one that was displayed, then it may be better to accept this one than to continue searching for the one that occurs 12 frames earlier. Not only would this improve efficiency and reduce the performance requirements of the Controller 130 hardware, but it is also unlikely to have a noticeable effect on the aesthetic appearance of the reconstructed sequence. This is because at high playback speeds, the viewer is less sensitive to variations in the rate of playback, particularly when such variations only occur when there is little motion activity. Fortunately, if the value of M is properly chosen, then this should happen only when the compression efficiency is higher than normal, as is often the case when there is little movement between frames.

The relaxation of the constraint on the sequence number of the next I-frame can be easily implemented in the flow chart of FIG. 3. For reverse playback, this can be done simply by eliminating the steps denoted collectively as step 350. In this way, any detected I-frame will be selected as long as its sequence number is less than or equal to I. In the simplest implementation, any I-frame would be selected as long as its sequence number differs from that of the previously selected I-frame.

Non-Sequential Access Using Previously Known Address Information

A more efficient retrieval method can be used if the locations of the I-frames on the Storage Device 140 are known in advance. FIG. 4 shows this second embodiment for retrieving I-frames for fast forward and reverse playback. The sequence number I of the next I-frame to be retrieved is determined as in the first embodiment, based on the direction and rate of playback in step 400. The address or index number of the block on the storage device containing the beginning of this I-frame is then determined by referencing a table which is created in advance (not shown in FIG. 4) and used to initialize storage block counter k in step 410. This storage block is then retrieved, in step 420, and the beginning of the I-frame is located by scanning the storage block for the unique sequence of bits used to identify the I-frames and comparing the sequence number with the chosen value I, in step 430. SELECT is then set to 1, in step 440, so that subsequent data will be delivered to the Decoder 150. As shown in steps 450-456 (like steps 390-396 of FIG. 3) the Controller 130 will then continue to retrieve subsequent blocks from the storage device until the end of the I-frame is detected, at which time SELECT will be reset to 0.

The information needed to generate the table mapping I-frames to storage blocks can be acquired at the time that the compressed bit stream is transferred to the Storage Device 140. This can be done using the alternative system block diagram shown in FIG. 5. In this embodiment, the User Interface 120 has been replaced by a more flexible Host Processor 520 which not only performs the functions of the User Interface 120 but also maintains the I-frame block mapping table. As will be appreciated by those skilled in the art, Host 520 can be any computer, microprocessor, microcontroller or other programmable or nonprogrammable logic capable of handling the necessary memory management

functions. An I-frame Detector Circuit 515 monitors the compressed program data as they are transferred from the Compressed Program Source 110 to the Controller 130. The I-frame Detector 515 interrupts the Host 520 each time an I-frame is detected. Host 520 reads the sequence number corresponding to the detected I-frame and matches it with the storage block currently being addressed on Storage Device 140. In most systems, the storage block addressing information would originate on the Host 520, and therefore, would be readily available when generating the table. As will be appreciated by those skilled in the art, the I-frame Detector Circuit need not be present if I-frame occurrence is signaled directly from the Compressed Program Source 100 to the Controller 130.

While the present invention has been disclosed with respect to certain particular embodiments, it is to be understood that the invention is not limited to these embodiments and that various modifications and changes thereto may be effected without departing from the spirit and scope of the invention.

What is claimed is:

1. A system for decoding and displaying compressed video data on a display device comprising:

a storage device for storing the compressed video data, the compressed video data comprising independent picture data and dependent picture data and the compressed video data not being specially formatted to facilitate a high speed playback mode;

a decoder coupled to communicate with a storage and playback controller for decoding the compressed video data for display on the display device; and

the storage and playback controller coupled to communicate with the storage device for controlling the delivery of the compressed video data to the decoder, the storage and playback controller configured for operation during a transition interval between a current playback mode and a desired playback mode, wherein the current playback mode lacks certain picture data needed for operation of the desired playback mode, the storage and playback controller further configured to prevent decoding artifacts by discarding the compressed video data until receipt of a next independent picture data in response to an instruction for transitioning to the desired playback mode from the current playback mode, forwarding the next frame of independent picture data to the decoder, and thereafter selectively forwarding frames of dependent picture data to the decoder.

2. The system of claim 1 wherein the dependent picture data comprises uni-directional dependent picture data and bi-directional dependent picture data, the storage and playback controller configured for discarding bi-directional dependent picture data after receipt of a next independent picture data and until receipt of a next uni-directional dependent picture data.

3. The system of claim 2 wherein the compressed video data are encoded in accordance with the MPEG standard, the independent picture data comprises I-Pictures, the uni-directional picture data comprises P-Pictures and the bi-directional dependent picture data comprises B-Pictures.

4. The system of claim 1 wherein the storage and playback controller is coupled to receive the compressed video data from a compressed program source, the storage and playback controller for controlling the storage of the compressed video data in the storage device.

5. The system of claim 4 further comprising:

an independent picture data detector coupled to monitor the compressed video data from the compressed program source as the video data are stored in the storage device; and

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a table maintenance means coupled to communicate with the independent picture data detector and with the storage and playback controller, the table maintenance means for maintaining a table of storage locations in the storage device corresponding to storage locations for the independent picture data detected by the independent picture data detector.

6. The system of claim 5 further comprising a host processor for incorporating the table maintenance means and for providing the playback mode transition instruction to the storage and playback controller.

7. The system of claim 4 further comprising a table maintenance means coupled to communicate with the compressed program source and the storage and playback controller, the table maintenance means for maintaining a table of storage locations in the storage device, the storage locations determinable upon receipt of independent picture identification signals from the compressed program source.

8. The system of claim 7 further comprising a host processor for incorporating the table maintenance means and for providing the playback mode transition instruction to the storage and playback controller.

9. The system of claim 1 further comprising means for estimating the storage locations of independent picture data in the storage device for effecting a desired playback mode.

10. The system of claim 9 wherein the means for estimating includes means for estimating storage locations for subsequent independent picture data for effecting a fast forward playback mode.

11. The system of claim 9 wherein the means for estimating includes means for estimating storage locations for previous independent picture data for effecting a reverse playback mode.

12. A system for providing compressed video data in a controlled sequence comprising:

a storage device for storing the compressed video data, the compressed video data comprising at least first and second picture data types, and the compressed video data not being specifically formatted to facilitate a high speed playback mode, wherein the compressed video data is compressed at a non-fixed rate; and

a storage and playback controller coupled to communicate with the storage device for controlling delivery of the compressed video data, the storage and playback controller configured for operation during a transition interval between a current playback mode and a desired playback mode wherein the current playback mode lacks certain picture data needed for operation of the desired playback mode and wherein the compressed video data is discarded until receipt of data corresponding to a frame of the first picture data type in response to an instruction for transitioning to the desired playback mode from the current playback mode, the storage and playback controller further configured for accessing the storage device by estimating a storage location in the storage device for a next desired frame of compressed video data of the first picture data type, without referencing a previously known storage address of the next desired frame.

13. The system of claim 12 wherein the storage and playback controller incorporates means for incrementing an index value into the storage device a predetermined amount M in accordance with a compression characteristic of the compressed video data for effecting a fast forward playback mode.

14. The system of claim 12 wherein the storage and playback controller incorporates means for decrementing an

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index value into the storage device a predetermined amount M in accordance with a compression characteristic of the compressed video data for effecting a reverse playback mode.

15. The system of claim 12 wherein the first picture data type comprises independent picture data and the second picture data type comprises dependent picture data.

16. A system for providing compressed video data in a controlled sequence, the system receiving the compressed video data from a compressed program source, the system comprising:

a storage device for storing the compressed video data when it is received from the compressed program source, the compressed video data comprising at least first and second picture data types, and the compressed video data not being specifically formatted to facilitate a high speed playback mode;

a first picture data type detector coupled to monitor the compressed video data from the compressed program source as the compressed video data are stored in the storage device;

a table maintenance means coupled to communicate with the first picture data type detector for maintaining a table of storage device locations corresponding to storage locations for the independent picture data detected by the detector; and

a storage and playback controller coupled to communicate with the storage device for storing the compressed video data therein and for controlling delivery of the compressed video data, the storage and playback controller configured for retrieving data from the storage device by referring to the table for a storage location in the storage device for a next desired frame of compressed video data of the first picture data type.

17. The system of claim 16 wherein the first picture data type comprises independent picture data and the second picture data type comprises dependent picture data.

18. The system of claim 17 wherein the dependent picture data comprises uni-directional dependent picture data and bi-directional dependent picture data, the storage and playback controller configured for discarding bi-directional dependent picture data after receipt of a next independent picture data, and until receipt of a next uni-directional dependent picture data.

19. The system of claim 18 wherein the compressed video data are encoded in accordance with the MPEG standard, the independent picture data comprises I-Pictures, the uni-directional picture data comprises P-Pictures and the bi-directional dependent picture data comprises B-Pictures.

20. The system of claim 16 further comprising a host processor for incorporating the table maintenance means and for providing the playback mode transition instruction to the storage and playback controller.

21. A system for providing compressed video data in a controlled sequence, the system receiving the compressed video data from a compressed program source, the system comprising:

a storage device for storing the compressed video data when it is received from the compressed program source, the compressed video data comprising at least first and second picture data types, and the compressed video data not being specifically formatted to facilitate a high speed playback mode;

a table maintenance means coupled to communicate with the compressed program source and the storage and playback controller, the table maintenance means for

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maintaining a table of storage locations in the storage device, the storage locations being determined upon receipt of independent picture identification signals from the compressed program source; and

a storage and playback controller coupled to communicate with the storage device for storing the compressed video data therein and for controlling delivery of the compressed video data, the storage and playback controller configured for operation during a transition interval between a current playback mode and a desired playback mode wherein the current playback mode lacks certain picture data needed for operation of the desired playback mode and wherein the compressed video data is discarded until receipt of data corresponding to a frame of the first picture data type in response to an instruction for transitioning to the desired playback mode from the current playback mode, the storage and playback controller further configured for retrieving data from the storage device by referring to the table for a storage location in the storage device for a next desired frame of compressed video data of the first picture data type.

22. The system of claim 21 wherein the first picture data type comprises independent picture data and the second picture data type comprises dependent picture data.

23. The system of claim 22 wherein the dependent picture data comprises uni-directional dependent picture data and bi-directional dependent picture data, the storage and playback controller configured for discarding bi-directional dependent picture data after receipt of a next independent picture data, and until receipt of a next uni-directional dependent picture data.

24. The system of claim 23 wherein the compressed video data are encoded in accordance with the MPEG standard, the independent picture data comprises I-Pictures, the uni-directional picture data comprises P-Pictures and the bi-directional dependent picture data comprises B-Pictures.

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25. The system of claim 21 further comprising a host processor for incorporating the table maintenance means and for providing the playback mode transition instruction to the storage and playback controller.

26. A storage and playback controller for use in an MPEG display system for controlling the delivery of compressed video data to a decode and display mechanism, the compressed video data not being specially formatted to facilitate a high speed playback mode, the storage and playback controller configured for, in response to an instruction for transitioning to a desired playback mode from a current playback mode,

identifying a first storage block and a desired independent picture;

dynamically computing a displacement measure;

determining a second storage block corresponding to the first storage block offset by the displacement measure; and repetitively:

reading the second storage block from the storage device;

determining whether the second storage block comprises the beginning of an independent picture;

delivering the independent picture to the decoder if the independent picture is the desired independent picture or a successor of the desired independent picture in the direction of playback, wherein additional storage blocks are read as necessary to deliver the independent picture;

otherwise assigning the next storage block in the direction of playback to be second storage block.

27. The storage and playback controller of claim 26, configured for accepting at least one P-frame of video data after the receipt of the I-frame of video data.

28. The storage and playback controller of claim 27, configured for accepting at least one B-frame of video data after acceptance of the P-frame of video data.

* * * * *



US006018612A

United States Patent [19]
Thomason et al.

[11] **Patent Number:** **6,018,612**
[45] **Date of Patent:** **Jan. 25, 2000**

[54] **ARRANGEMENT FOR STORING AN INFORMATION SIGNAL IN A MEMORY AND FOR RETRIEVING THE INFORMATION SIGNAL FROM SAID MEMORY**

[58] **Field of Search** 386/46, 125, 82, 386/77, 68, 124, 109, 112, 91, 92, 126

[75] **Inventors:** **Graham G. Thomason; Paul M. Van Loon**, both of Eindhoven, Netherlands

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[73] **Assignee:** **U.S. Phillips Corporation**, New York, N.Y.

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[21] **Appl. No.:** **08/768,740**

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[22] **Filed:** **Dec. 17, 1996**

Primary Examiner—Huy Nguyen
Attorney, Agent, or Firm—Edward W. Gordon

Related U.S. Application Data

[57] **ABSTRACT**

[63] Continuation of application No. 08/368,576, Jan. 4, 1995, abandoned, which is a continuation of application No. 08/136,794, Oct. 14, 1993, abandoned.

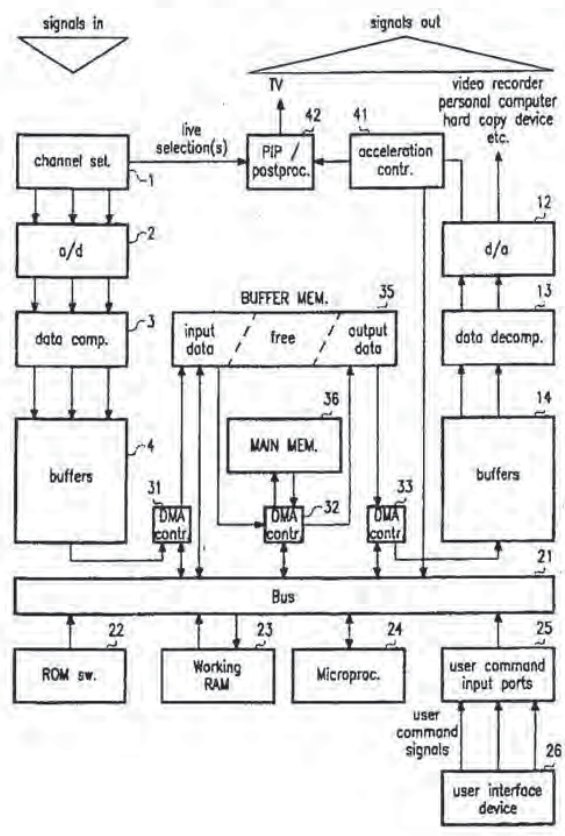
An arrangement for storing an information signal in a main memory (36) and retrieving the information signal from said main memory includes the memory (36), an input buffer memory (35a) and an output buffer memory (35b). The input buffer memory and the output buffer memory are combined into one single buffer memory (35).

[30] **Foreign Application Priority Data**

Oct. 19, 1992 [EP], European Pat. Off. 92203191

[51] **Int. Cl.⁷** **H04N 5/783**
[52] **U.S. Cl.** **386/82; 386/125**

16 Claims, 2 Drawing Sheets



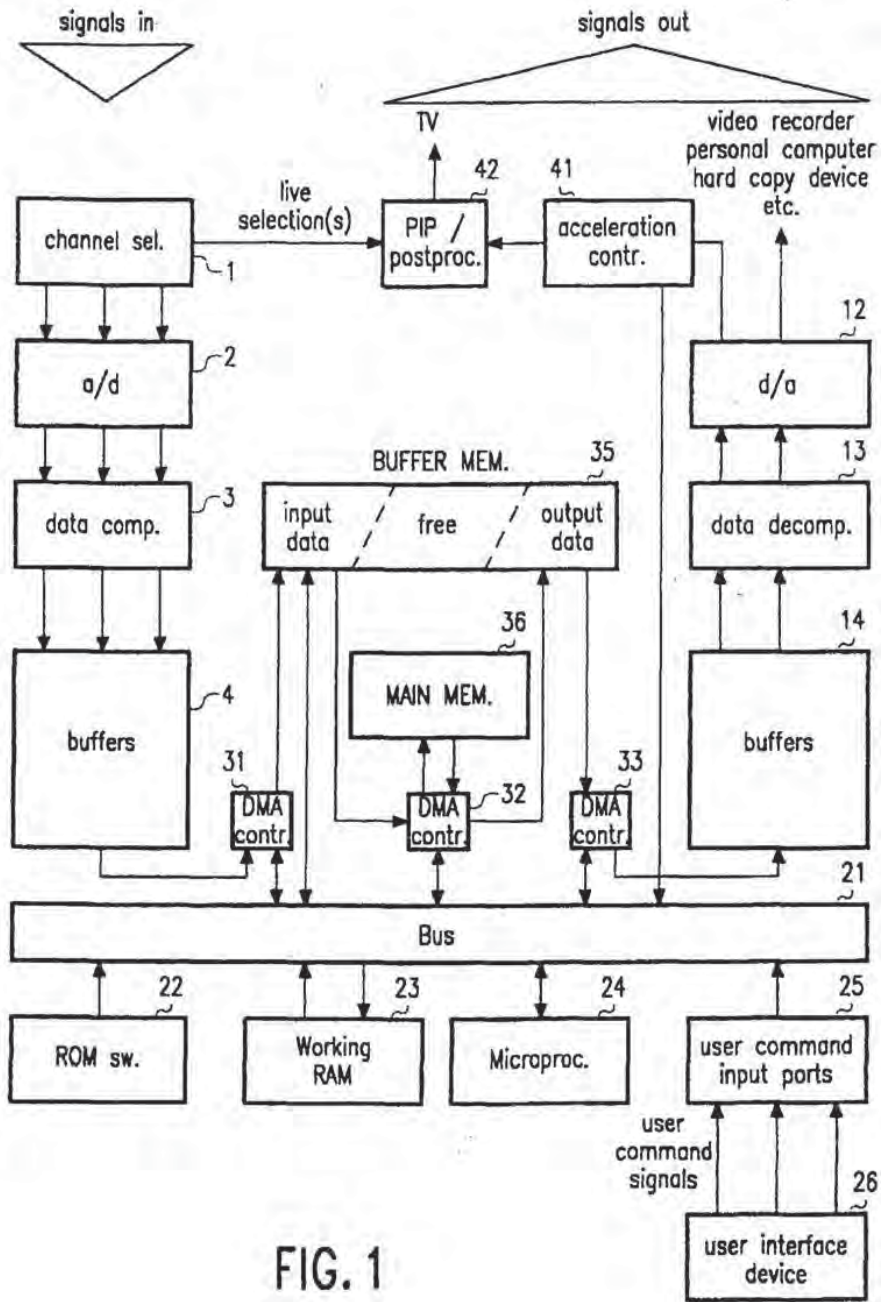


FIG. 1

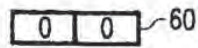
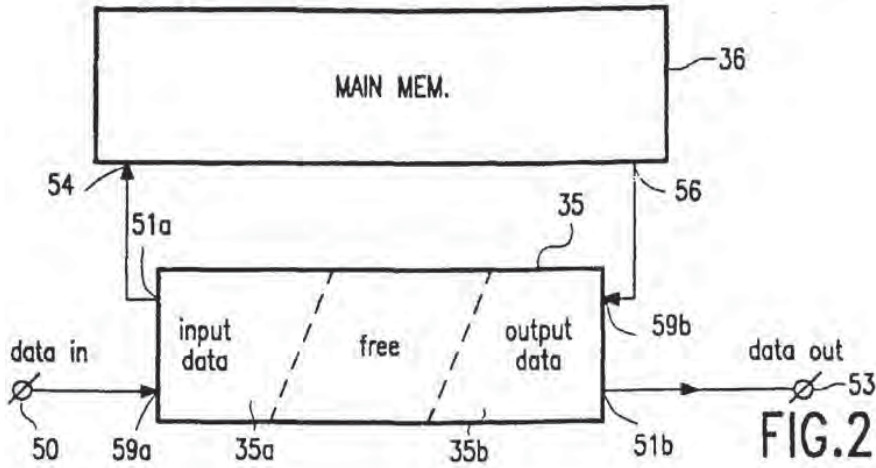


FIG. 3a

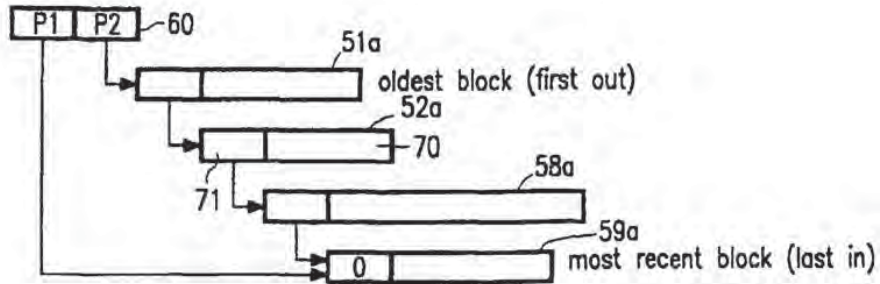


FIG. 3 b

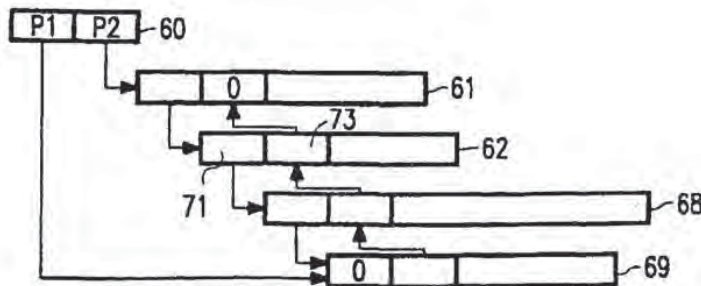


FIG. 4

**ARRANGEMENT FOR STORING AN
INFORMATION SIGNAL IN A MEMORY
AND FOR RETRIEVING THE
INFORMATION SIGNAL FROM SAID
MEMORY**

This is a division of application Ser. No. 08/368,576, filed Jan. 4, 1995, abandoned, which is a continuation of application Ser. No. 08/136,794 filed Oct. 14, 1993, abandoned.

BACKGROUND OF THE INVENTION

1. Field of the Invention

The invention relates to an arrangement for storing an information signal in a memory and retrieving the information signal from said memory, the arrangement including the memory, an input terminal for receiving the information signal, an output terminal for supplying a delayed version of the information signal, an input buffer memory, having an input coupled to the input terminal and an output coupled to an input of said memory, and an output buffer memory having an input coupled to the output of said memory and an output coupled to said output terminal.

2. Description of the Related Art

Published international patent application no. WO91/13695 discloses the temporary storage of a video signal in a memory. Using this known arrangement, an information signal can be stored in the memory and an information signal previously stored in said memory can be retrieved simultaneously from said memory. The memory can be in the form of an optical disk or a magnetic disk, such as a hard disk or a disk-array. The arrangement can be used in a television apparatus or a videorecorder so as to store a video signal in the memory.

One application of the arrangement is where live television signal transmissions are continuously recorded and a history is maintained as far back as the extent of the memory will permit. For some applications, the memory capacity of the memory can be such that it permits the storage of a video signal having a length of a few minutes. For other applications a memory capacity corresponding to a length of about 15 minutes is considered a minimum practical amount.

The arrangement offers a number of interesting features to a user.

Individual choice of the time at which a program is watched. For example, suppose at ten past eight the viewer wants to start watching the eight o'clock news (from the beginning, of course). Using the arrangement, provided the right channel has been monitored, the viewer jumps back ten minutes in time, as it were, and watches the news from the start. Unlike the case where the program is recorded on a conventional video recorder, the viewer does not have to wait until the program has finished before watching it.

Continuity after an interruption. If the viewer is interrupted while watching a program, for example by a telephone call or a call at the door, he can resume watching the program from the point at which he was interrupted. This functionality is not possible with a conventional videorecorder.

A practical solution to program overlap. Suppose a program on one channel doesn't finish until ten minutes after the start of a program on another channel. The invention permits one to watch both programs without the use of a video recorder. During the first program, the viewer ensures that the channel of the second program is being monitored.

After the first program has ended, the viewer switches to the other channel and jumps back to the start of the program. An important advantage over using a video recorder is that one does not have to wait until the recording has finished before the program can be watched.

Individual replays, including slow motion. The viewer can see a replay of an event just seen, (or just missed, or not fully understood) and then continue watching the program from the point where the replay was started. Moreover, the replays can be watched in slow motion.

Belated decision to record on video recorder possible. A viewer may decide after watching a program for ten minutes that the program is worth recording onto video tape. With the arrangement, he can retrospectively start videorecording, while continuing to watch the program live.

Additional features of the arrangement are:

A means of accelerating the viewing of a historical program. If the viewer is not watching live, e.g. due to a later program start or an interruption, he can catch up with the live broadcast by accelerating the playback. An acceleration factor of a few per cent is practically unnoticed by the viewer. The circuitry (disk readout, demultiplexing, data decompression, d/a conversion etc.) must be capable of processing the data at the accelerated rate. The sound can be specially processed so that the speed is accelerated without an undue increase in tone.

A means of fast-accelerating over a historical program. In this case not all television picture data is necessarily processed—some may be skipped and not be passed on for demultiplexing and decompression.

A fast reverse function.

A picture-in-picture (PIP) processing unit to enable combinations of live and historical programs to be displayed using picture-in-picture formats.

In order to enable an uninterrupted storage of a live television program in the main memory, and enable an uninterrupted and simultaneous retrieval of the historical program from the main memory, an input buffer memory and an output buffer memory are present. Data arriving for storage in the main memory, while the main memory is temporarily busy for another operation, will be stored in the input buffer memory, and will be stored at a later moment in the main memory by retrieving the data from the input buffer memory. Data will also be requested regularly from the main memory to be displayed on a TV screen as a historical program. Again, the main memory may be temporarily busy for another operation, so data must be readily available in the output buffer memory, so as to provide continuity of viewing for the user.

SUMMARY OF THE INVENTION

The invention provides for an improvement in relation to the memories included in the arrangement. For that purpose, the arrangement is characterized in that the input buffer memory and the output buffer memory are combined into one single buffer memory.

The invention is based on the following recognition. In an ideal operation of the input buffer memory, the control of the data transfer through the input buffer memory should be such that, in order to absorb a maximum amount of data without a transfer of data from the input buffer memory to the main memory, the input buffer memory should be empty. Further, in an ideal operation of the output buffer memory, the control of the data transfer through the output buffer memory should be such that, in order to provide a maximum

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amount of data to be displayed on the screen without a transfer of data from the main memory to the output buffer memory, the output buffer memory should be full. These requirements offer the possibility to combine the input buffer memory and the output buffer memory into one shared memory, to be used as efficiently as possible under the administration realized by a microprocessor.

The invention is specifically useful in the situation where the main memory is a hard-disk arrangement, and where the hard-disk arrangement has a single magnetic head for storing the information signal on and retrieving the information signal from the hard disk included in the hard-disk arrangement. It should however be noted that also in disk arrangements having more than one head, situations can occur where an uninterrupted storage on or retrieval from the disk is not possible, such as in the case where a head has to jump to another storage location and information flow interruption can not be corrected by another head. Further, it should be noted that, where the description discloses the storage of a single information signal in and retrieval of said information signal from the main memory, it is equally well possible to apply the inventive concept to the storage and retrieval of a number of two or more information signals in/from the main memory, eg. derived from different program channels.

BRIEF DESCRIPTION OF THE DRAWINGS

The invention will be further described in the following figure description, in which

FIG. 1 discloses an embodiment of the arrangement;

FIG. 2 discloses a more simplified embodiment;

FIG. 3 discloses a buffer memory in the form of a FIFO; and

FIG. 4 discloses a buffer memory in the form of a reversible FIFO.

DESCRIPTION OF THE PREFERRED EMBODIMENT

FIG. 1 discloses an embodiment of the arrangement. One or more television signals first pass through a channel selector 1, which selects which transmissions, according to their channel, are to be stored, and which transmissions, according to their channel, are required for live display. The transmissions which are selected to be stored are digitized by means of a/d (analog to digital) converters 2. The digital data is then compressed in real time by a data compressor 3. The output of each channel after being compressed by the data compressor 3 is placed in a buffer 4, of which there is at least one per selected channel. The buffers 4 also act as a multiplexer because they can be read out in such a way as to convert several parallel data streams into one data stream (although the different streams are separately administered). The information contained in the buffers 4 will be transferred to the buffer memory 35 under supervision of a microprocessor 24 by a DMA (direct memory access) controller 31, and is identifiable as input destined for a main memory 36, which is in the form of a hard disk arrangement. The microprocessor 24 initiates the data transfer from the buffer 4 to the buffer memory 35, and performs memory allocation in the buffer memory. The microprocessor 24 runs ROM-(read-only memory) 22 based software and makes use of a working RAM (random access memory) 23 for temporary variables, the administration of the buffer memory 35, storage of user commands and the user status, etc. Input data in the buffer memory 35 is transferred to the main memory 36 as soon as it is convenient under supervision of the microprocessor 24 by another DMA controller 32.

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The stored data in main memory 36 is in due course transferred to the buffer memory 35 under supervision of the microprocessor 24 by DMA controller 32. DMA controller 32 cannot at the same time be required or used for transferring data in the opposite direction. As television data is actually required to be displayed on the television screen, it is transferred under supervision of the microprocessor 24 by DMA controller 33 to a buffer 14. The process of transfer of data from main memory 36 to the buffer memory 35, and from the buffer memory 35 to the buffers 14 takes place separately for channels which the viewer has selected as historical channels to be viewed or recorded or used for any other purpose. An adequate supply of data per channel must always be present in the buffer memory 35 to be able to keep up with the demand. Data is taken from the buffers 14 and is decompressed by a data decompressor 13, and is converted to an analog signal by a d/a (digital to analog) converter 12. The output of the d/a converter 12 can be sent to a video recorder or television. An acceleration controller 41 has various tasks—it controls the acceleration rate at which data is required, including providing for slow motion and frozen frames and frame stepping. It also provides for fast forward and fast reverse functions. The DMA controller 33, buffers 14, data decompressor 13 and d/a (digital to analog) converters 12 should all be capable of working slightly faster (say 15%) than real time, so that an accelerated playback can be provided without loss of data until the acceleration controller 41 is reached which generates an accelerated display at a standard frame-rate. Live transmissions and historical transmissions can be simultaneously displayed using PIP=(picture-in-picture) techniques by a PIP/postprocessor 42.

It may be advantageous to combine the buffer memory 35 and working RAM (random access memory) 23 into one memory.

The buffer memory 35 enables a single-head hard-disk to cope with the dual task of writing the TV signal being monitored and simultaneously reading out the signal to be displayed.

Referring now to FIG. 2, conceptually, when the arrangement is in operation, there is a flow of data as follows.

Data arrives at the input terminal 50 for storage on the main memory 36, but as the disk in the main memory 36 may be temporarily busy for another operation, the data arriving will be buffered in input buffer 35a, by applying the data to the input 59a of said input buffer 35a. As soon as the disk is capable of receiving the data, the data stored in the input buffer 35a is supplied to the output 51a of the buffer 35a and applied to the input 54 of the main memory 36, for storage on the disk.

Data will also be regularly requested from the main memory disk 36 to be displayed on the TV screen. Again the disk may be temporarily busy for another operation. Data stored in the output buffer 35b is now supplied to the output 51b and thus applied to the output terminal 53 so as to enable continuity of viewing for the user. As soon as the disk is capable of supplying data, the data stored on the disk is supplied to the output 56 of the main memory 36 and applied to the input 59b of the output buffer memory 35b, for storage in the output buffer 35b.

In particular, the input buffer 35a is needed to buffer the incoming data while the disk is being read, and the output buffer 35b is needed to provide a continuous output of data while the disk is being written to. The input buffer 35a and the output buffer 35b are combined into one shared memory 35.

It will be shown that the input buffer part and the output buffer part in the buffer memory 35 can be realized using a FIFO or alternatively a reversible queue mechanism. These structures are now discussed.

FIG. 3 shows a buffer memory, such as the input buffer memory 35a in the form of a FIFO. The output buffer memory has the same construction. FIG. 3 shows basic FIFO queue control using a two-entry FIFO queue control block 60, including two pointer locations, the pointers stored in the locations pointing to the beginning and the end of the queue. The pointers in the control block 60 are set to some suitable constant such as zero to indicate an empty queue, see FIG. 3a. Memory blocks 51a, 52a, . . . , 58a and 59a are chained in one direction. All memory blocks include a memory space 70 for storing the data and a pointer location 71, as indicated in the memory block 52a. The pointer P1 in the control block 60 points to the address where the memory block 59a is stored. As this memory block is the block lastly stored, its pointer has a constant value, such as zero. The pointer P2 in the control block 60 points to the address where the memory block 51a is stored. This memory block is the block containing the oldest information stored in the buffer memory. Its pointer points to the address where the next memory block 52a is stored. The pointer 71 of the memory block 52a points to the address where the next memory block is stored. In this way, the pointer of block 58a points to the address where the block 59a is stored.

Memory blocks, such as the memory block 72, are added to the queue at the end of the chain. This is realized by setting P1 in control block 60 to the address where the memory block 72 is stored. Further, the pointer in memory block 72 becomes zero, and the pointer in memory block 59a will be set to the address where the memory block 72 is stored. Memory blocks, such as the memory block 51a, are taken from the queue at the start of the chain. This is realized by setting P2 in the control block 60 to the address where the memory block 52a is stored. In this way memory blocks can be added to and taken from the queue without the need to follow the whole chain of memory blocks. The pointer administration can be maintained in a short, fixed period of time.

A basic administration of the buffer memory 35 is possible using 3 FIFO queues, namely one FIFO queue (FIFO number 1) for the free memory blocks in the common buffer memory 35, one FIFO (FIFO number 2) for the input buffer memory part in the common buffer memory 35 and one FIFO (FIFO number 3) for the output buffer memory part of the common buffer memory 35.

A memory block is allocated for input by taking it from FIFO number 1 and adding it to FIFO number 2. A memory block is deallocated from input after its contents have been written to main memory 36 by taking it from FIFO number 2 and adding it to FIFO number 1. A memory block is allocated for output by taking it from FIFO number 1 and adding it to FIFO number 3. A memory block is deallocated from output after its data has been transferred to the output terminal 53 by taking it from FIFO number 3 and adding it to FIFO number 1. For this scheme to work properly, there must be adequate memory available in the buffer memory 35. It is important not to allow too much output memory to be allocated, as the amount of free memory for input will then be insufficient. The amount of memory needed, and the maximum amount of memory to ever be allocated to output data are mainly dependent on the seek time and data transfer time of the main memory 36.

The FIFO queue control blocks, such as the control block 60, can be located in fixed locations of working RAM 23 or the buffer memory 35.

Separate channels can be separately administered by defining one FIFO for free memory blocks and two FIFOs per channel (one for the input buffer part and one for the output buffer part, for each channel).

It may be possible to economize on memory by allowing the situation to occur exceptionally where there are no free memory blocks to allocate for input. In this case the most recently filled output buffer memory block is taken from FIFO number 3 and added to FIFO number 1. An indication is set that in due course this data must be re-read from main memory 36. This process can be repeated if more input buffer memory blocks are needed. A snag is that in order to deallocate the most recent buffer in a FIFO queue as administered in FIG. 3, the entire chain of memory blocks must be followed in order to find the most-recent-but-one memory block, which is to become the most recent memory block. This problem can be solved by using a reversible FIFO queue for the output buffer part, as illustrated in FIG. 4. Reversible queues are an extension to the FIFO of FIG. 3, in that the memory blocks are linked in both directions. This enables a consistent queue administration to be maintained for use as FIFO (First-In First-Out) or LIFO (Last-In First-Out) without needing to follow the whole chain of pointers. For that purpose, the memory blocks include two pointer locations 71 and 73, for pointing towards a subsequent and a previous memory block respectively. The memory block 61 can again be the block including the oldest information, and the block 69 then comprises the most information most recently stored.

If the reference numerals in FIG. 3 that carry an index 'a' are amended so as to carry an index 'b', the buffer memory of FIG. 3 thus obtained describes the output buffer memory 35b.

We claim:

1. An arrangement for intermediate storage of a video signal, said arrangement comprising:
 - input means for receiving sequential video signal elements at a first average speed;
 - first-in-first-out input bridging buffer memory means having an input fed by said input means, said input bridging buffer memory means having random access functionality for receiving said video signal elements and having an output interface;
 - mass memory disc means having cross-track random access functionality for effecting said intermediate storage, and having write head means fed by said output interface of said input bridging buffer memory means and furthermore read head means;
 - first-in-first-out output bridging buffer memory means having random access functionality and having an input interface fed by said read head means; and
 - output means having an input fed by said read head means for outputting said sequential video signal elements at a second average speed, wherein said input bridging buffer memory means and said output bridging buffer memory means are exchangeably and coexistingly mapped on a single bridging buffer, for, through said random access functionality and said cross-track random access functionality, effecting an arbitrarily selectable intermediate storage delay with a maximum value corresponding to a storage capacity of said mass memory disc means and a granularity of the delay that is orders of magnitude lower than said maximum value, the storage capacity of said single bridging buffer corresponding to a fraction of the storage capacity of said mass memory disc means, wherein the storage

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capacity of said mass memory disc means allows a delay of the sequential video signal elements in said mass memory disc means in the order of several minutes or more, a granularity of the delay in said mass memory disc means being less than the storage capacity of the single bridging buffer, while the storage capacity of said single bridging buffer allows a delay of the sequential video signal elements in said single bridging buffer of, at most, a few seconds, whereby the arrangement allows simultaneous inputting and outputting of the sequential video signal elements, each at an average speed that corresponds to a standard receiving or displaying speed, respectively.

2. An arrangement as claimed in claim 1, as used in a television receiver apparatus that has a video output for connection to a video recorder apparatus.

3. An arrangement as claimed in claim 1, wherein said write head means and said read head means are located in a single head.

4. An arrangement as claimed in claim 1, wherein said mass memory disc means are magnetic or optical storage hard disc means.

5. An arrangement as claimed in claim 1, wherein said input means are arranged for operating at a first average speed and said output means are arranged for then operating at a second average speed that is fractionally higher than said first average speed.

6. An arrangement as claimed in claim 5, wherein said second average speed corresponds to an appropriate human user viewing speed.

7. An arrangement as claimed in claim 1, wherein said input means are arranged for operating at a first average speed and said output means are arranged for selectably operating at a second average speed that is either controllably fractionally higher or controllably fractionally lower than said first average speed.

8. An arrangement as claimed in claim 7, wherein said second average speed corresponds to an appropriate human user viewing speed.

9. An arrangement as claimed in claim 1, wherein said mass memory disc means allow current storage of at least a five minute long stream of video signal elements.

10. An arrangement as claimed in claim 1, wherein said input means, said output means and said mass memory disc means are arranged for accepting at least two independent streams of video signal elements in parallel.

11. An arrangement as claimed in claim 1, wherein said input means and said mass memory disc means are arranged for accepting at least two independent streams of video signal elements in parallel.

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12. An arrangement as claimed in claim 1, for use with a supplementary video recording apparatus, wherein said output means are arranged for retrospectively presenting a video signal to said video recording apparatus after said intermediate storage having commenced at an earlier instant.


13. An arrangement as claimed in claim 1, for use with a video receiver apparatus and a video display apparatus, and being arranged for broadcaster-independent replay and/or slow-motion replay.

14. An arrangement as claimed in claim 1, for use with a multi-channel video-receiver apparatus and a supplementary single-channel video-recording apparatus, wherein said input means and said mass memory disc means are arranged for accepting at least two independent streams of video signal elements in parallel and said output means are arranged for retrospectively presenting a video signal to said supplementary single-channel video-recording apparatus with respect to a second channel after said intermediate storage having commenced at an earlier instant during overlap of said second channel with a first channel during the latter's being stored on said supplementary single-channel video-recording apparatus.

15. An arrangement as claimed in claim 1, for use with a video-receiver apparatus and a video display apparatus, wherein said input means and said mass memory disc means are arranged for accepting a first stream of video signal elements in parallel to receiving at least a second independent stream of video signal elements next to said first stream of video signal elements by said video receiver apparatus, and said output means are arranged for retrospectively presenting a video signal to said video display apparatus with respect to said first stream after said intermediate storage having commenced at an earlier instant during overlap of said first and second streams, and said second stream's being displayed on said video display apparatus.

16. An arrangement as claimed in claim 1, for use with a video-receiver apparatus and a video display apparatus, and for receiving a stream of video signal elements, and comprising inputting means for receiving an intermission control signal at a first particular time instant, and second inputting means for subsequently receiving a continue control signal at a second particular time instant, and said output means are arranged for retrospectively presenting a video signal to said video display apparatus as from said second particular time instant on for displaying said stream of video signal elements as having been stored since said first particular time instant.

* * * * *

Application Number 	Application/Control No. 90/009,329	Applicant(s)/Patent under Reexamination 6233389	
	Examiner	Art Unit 3992	

Index of Claims



Application/Control No.

90/009,329

Examiner

Applicant(s)/Patent under Reexamination

6233389

Art Unit

3992

√	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted


N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date			
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Issue Classification 	Application/Control No. 90/009,329	Applicant(s)/Patent under Reexamination 6233389
	Examiner	Art Unit 3992

ISSUE CLASSIFICATION											
ORIGINAL					INTERNATIONAL CLASSIFICATION						
CLASS		SUBCLASS			CLAIMED			NON-CLAIMED			
386		46					/			/	
CROSS REFERENCES							/			/	
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)						/			/	
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	28		58		88		118		148		178		208
	29		59		89		119		149		179		209
	30		60		90		120		150		180		210

Reexamination 	Application/Control No. 90/009,329	Applicant(s)/Patent Under Reexamination 6233389
	Certificate Date	Certificate Number

Requester Correspondence Address: <input type="checkbox"/> Patent Owner <input checked="" type="checkbox"/> Third Party
MORRISON & FOERSTER LLP DAVID L. FEHRMAN 555 WEST FIFTH STREET LOS ANGELES, CA 90013

LITIGATION REVIEW <input type="checkbox"/>	(examiner initials)	(date)
Case Name	Director Initials	

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Bib Data Sheet

CONFIRMATION NO. 2859

SERIAL NUMBER 90/009,329	FILING OR 371(c) DATE 11/10/2008 RULE	CLASS 386	GROUP ART UNIT 3992	ATTORNEY DOCKET NO. 454032800200	
APPLICANTS 6233389, Residence Not Provided; TIVO, INC.(OWNER), SUNNYVALE, CA; DISH NETWORK CORPORATION(3RD.PTY.REQ.), ENGLEWOOD, CO; MORRISON & FOERSTER LLP, LOS ANGELES, CA					
** CONTINUING DATA ***** This application is a REX of 09/126,071 07/30/1998 PAT 6,233,389					
** FOREIGN APPLICATIONS *****					
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no		STATE OR COUNTRY	SHEETS DRAWING	TOTAL CLAIMS 61	INDEPENDENT CLAIMS 4
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance					
Verified and Acknowledged _____ Examiner's Signature Initials					
ADDRESS 29989					
TITLE MULTIMEDIA TIME WARPING SYSTEM					
FILING FEE RECEIVED 2520	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

LANGUAGE OF CLAIM 31	THOMASON ET AL. (U.S. PAT. NO. 6,018,612) AND KRAUSE ET AL. (U.S. PAT. NO. 5,949,943)
31. A process for the simultaneous storage and play back of multimedia data, comprising the steps of:	Thomason describes a conventional system that simultaneously stores and plays back a television program. (Col. 1, lines 28-31.) Thomason is directed to an improvement of the conventional system with respect to its use of memories. (Col. 2, lines 54-55.)
providing a physical data source, wherein said physical data source accepts broadcast data from an input device, parses video and audio data from said broadcast data, and temporarily stores said video and audio data;	<p>Thomason discloses channel selector 1 that receives one or more television signals. (Col. 3, lines 39-43; Fig. 1.) Channel selector 1 selects the television signals desired by the user for storage and then passes the selected signals to a/d converter 2 and compressor 3. The resulting compressed data is then stored in one or more buffers 4. (Col. 3, lines 47-57.) Thus, buffer 4 meets the recited physical data source as it accepts broadcast data from an input device, <i>i.e.</i>, channel selector 1, <i>i.e.</i>, and temporarily stores the data.</p> <p>In the co-pending <i>TiVo</i> litigation, “parsing” was construed by the District Court to mean “analyzing” based on <i>TiVo</i>’s proposed construction. <i>Order</i>, at 22 (Exh. 8); <i>see also Opening Brief</i>, at 9 (Exh. 6). At trial, <i>TiVo</i> asserted that the recited parsing of video and audio data was met by detecting video frames and then generating an index or table of the start of the detected video frames and their storage location on a hard drive.</p> <p>Krause discloses an I-frame detector that detects I-frames in MPEG-formatted broadcast data and then generates a table or index of the storage locations of the detected I-frames. (Col. 5, lines 35-44; <i>see also</i> Col. 6, lines 31-39 and Fig. 5.) The act of identifying a certain type of a video frame and generating a table based on the identification necessarily parses the broadcast video data, <i>i.e.</i>, the data corresponding to I-frames, and audio data, <i>i.e.</i>, the data not detected by the I-frame detector.</p> <p>One of ordinary skill in the art would employ the indexing of detected I-frames, <i>i.e.</i>, “parsing,” of the MPEG-formatted data to identify I-frames from other video and audio data prior to storage in buffer 4. An I-frame provides enough information for a complete picture to be generated from the I-frame alone, in contrast to other types of frames. Knowing the locations of the I-frames in advance would allow Thomason to more efficiently perform operations such as varying speed reverse or varying speed forward by directly retrieving the appropriate I-frames for the selected speed.</p>

providing a source object, wherein said source object extracts video and audio data from said physical data source;

In the co-pending *TiVo* litigation, “object” was construed as “a collection of data and operations” and not limited to the use of an object-oriented computer programming language. *Order*, at 26 (Exh. 8); *see also TiVo*, at 516 F.3d at 1306-7 (Exh. 9) and *Opening Brief*, at 11 (Exh. 6).

Based on this construction, the step is met by Thomason. Thomason discloses DMA controller 31 that transfers data from buffer 4 to buffer memory 35. DMA controller 31 is supervised by microprocessor 24 that accesses ROM 22 to run software:

The information contained in the buffers 4 will be transferred to the buffer memory 35 under supervision of a microprocessor 24 by a DMA (direct memory access) controller 31, and is identifiable as input destined for a main memory 36, which is in the form of a hard disk arrangement. The microprocessor 24 initiates the data transfer from the buffer 4 to the buffer memory 35, and performs memory allocation in the buffer memory. The microprocessor 24 runs ROM-(read-only memory) 22 based software and makes use of a working RAM (random access memory) 23 for temporary variables, the administration of the buffer memory 35, storage of user commands and the user status, etc. (Col. 3, lines 53-64.)

Thus, the operation of DMA controller 31 and microprocessor 24 through software meets the recited source object step as the operation transfers video and audio data from the physical data source, *i.e.*, buffer 4, to buffer memory 35.

<p>providing a transform object, wherein said transform object stores and retrieves data streams onto a storage device;</p>	<p>The District Court construed transform object as “a collection of data and operations that transforms the form of data upon which it operates.” <i>Order</i>, at 27 (Exh. 8).</p> <p>Thomason discloses the recited step under this construction. Thomason explains that DMA controller 32 operates under the supervision of microprocessor 24 that runs software. DMA controller 32 stores and retrieves data from buffer memory 35 to a storage device, <i>i.e.</i>, main memory 36:</p> <p style="padding-left: 40px;">Input data in the buffer memory 35 is transferred to the main memory 36 as soon as it is convenient under the supervision of the microprocessor 24 by another DMA controller 32. The stored data in main memory 36 is in due course transferred to the buffer memory 35 under supervision of the microprocessor 24 by DMA controller 32. (Col. 3, line 64 to Col. 4, line 3.)</p> <p>The data stored and retrieved from main memory 36 is a data stream as Thomason discloses operating the system of Fig. 1 to simultaneously record and play a television program. Thomason further discloses that data stored on the main memory can be retrieved at a later time, thereby creating a temporal transformation. (<i>See, e.g.</i>, Thomason at Col. 1, lines 56-59 (“If the viewer is interrupted while watching a program, for example by a telephone call or a call at the door, he can resume watching the program from the point at which he was interrupted.”); <i>see also</i> '389 patent, at Col. 8, lines 3-8 (describing temporal transformations in the context of transforms 802).)</p>
<p>wherein said source object obtains a buffer from said transform object, said source object converts video data into data streams and fills said buffer with said streams;</p>	<p>Thomason discloses that the operation of DMA controller 31 under the supervision of microprocessor 24 – <i>i.e.</i>, the source object – is to transfer data from buffer 4 to the buffer memory 35, with the data being “identifiable as input destined for a main memory 36.” (Col. 3, lines 53-64.) The operation of DMA controller 32 as supervised by microprocessor 24 – <i>i.e.</i>, the transform object – is to control the transfer of data to and from buffer memory 35 to main memory 36. (Col. 3, line 64 to Col. 4, line 3.) Fig. 1 of Thomason shows buffer memory 35 as being variable by the diagonal dashed lines. Thus, the source object 31/24 obtains a buffer, <i>i.e.</i>, variable buffer memory 35, from the transform object 32/24 to fill the buffer with data identified for input to main memory 36. The source object 31/24 converts the data to a stream by successively outputting data from buffer 4 to buffer memory 35 for generating a television program.</p>
<p>wherein said source object is automatically flow controlled by said transform object;</p>	<p>In the co-pending <i>TiVo</i> litigation, this recitation was construed as meaning that the flow of data is self-regulating. <i>Order</i>, at 24 (Exh. 8); <i>see also</i> '389 patent, at Col. 8, lines 48-49. Self-regulation is taught in Thomason as data is buffered from buffer 4 to buffer memory 35 until the main memory 36 is available to receive data. (<i>See, e.g.</i>, Col. 4, lines 43-51.)</p>

<p>providing a sink object, wherein said sink object obtains data stream buffers from said transform object and outputs said streams to a video and audio decoder;</p>	<p>Sink object was construed in the co-pending <i>TiVo</i> litigation in a similar manner as source and transform objects. <i>Order</i>, at 27-8 (Exh. 8).</p> <p>Thomason discloses transferring a data stream from main memory 36 to buffer memory 35 through the operation of DMA controller 32 and microprocessor 24, <i>i.e.</i>, the transform object. Buffer memory 35 is variable as discussed above, and DMA controller 33 under the supervision of microprocessor 24 through software operates to obtain the data stream buffers from the transform object. (Col. 4, lines 1-19.) Fig. 1 shows that buffer 14 receives the data from buffer memory 35. That is, the operation of DMA controller 33 and the microprocessor 24 meets the sink object step as it operates to transfer data streams from variable buffer memory 35 to buffer 14. Fig. 1 shows that buffer 14 outputs the data to decompressor 13 and d/a converter 12. If the data is in MPEG format, the decompressor would include a video decoder and an audio decoder.</p>
<p>wherein said decoder converts said streams into display signals and sends said signals to a display;</p>	<p>Thomason discloses that d/a converter 12 converts the signals from a digital stream to an analog signal that can be sent “to a video recorder or television.” (Col. 4, lines 15-19.)</p>
<p>wherein said sink object is automatically flow controlled by said transform object;</p>	<p>This recitation was construed in the same manner as “wherein said source object is automatically flow controlled by said transform object” above. As discussed for that recitation, Thomason discloses self-regulation in that data is buffered from buffer 4 to buffer memory 35 until the main memory 36 is available to receive data. (<i>See, e.g.</i>, Col. 4, lines 43-51.) The same process applies between the transform object and the sink object as data is transferred from buffer memory 35 to buffer 14 until the main memory is available to output data. (<i>See</i> Col. 4, lines 52-61.)</p>
<p>providing a control object, wherein said control object receives commands from a user, said commands control the flow of the broadcast data through the system; and</p>	<p>In the co-pending <i>TiVo</i> litigation, the District Court construed the recitations as “a collection of data and operations that receives commands from a user that control the flow of broadcast data.” <i>Order</i>, at 29.</p>
<p>wherein said control object sends flow command events to said source, transform, and sink objects.</p>	<p>Fig. 1 of Thomason illustrates a “user interface device” 26 providing command signals to a “user command input ports” 25 connected to bus 21. Thomason discloses that conventional systems allow the user to provide commands to control viewing such as reversing or fast forwarding, <i>i.e.</i>, control the flow of data. (Col. 1, line 45 to Col. 2, line 32.) Fig. 1 illustrates that bus 21 in turn is connected the microprocessor 24 and DMA controllers 31-33 and, thus, the commands from device 26 for controlling the flow of data are sent to the elements defined above as meeting the recited source, transform and sink objects to effect the desired commands.</p>

EXHIBIT 5

LANGUAGE OF CLAIM 61	THOMASON ET AL. (U.S. PAT. NO. 6,018,612) AND KRAUSE ET AL. (U.S. PAT. NO. 5,949,943)
61. An apparatus for the simultaneous storage and play back of multimedia data, comprising the steps of:	Thomason describes a conventional system that simultaneously stores and plays back a television program. (Col. 1, lines 28-31.) Thomason is directed to an improvement of the conventional system with respect to its use of memories. (Col. 2, lines 54-55.)
a physical data source, wherein said physical data source accepts broadcast data from an input device, parses video and audio data from said broadcast data, and temporarily stores said video and audio data;	<p>Thomason discloses channel selector 1 that receives one or more television signals. (Col. 3, lines 39-43; Fig. 1.) Channel selector 1 selects the television signals desired by the user for storage and then passes the selected signals to a/d converter 2 and compressor 3. The resulting compressed data is then stored in one or more buffers 4. (Col. 3, lines 47-57.) Thus, buffer 4 meets the recited physical data source as it accepts broadcast data from an input device, <i>i.e.</i>, channel selector 1, <i>i.e.</i>, and temporarily stores the data.</p> <p>In the co-pending <i>TiVo</i> litigation, “parsing” was construed by the District Court to mean “analyzing” based on <i>TiVo</i>’s proposed construction. <i>Order</i>, at 22 (Exh. 8); <i>see also Opening Brief</i>, at 9 (Exh. 6). At trial, <i>TiVo</i> asserted that the recited parsing of video and audio data was met by detecting video frames and then generating an index or table of the start of the detected video frames and their storage location on a hard drive.</p> <p>Krause discloses parsing video and audio data from broadcast data as construed by <i>TiVo</i> in the co-pending litigation. Krause discloses an I-frame detector that detects I-frames in MPEG-formatted broadcast data and then generates a table or index of the storage locations of the detected I-frames. (Col. 5, lines 35-44; <i>see also</i> Col. 6, lines 31-39 and Fig. 5.) The act of identifying a certain type of a video frame and generating a table based on the identification necessarily parses the broadcast video data, <i>i.e.</i>, the data corresponding to I-frames, and audio data, <i>i.e.</i>, the data not detected by the I-frame detector.</p> <p>One of ordinary skill in the art would employ the indexing of detected I-frames, <i>i.e.</i>, “parsing,” of the MPEG-formatted data to identify I-frames from other video and audio data prior to storage in buffer 4. An I-frame provides enough information for a complete picture to be generated from the I-frame alone, in contrast to other types of frames. Knowing the locations of the I-frames in advance would allow Thomason to more efficiently perform operations such as varying speed reverse or varying speed forward by directly retrieving the appropriate I-frames for the selected speed.</p>

a source object, wherein said source object extracts video and audio data from said physical data source;

In the co-pending *TiVo* litigation, “object” was construed as “a collection of data and operations” and not limited to the use of an object-oriented computer programming language. *Order*, at 26 (Exh. 8); *see also TiVo*, at 516 F.3d at 1306-7 (Exh. 9) and *Opening Brief*, at 11 (Exh. 6).

Based on this construction, the step is met by Thomason. Thomason discloses DMA controller 31 that transfers data from buffer 4 to buffer memory 35. DMA controller 31 is supervised by microprocessor 24 that accesses ROM 22 to run software:

The information contained in the buffers 4 will be transferred to the buffer memory 35 under supervision of a microprocessor 24 by a DMA (direct memory access) controller 31, and is identifiable as input destined for a main memory 36, which is in the form of a band disk arrangement. The microprocessor 24 initiates the data transfer from the buffer 4 to the buffer memory 35, and performs memory allocation in the buffer memory. The microprocessor 24 runs ROM-(read-only memory) 22 based software and makes use of a working RAM (random access memory) 23 for temporary variables, the administration of the buffer memory 35, storage of user commands and the user status, etc. (Col. 3, lines 53-64.)

Thus, the operation of DMA controller 31 and microprocessor 24 through software meets the recited source object step as the operation transfers video and audio data from the physical data source, *i.e.*, buffer 4, to buffer memory 35.

<p>a transform object, wherein said transform object stores and retrieves data streams onto a storage device;</p>	<p>The District Court construed transform object as “a collection of data and operations that transforms the form of data upon which it operates.” <i>Order</i>, at 27 (Exh. 8).</p> <p>Thomason discloses the recited step under this construction. Thomason explains that DMA controller 32 operates under the supervision of microprocessor 24 that runs software. DMA controller 32 stores and retrieves data from buffer memory 35 to a storage device, <i>i.e.</i>, main memory 36:</p> <p style="padding-left: 40px;">Input data in the buffer memory 35 is transferred to the main memory 36 as soon as it is convenient under the supervision of the microprocessor 24 by another DMA controller 32. The stored data in main memory 36 is in due course transferred to the buffer memory 35 under supervision of the microprocessor 24 by DMA controller 32. (Col. 3, line 64 to Col. 4, line 3.)</p> <p>The data stored and retrieved from main memory 36 is a data stream as Thomason discloses operating the system of Fig. 1 to simultaneously record and play a television program. Thomason further discloses that data stored on the main memory can be retrieved at a later time, thereby creating a temporal transformation. (<i>See, e.g.</i>, Thomason at Col. 1, lines 56-59 (“If the viewer is interrupted while watching a program, for example by a telephone call or a call at the door, he can resume watching the program from the point at which he was interrupted.”); <i>see also</i> '389 patent, at Col. 8, lines 3-8 (describing temporal transformations in the context of transforms 802).)</p>
<p>wherein said source object obtains a buffer from said transform object, said source object converts video data into data streams and fills said buffer with said streams;</p>	<p>Thomason discloses that the operation of DMA controller 31 under the supervision of microprocessor 24 – <i>i.e.</i>, the source object – is to transfer data from buffer 4 to the buffer memory 35, with the data being “identifiable as input destined for a main memory 36.” (Col. 3, lines 53-64.) The operation of DMA controller 32 as supervised by microprocessor 24 – <i>i.e.</i>, the transform object – is to control the transfer of data to and from buffer memory 35 to main memory 36. (Col. 3, line 64 to Col. 4, line 3.) Fig. 1 of Thomason shows buffer memory 35 as being variable by the diagonal dashed lines. Thus, the source object 31/24 obtains a buffer, <i>i.e.</i>, variable buffer memory 35, from the transform object 32/24 to fill the buffer with data identified for input to main memory 36. The source object 31/24 converts the data to a stream by successively outputting data from buffer 4 to buffer memory 35 for generating a television program.</p>
<p>wherein said source object is automatically flow controlled by said transform object;</p>	<p>In the co-pending <i>TiVo</i> litigation, this recitation was construed as meaning that the flow of data is self-regulating. <i>Order</i>, at 24 (Exh. 8); <i>see also</i> '389 patent, at Col. 8, lines 48-49. Self-regulation is taught in Thomason as data is buffered from buffer 4 to buffer memory 35 until the main memory 36 is available to receive data. (<i>See, e.g.</i>, Col. 4, lines 43-51.)</p>

<p>a sink object, wherein said sink object obtains data stream buffers from said transform object and outputs said streams to a video and audio decoder;</p>	<p>Sink object was construed in the co-pending <i>TiVo</i> litigation in a similar manner as source and transform objects. <i>Claim Construction Order</i>, at 27-8 (Exh. 8).</p> <p>Thomason discloses transferring a data stream from main memory 36 to buffer memory 35 through the operation of DMA controller 32 and microprocessor 24, <i>i.e.</i>, the transform object. Buffer memory 35 is variable as discussed above, and DMA controller 33 under the supervision of microprocessor 24 through software operates to obtain the data stream buffers from the transform object. (Col. 4, lines 1-19.) Fig. 1 shows that buffer 14 receives the data from buffer memory 35. That is, the operation of DMA controller 33 and the microprocessor 24 meets the sink object step as it operates to transfer data streams from variable buffer memory 35 to buffer 14. Fig. 1 shows that buffer 14 outputs the data to decompressor 13 and d/a converter 12. If the data is in MPEG format, the decompressor would include a video decoder and an audio decoder.</p>
<p>wherein said decoder converts said streams into display signals and sends said signals to a display;</p>	<p>Thomason discloses that d/a converter 12 converts the signals from a digital stream to an analog signal that can be sent "to a video recorder or television." (Col. 4, lines 15-19.)</p>
<p>wherein said sink object is automatically flow controlled by said transform object;</p>	<p>This recitation was construed in the same manner as "wherein said source object is automatically flow controlled by said transform object" above. As discussed for that recitation, Thomason discloses self-regulation in that data is buffered from buffer 4 to buffer memory 35 until the main memory 36 is available to receive data. (<i>See, e.g.</i>, Col. 4, lines 43-51.) The same process applies between the transform object and the sink object as data is transferred from buffer memory 35 to buffer 14 until the main memory is available to output data. (<i>See</i> Col. 4, lines 52-61.)</p>
<p>a control object, wherein said control object receives commands from a user, said commands control the flow of the broadcast data through the system; and</p>	<p>In the co-pending <i>TiVo</i> litigation, the District Court construed the recitations as "a collection of data and operations that receives commands from a user that control the flow of broadcast data." <i>Order</i>, at 29.</p>
<p>wherein said control object sends flow command events to said source, transform, and sink objects.</p>	<p>Fig. 1 of Thomason illustrates a "user interface device" 26 providing command signals to a "user command input ports" 25 connected to bus 21. Thomason discloses that a conventional systems allow the user to provide commands to control viewing such as reversing or fast forwarding, <i>i.e.</i>, control the flow of data. (Col. 1, line 45 to Col. 2, line 32.) Fig. 1 illustrates that bus 21 in turn is connected the microprocessor 24 and DMA controllers 31-33 and, thus, the commands from device 26 for controlling the flow of data are sent to the elements defined above as meeting the recited source, transform and sink objects to effect the desired commands.</p>

Patent Assignment Abstract of Title

Total Assignments: 3

Application #: 09126071 **Filing Dt:** 07/30/1998 **Patent #:** 6233389 **Issue Dt:** 05/15/2001
PCT #: NONE **Publication #:** NONE **Pub Dt:**
Inventors: JAMES M. BARTON, RODERICK JAMES MCINNIS, ALAN S. MOSKOWITZ, ANDREW MARTIN GOODMAN, CHING TONG CHOW, JEAN SWEY KAO
Title: MULTIMEDIA TIME WARPING SYSTEM

Assignment: 1

Reel/Frame: 009377 / 0779 **Received:** 08/10/1998 **Recorded:** 07/30/1998 **Mailed:** 11/04/1998 **Pages:** 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: BARTON, JAMES M. **Exec Dt:** 07/27/1998
MCINNIS, RODERICK JAMES **Exec Dt:** 07/21/1998
MOSKOWITZ, ALAN S. **Exec Dt:** 07/27/1998
GOODMAN, ANDREW MARTIN **Exec Dt:** 07/27/1998
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Assignment: 2

Reel/Frame: 018866 / 0510 **Received:** 02/08/2007 **Recorded:** 02/08/2007 **Mailed:** 02/08/2007 **Pages:** 14

Conveyance: SECURITY AGREEMENT

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Assignment: 3

Reel/Frame: 018875 / 0933 **Received:** 02/12/2007 **Recorded:** 02/12/2007 **Mailed:** 02/12/2007 **Pages:** 19

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE NAME OF RECEIVING PARTY PREVIOUSLY RECORDED ON REEL 018866 FRAME 0510. ASSIGNOR(S) HEREBY CONFIRMS THE SECURITY AGREEMENT.

Assignor: TIVO INC. **Exec Dt:** 01/25/2007

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Search Results as of: 11/18/2008 10:55 AM

Litigation Search Report CRU 3999

Reexam Control No 90/009,329

TO: MARK REINHART Location: CRU Art Unit: 3992 Date: 11/18/08 Case Serial Number: 90/009,329	From: MANUEL SALDANA Location: CRU 3999 MDW 7C55 Phone: (571) 272-7740 Manuel.Saldana@uspto.gov
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Search Notes

Litigation was found involving U.S. Patent Number 6,233,389.
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TIVO INC V. ECHOSTAR COMM. CORP. CLOSED 7/10/07.
TIVO INC V. ECHOSTAR COMM. CORP. CLOSED 7/29/05.
TIVO INC V. ECHOSTAR COMM. CORP. CLOSED 10/31/05.
TIVO INC V. ECHOSTAR COMM. NOT CLOSED.
TIVO INC V. SONICBLUE INC. NOT CLOSED.
TIVO INC V. SONICBLUE INC. CLOSED 11/12/02.

- 1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.
- 2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.
- 3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.
- 4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.
- 5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

KEYCITE**H US PAT 6233389 MULTIMEDIA TIME WARPING SYSTEM, Assignee: TiVo, Inc. (May 15, 2001)****History****Direct History**

=> 1 **MULTIMEDIA TIME WARPING SYSTEM**, US PAT 6233389, 2001 WL 510913 (U.S. PTO Utility May 15, 2001) (NO. 09/126071)

Ruled Infringed by

▶ 2 TiVo Inc. v. EchoStar Communications Corp., 446 F.Supp.2d 664 (E.D.Tex. Aug 17, 2006) (NO. 2:04 CV 1 DF)

Affirmed in Part, Reversed in Part and Remanded by

H 3 TiVo, Inc. v. EchoStar Communications Corp., 516 F.3d 1290, 85 U.S.P.Q.2d 1801 (Fed.Cir.(Tex.) Jan 31, 2008) (NO. 2006-1574), rehearing and rehearing en banc denied (Apr 11, 2008) (BNA Version)

Certiorari Denied by

H 4 EchoStar Communications Corp. v. TiVo, Inc., 129 S.Ct. 306, 77 USLW 3088, 77 USLW 3188, 77 USLW 3203 (U.S. Oct 06, 2008) (NO. 08-179)

=> 5 **MULTIMEDIA TIME WARPING SYSTEM**, US PAT 6233389, 2001 WL 510913 (U.S. PTO Utility May 15, 2001) (NO. 09/126071)

Ruled Infringed by

H 6 TiVo, Inc. v. EchoStar Communications Corp., 516 F.3d 1290, 85 U.S.P.Q.2d 1801 (Fed.Cir.(Tex.) Jan 31, 2008) (NO. 2006-1574), rehearing and rehearing en banc denied (Apr 11, 2008) (BNA Version)

Certiorari Denied by

H 7 EchoStar Communications Corp. v. TiVo, Inc., 129 S.Ct. 306, 77 USLW 3088, 77 USLW 3188, 77 USLW 3203 (U.S. Oct 06, 2008) (NO. 08-179)

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H 9 Tivo Inc. v. Echostar Communications Corp., 2006 WL 5127620 (E.D.Tex. Jan 26, 2006) (NO. 2:04-CV-1-DF)

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E.D.Tex.

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Appellate Court Documents (U.S.A.)

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- 31 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. Echostar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants., 2006 WL 814195 (Trial Pleading) (E.D.Tex. Feb. 9, 2006) **Defendants Echostar Communications Corporation and Echostar DBS Corporation's Second Amended Answer** (NO. 2-04CV01DF)

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Transfer (NO. 2-04CV01DF)

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- 44 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendant., 2004 WL 3357083 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 16, 2004) **Tivo's Sur-Reply in Support of its Opposition to Motion to Dismiss** (NO. 204-CV-01-DF)
- 45 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendant., 2004 WL 3768008 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 16, 2004) **TiVo's Sur-Reply in Support of its Opposition to Motion to Dismiss** (NO. 204-CV-01-DF)
- 46 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966209 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Feb. 7, 2005) **Stipulated Protective Order** (NO. 2-04CV-01DF)
- 47 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ESCHOSTAR COMMUNICATION COR-

- PORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365517 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 2, 2005) **Echostar Technologies Corporation and Echosphere Limited Liability Company's Motion to Compel Interr** (NO. 2-04CV01DF)
- 48 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966208 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 2, 2005) **Echostar Technologies Corporation and Echosphere Limited Liability Company's Motion to Compel Interr** (NO. 2-04CV01DF)
- 49 TiVo INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. EchoStar DBS Corporation, a Colorado corporation, 3. EchoStar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants, And Related Counterclaims., 2005 WL 4170701 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 16, 2005) **Tivo's Opposition to EchoStar's Motion to Compel a More Detailed Interrogatory Response** (NO. 2-04CV-01)
- 50 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, EchoStar DBS Corporation, a Colorado corporation, 3. EchoStar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. and Related Counterclaims., 2005 WL 1365519 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 17, 2005) **Tivo's Motion to Compel Echostar's Production of Documents, Interrogatory Responses, and Attendance a** (NO. 2-04CV-01)
- 51 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. EchoStar DBS Corporation, a Colorado corporation, 3. EchoStar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 3966211 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 17, 2005) **TiVo's Motion to Compel Echostar's Production of Documents, Interrogatory Responses, and Attendance** (NO. 2-04CV-01)
- 52 TIVO INC., a Delaware corporation, Plaintiff, v. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; EchoStar DBS Corporation, a Colorado corporation; EchoStar Technologies Corporation, a Texas corporation; and Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966212 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 17, 2005) **Defendants' Responses and Objections to ""First Set of Requests for Production of Documents to all D** (NO. 204CV01DF)
- 53 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365523 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 21, 2005) **Defendants' Memorandum of Points and Authorities in Opposition to Plaintiff Tivo Inc.'s Motion to Am** (NO. 2-04CV01DF)

- 54 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4805997 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 21, 2005) **Defendants' Memorandum of Points and Authorities in Opposition to Plaintiff Tivo Inc.'s Motion to Am** (NO. 2-04CV01DF)
- 55 TIVO INC., a Delaware corporation, Plaintiff, v. I. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365526 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 23, 2005) **Reply Memorandum of Points and Authorities in Support of Echostar Technologies Corporation's and Ech** (NO. 2-04CV01DF)
- 56 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966214 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 23, 2005) **Reply Memorandum of Points and Authorities in Support of Echostar Technologies Corporation's and Ech** (NO. 2-04CV01DF)
- 57 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365529 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 24, 2005) **TiVo's Reply in Support of its Motion to Amend the Scheduling Order** (NO. 2-04CV-01)
- 58 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants, And Related Counterclaims., 2005 WL 4805998 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 24, 2005) **Tivo's Reply in Support of its Motion to Amend the Scheduling Order** (NO. 2-04CV-01)
- 59 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants, And Related Counterclaims., 2005 WL 1365532 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 29, 2005) **Defendants' Opposition to TiVo's Motion to Compel Echostar's Production of Documents, Interrogatory** (NO. 2-04CV01DF)
- 60 TIVO INC., a Delaware corporation, Plaintiff, v. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; EchoStar DBS Corporation, a Colorado corporation; EchoStar Technologies Corporation, a Texas corporation; and Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966215 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 29, 2005) **Defendants' Responses and Objections to ""First Set of Requests for Admissions to all Defendants** (No (NO. 204CV01DF)

- 61 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants, And Related Counterclaims., 2005 WL 4805999 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 29, 2005) **Defendants' Opposition to Tivo's Motion to Compel Echostar's Production of Documents, Interrogatory** (NO. 2-04CV01DF)
- 62 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365534 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 30, 2005) **TiVo's Sur-Reply in Opposition to Echostar's Motion to Compel A More Detailed interrogatory Response** (NO. 2-04CV-01)
- 63 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 3966216 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 30, 2005) **TiVo's Sur-Reply in Opposition to Echostar's Motion to Compel a More Detailed Interrogatory Response** (NO. 2-04CV-01)
- 64 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. and Related Counterclaims, 2005 WL 1365536 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 5, 2005) **Tivo's Reply to Defendants' Opposition to Tivo's Motion to Compel Echostar's Production of Documents** (NO. 2-04CV-01)
- 65 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims, 2005 WL 4806000 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 5, 2005) **Tivo's Reply to Defendants' Opposition to Tivo's Motion to Compel Echostar's Production of Documents** (NO. 2-04CV-01)
- 66 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365538 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 11, 2005) **Echostar's Opening Claim Construction Brief** (NO. 2-04CV01DF)
- 67 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. and Related Counterclaims, 2005

- WL 1365540 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 27, 2005) **Tivo's Opposition to Defendants' Second Motion to Compel** (NO. 2-04CV-01)
- 68 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. EchoStar DBS Corporation, a Colorado corporation, 3. EchoStar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 3966217 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 27, 2005) **Tivo's Opposition to Defendants' Second Motion to Compel** (NO. 2-04CV-01)
- 69 TIVO INC., a Delaware corporation, Plaintiff, v. 1. SCHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2 EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365542 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 29, 2005) **Defendants' Third Motion to Compel** (NO. 2-04CV01DF)
- 70 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966218 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 29, 2005) **Defendants' Third Motion to Compel** (NO. 2-04CV01DF)
- 71 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365544 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 4, 2005) **Reply Brief in Support of Defendants' Second Motion to Compel** (NO. 2-04CV01DF)
- 72 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4806001 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 4, 2005) **Reply Brief in Support of Defendants' Second Motion to Compel** (NO. 2-04CV01DF)
- 73 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365546 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 9, 2005) **Defendants' Fifth Motion to Compel** (NO. 2-04CV01DF)
- 74 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4806002 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 9, 2005) **Defendants' Fifth Motion to Compel**

(NO. 2-04CV01DF)

- 75 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365548 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 11, 2005) **Tivo's Opposition to Defendants' Third Motion to Compel** (NO. 2-04CV-01)
- 76 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365551 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 11, 2005) **Tivo's Sur-Reply to Defendants' Second Motion to Compel** (NO. 2-04CV-01)
- 77 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 3966219 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 11, 2005) **Tivo's Opposition to Defendants' Third Motion to Compel** (NO. 2-04CV-01)
- 78 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 4806003 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 11, 2005) **Tivo's Sur-Reply to Defendants' Second Motion to Compel** (NO. 2-04CV-01)
- 79 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966220 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 12, 2005) **Tivo Inc.'s Opposition Brief on Claim Construction** (NO. 2-04CV-01)
- 80 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1594130 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 16, 2005) **Defendants' Reply in Support of Its Third Motion to Compel** (NO. 2-04CV01DF)
- 81 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966195 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 16, 2005) **Defendants' Reply in Support of its Third Motion to Compel** (NO. 2-04CV01DF)

- 82 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966193 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 18, 2005) **TiVo Inc.'s Opening Brief on Claim Construction** (NO. 2-04CV-01)
- 83 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966194 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 18, 2005) **TiVo Inc.'s Opposition Brief on Claim Construction** (NO. 2-04CV-01)
- 84 TIVO INC., a Delaware corporation Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants; And Related Counterclaims., 2005 WL 1594131 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 23, 2005) **Tivo's Opposition to Defendants' Fifth Motion to Compel** (NO. 2-04CV-01)
- 85 TIVO INC., a Delaware corporation Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants; And Related Counterclaims., 2005 WL 1594132 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 23, 2005) **Tivo's Sur-Reply to Defendants' Third Motion to Compel** (NO. 2-04CV-01)
- 86 TIVO INC., a Delaware corporation Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 3966196 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 23, 2005) **TiVo's Opposition to Defendants' Fifth Motion to Compel** (NO. 2-04CV-01)
- 87 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 4805991 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 23, 2005) **TiVo's Sur-Reply to Defendants' Third Motion to Compel** (NO. 2-04CV-01)
- 88 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4805995 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 26, 2005) **Reply in Support of Echostar's Motion to Enforce May 24, 2005 Resolution and for a Court Order Conce** (NO. 2-04CV01DF)
- 89 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS COR-

- PORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1594133 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 2, 2005) **Defendants' Sixth Motion to Compel** (NO. 2-04CV01DF)
- 90 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4805992 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 2, 2005) **Defendants' Sixth Motion To Compel** (NO. 2-04CV01DF)
- 91 TIVO INC., a Delaware corporation, Plaintiff, v. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, Echostar DBS Corporation, a Colorado corporation, Echostar Technologies Corporation, a Texas corporation, and Echosphere Limited Liability Company, a Colorado limited liability company, Defendants; And Related Counterclaims., 2005 WL 1924059 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 16, 2005) **Tivo's Opposition to Defendants' Sixth Motion to Compel** (NO. 2-04CV-01)
- 92 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. EchoStar DBS Corporation, a Colorado corporation, 3. EchoStar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 3966197 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 16, 2005) **TiVo's Opposition to Defendants' Sixth Motion to Compel** (NO. 2-04CV-01)
- 93 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR, COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1924060 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 23, 2005) **Defendants' Reply Brief in Support of the Sixth Motion to Compel** (NO. 2-04CV01DF)
- 94 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966198 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 23, 2005) **Defendants' Reply Brief in Support of the Sixth Motion to Compel** (NO. 2-04CV01DF)
- 95 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966199 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 8, 2005) **Memorandum of Points and Authorities in Support of Echostar's Seventh Motion to Compel** (NO. 2-04CV01DF)
- 96 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3.

- EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4805993 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 8, 2005) **Echostar's Motion to Enforce May 24, 2005 Resolution and for a Court Order Concerning Motions to Com** (NO. 2-04CV01DF)
- 97 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966200 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 15, 2005) **Notice of Motion and Memorandum in Support of Motion for Partial Summary Judgment of Non-Infringemen** (NO. 2-04CV01DF)
- 98 TIVO INC., a Delaware Corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada Corporation, 2. Echostar DBS Corporation, a, Colorado Corporation, 3. Echostar Technologies, Corporation, a Texas Corporation, and 4. Echosphere Limited Liability, Company, a Colorado Limited Liability, Company, Defendants., 2005 WL 2299354 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 20, 2005) **Tivo's Opposition to Defendants' Motion to Enforce May 24, 2005 Resolution** (NO. 2-04CV-01)
- 99 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants; and Related counterclaims., 2005 WL 2299364 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 20, 2005) **Tivo's Opposition to Defendants' Seventh Motion to Compel** (NO. 2-04CV-01)
- 100 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 3966201 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 20, 2005) **TiVo's Opposition to Defendants' Seventh Motion to Compel** (NO. 2-04CV-01)
- 101 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants, And Related Counterclaims., 2005 WL 4805994 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 20, 2005) **TiVo's Opposition to Defendants' Motion to Enforce May 24, 2005 Resolution** (NO. 2-04CV-01)
- 102 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. Echostar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2299368 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 26, 2005) **Reply in Support of Echostar's Motion to Enforce May 24, 2005 Resolution and for a Court Order Conce** (NO. 2-04CV01DF)
- 103 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability

- Company, a Colorado limited liability company, Defendants., 2005 WL 2299371 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 26, 2005) **Reply Memorandum of Points and Authorities in Support of Echostar's Seventh Motion to Compel** (NO. 2-04CV01DF)
- 104 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966202 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 26, 2005) **Reply Memorandum of Points and Authorities in Support of Echostar's Seventh Motion to Compel** (NO. 2-04CV01DF)
- 105 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants; and Related Counterclaims., 2005 WL 2299373 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 27, 2005) **Tivo's Opposition to Defendants' Eighth Motion to Compel; Request for Sanctions** (NO. 2-04CV-01)
- 106 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2299377 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 27, 2005) **Tivo Inc.'s Opposition to Echostar's Motion for Partial Summary Judgment of Non-Infringement: (1) No** (NO. 2-04CV-01)
- 107 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4805996 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 27, 2005) **TiVo Inc.'s Opposition to Echostar's Motion for Partial Summary Judgment of Non-Infringement: (1) No** (NO. 2-04CV-01)
- 108 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2299376 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 28, 2005) **Reply Brief in Support of Echostar'S Eighth Motion to Compel** (NO. 204-CV-00001-DF)
- 109 TIVO INC., a Delaware corporation, Plaintiff, v. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, Echostar Dbs Corporation, a Colorado corporation, Echostar Technologies Corporation, a Texas corporation, and Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 5836947 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 28, 2005) **Plaintiff Tivo Inc.'s Second Motion to Compel** (NO. 2-04CV-01)
- 110 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2299381 (Trial Motion,

- Memorandum and Affidavit) (E.D.Tex. Aug. 3, 2005) **Echostar's Reply Brie in Support of Motion for Partial Summary Judgment of non-Infringement: (1) no** (NO. 2-04CV01DF)
- 111 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966203 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 3, 2005) **Echostar's Reply Brief in Support of Motion for Partial Summary Judgment of Non-Infringement: (1) No** (NO. 2-04CV01DF)
- 112 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants; and Related Counterclaims., 2005 WL 2299384 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 9, 2005) **Defendants' Opposition to Tivo's Second Motion to Compel** (NO. 2-04CV01DF)
- 113 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666748 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 9, 2005) **Echostar's Reply in Support of Its Motion in Limine No. 2 - To Exclude Reference to Or Evidence Rega** (NO. 204-CV-00001-DF)
- 114 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants, And Related Counterclaims., 2005 WL 3966204 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 9, 2005) **Defendants' Opposition to TiVo's Second Motion to Compel** (NO. 2-04CV01DF)
- 115 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2299387 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 10, 2005) **Plaintiff Tivo Inc.'s Third Motion to Compel** (NO. 2-04CV-01)
- 116 TIVO INC., a Delaware corporation Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 3966205 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 10, 2005) **Plaintiff TiVo Inc.'s Third Motion to Compel** (NO. 2-04CV-01)
- 117 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666735 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 15, 2005) **Tivo's Reply in Support of its Second**

Motion to Compel (NO. 204-CV-00001-DF)

- 118 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966206 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 18, 2005) **Notice of Motion, Motion and Memorandum in Support of Motion for Partial Summary Judgment of Invalid** (NO. 2-04CV01DF)
- 119 TIVO INC., a Delaware corporation, Plaintiff, v. 1. Echostar Communications Corporation, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666736 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 26, 2005) **Tivo Inc.'s Motions in Limine Nos. 3A-3C** (NO. 204-CV-00001-DF)
- 120 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2667079 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 26, 2005) **Tivo's Motion in Limine No. 2: To Preclude Evidence/Argument in Front of the Jury Regarding Echostar** (NO. 2-04CV-01)
- 121 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666700 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 30, 2005) **TiVo Inc.'s Opposition to Echostar's Motion For Partial Summary Judgment of Invalidity due to Indefi** (NO. 204-CV-00001-DF)
- 122 TIVO INC., a Delaware corporation Plaintiff, v. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, Echostar Dbs Corporation, a Colorado corporation, Echostar Technologies Corporation, a Texas corporation, and Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666701 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 31, 2005) **Tivo Inc.'s Opposition to Echostar's Motion Inlimine No. 4: to Preclude Tivo from Denying the Existe** (NO. 2-04-CV-00001-DF)
- 123 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666738 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 31, 2005) **Tivo's Opposition to Echostar's Motion in Limine No. 2: Re: Written Opinion of Counsel** (NO. 204-CV-00001-DF)
- 124 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2667080 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 31, 2005) **TiVo Inc.'s Opposition to Echostar's Motion in Limine No. 6 - to Preclude Reference to, Use of, or R** (NO. 2-04CV-01)

- 125 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants, And Related Counterclaims., 2005 WL 3966207 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 31, 2005) **Defendants' Protective Motion for Reconsideration of the Court's Order of August 17, 2005** (NO. 2-04CV01DF)
- 126 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. EchoStar DBS Corporation, a Colorado corporation, 3. EchoStar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants, And Related Counterclaims., 2005 WL 4170699 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 31, 2005) **Two Inc.'s Opposition to EchoStar's Motion in Limine No. 11: to Preclude ""Late Disclosed" Exhibits** (NO. 2-04CV-01)
- 127 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666741 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 1, 2005) **Echostar's Surreply Brief in Support of its Motion for Partial Summary Judgment of Non-Infringement:** (NO. 204-CV-00001-DF)
- 128 TIVO INC., a Delaware corporation, Plaintiff, v. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, Echostar DBS Corporation, a Colorado corporation, Echostar Technologies Corporation, a Texas corporation, and Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666743 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 6, 2005) **Tivo Inc.'s Opposition to Echostar's Motion In-limine No. 3: to Preclude any Reference To use Of. and** (NO. 204-CV-00001-DF)
- 129 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada Corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666702 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 7, 2005) **Echostar's Reply in Support of its Motion for Partial Summary Judgment of Invalidity Due to Indefini** (NO. 204-CV-00001-DF)
- 130 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666745 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 7, 2005) **Echostar's Opposition to Tivo'S Motion IN Limine No. 1: to Preclude Defendants from Introducing Evid** (NO. 204-CV-00001-DF)
- 131 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666746 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 7, 2005) **Echostar's Motion for a Protective Order Prohibiting Tivo from Pursuing Discovery in other Jurisdict** (NO. 204-CV-00001-DF)

- 132 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2667082 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 7, 2005) **Echostar's Opposition to Tivo's Motion in Limine No. 2: to Preclude Evidence/Argument in Front of th** (NO. 2-04CV01DF)
- 133 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666703 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 9, 2005) **Echostar's Reply to Motion in Limine No. 1 - To Preclude Reference To, Use Of, And Reliance Upon The** (NO. 204-CV-00001-DF)
- 134 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666704 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 9, 2005) **Echostar's Reply re Motion in Limine No. 10 - to Preclude Reference to, use of and Reliance upon oth** (NO. 2-04CV01DF)
- 135 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666749 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 9, 2005) **Echostar's Reply in Support of its Motion in Limine No. 5 to Preclude Reference to, Use of, and Reli** (NO. 204-CV-00001-DF)
- 136 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666750 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 9, 2005) **Defendants' Motion to Strike Tivo Inc.'s Cross Motion Re: Partial Summary Judgment of Infringement o** (NO. 204-CV-00001-DF)
- 137 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2667084 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 9, 2005) **Echostar's Reply re Motion in Limine No. 9 – to Preclude Evidence on Doctrine of Equivalents** (NO. 2-04CV01DF)
- 138 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4170700 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Dec. 29, 2005) **Motion to Reconsider the Court's Order of December 21, 2005.** (NO. 2-04CV01DF)
- 139 TIVO INC., a Delaware corporation Plaintiff, v. 1. EHOSTAR COMMUNICATIONS COR-

- PORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 502210 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jan. 6, 2006) **Tivo Inc.'s Sur-Reply to Echostar's Motion to Reconsider the Court's Order of December 21, 2005** (NO. 2-04CV-01)
- 140 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004918 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jan. 30, 2006) **TiVo's Brief in Support of its Objections to Defendants' Trial Exhibits** (NO. 2-04CV-01)
- 141 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004919 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jan. 30, 2006) **TiVo's Brief in Opposition to Echostar's Objections to TiVo's Trial Exhibits** (NO. 2-04-CV-01)
- 142 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004917 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Feb. 22, 2006) **TiVo's Motion for Reconsideration of Magistrate Judge's Ruling on TiVo Trial Exhibits 1514, 1515, 16** (NO. 2-04-CV-01)
- 143 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants, And Related Counterclaims., 2006 WL 813706 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Feb. 22, 2006) **Tivo's Motion for Reconsideration of Magistrate Judge's Ruling on Tivo Trial Exhibits 1514, 1515, 16** (NO. 2-04-CV-01)
- 144 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004920 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 3, 2006) **TiVo's Motion for Reconsideration of the Court's February 27, 2006 Order Denying Leave to Amend the** (NO. 2-04CV-01)
- 145 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Sorporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Com-

- pany, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1181339 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 3, 2006) **Tivo's Motion for Reconsideration of the Court's February 27, 2006 Order Denying Leave to Amend the** (NO. 2-04CV-01)
- 146 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004921 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 20, 2006) **TiVo's Motion for Reconsideration of Magistrate Judge's Ruling on Admissibility of Exhibits on TiVo'** (NO. 2-04-CV-01)
- 147 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1181340 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 20, 2006) **TiVo's Motion for Reconsideration of Magistrate Judge's Ruling on Admissibility of Exhibits on Tivo'** (NO. 2-04-CV-01)
- 148 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004922 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 24, 2006) **Plaintiff TiVo Inc.'s Motion to Exclude the Testimony of Defendants' Witness Homer Knearl and all Re** (NO. 2-04CV-01)
- 149 TIVO INC., a Delaware corporation Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. EchoStar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants, And Related Counterclaims., 2006 WL 2849181 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 27, 2006) **Tivo'S Motion to Exclude Testimony of V. Thomas Rhyne Regarding Claims 5 and 36** (NO. 2-04CV-01)
- 150 TIVO INC., a Delaware corporation Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, A Nevada Corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1181341 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 29, 2006) **TIVO'S Motion for Reconsideration of Magistrate Judge's Rulings** (NO. 2-04-CV-01)
- 151 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada Corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company, Defendants., 2006 WL 1181342 (Trial Motion, Memorandum and Affidavit)

(E.D.Tex. Mar. 30, 2006) **Echostar's Opposition to Tivo's Motion for Reconsideration of Magistrate Judge's Rulings** (NO. 2-04CV01DF)

- 152 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company, Defendants., 2006 WL 1004923 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 11, 2006) **Echostar's Motion for Judgment as a Matter of Law** (NO. 2-04CV01DF)
- 153 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company, Defendants., 2006 WL 1503232 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 11, 2006) **Echostar's Motion for Judgment as a Matter of Law** (NO. 2-04CV01DF)
- 154 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004924 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 12, 2006) **Tivo's Opposition to Echostar's Renewed Motion for Judgment as a Matter of Law** (NO. 2-04CV-01)
- 155 TiVo INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants, And Related Counterclaims., 2006 WL 1503233 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 12, 2006) **Tivo's Opposition to Echostar's Renewed Motion for Judgment as a Matter of Law** (NO. 2-04CV-01)
- 156 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company, Defendants., 2006 WL 5721391 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 31, 2006) **Joint Motion Re: Amended Final Judgment** (NO. 204CV00001)
- 157 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company, Defendants., 2006 WL 5721392 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 27, 2006) **Echostar's Objection to Tivo's Amended Bill of Costs** (NO. 204CV00001)

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- 159 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company, Defendants., 2006 WL 5721393 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Oct. 9, 2006) **Echostar's Surreply In Support of Its Objection to Tivo's Amended Bill of Costs** (NO. 204CV00001)
- 160 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company, Defendants., 2008 WL 2774645 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 13, 2008) **The Echostar Defendants' Motion for Interpretation of the Permanent Injunction** (NO. 204CV00001)
- 161 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants., 2008 WL 2774646 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 13, 2008) **Tivo's Motion for Echostar to be Held In Contempt for Violation of this Court's Permanent Injunction** (NO. 204CV00001)
- 162 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants., 2008 WL 2774647 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 30, 2008) **Tivo's Opposition to the Echostar Defendants' Motion for Interpretation of the Permanent Injunction** (NO. 204CV00001)
- 163 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants., 2008 WL 4332143 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 18, 2008) **Tivo's Reply In Further Support of Its Motion for Echostar to be Held In Contempt for Violation of t** (NO. 204CV00001)

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- 165 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4170193 (Verdict, Agreement and Settlement) (E.D.Tex. Oct. 6, 2005) **Stipulation Mooting Tivo's Motion in Limine No. 2 YDocket Number 218"** (NO. 2-04CV01DF)
- 166 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company, Defendants., 2006 WL 1006117 (Verdict, Agreement and Settlement) (E.D.Tex. Mar. 27, 2006) **Echostar's First Amended Proposed Verdict Form** (NO. 2-04CV01DF)
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- 181 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4805997 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 21, 2005) **Defendants' Memorandum of Points and Authorities in Opposition to Plaintiff Tivo Inc.'s Motion to Am** (NO. 2-04CV01DF)
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- 183 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants, And Related Counterclaims., 2005 WL 4805998 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 24, 2005) **Tivo's Reply in Support of its Motion to Amend the Scheduling Order** (NO. 2-04CV-01)
- 184 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1365538 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 11, 2005) **Echostar's Opening Claim Construction Brief** (NO. 2-04CV01DF)
- 185 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966220 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 12, 2005) **Tivo Inc.'s Opposition Brief on Claim Construction** (NO. 2-04CV-01)
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- 187 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4805995 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. May 26, 2005) **Reply in Support of Echostar's Motion to Enforce May 24, 2005 Resolution and for a Court Order Conce** (NO. 2-04CV01DF)
- 188 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS COR-

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- 189 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4805992 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 2, 2005) **Defendants' Sixth Motion To Compel** (NO. 2-04CV01DF)
- 190 TIVO INC., a Delaware corporation, Plaintiff, v. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, EchoStar DBS Corporation, a Colorado corporation, EchoStar Technologies Corporation, a Texas corporation, and Echosphere Limited Liability Company, a Colorado limited liability company, Defendants; And Related Counterclaims., 2005 WL 1924059 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 16, 2005) **Tivo's Opposition to Defendants' Sixth Motion to Compel** (NO. 2-04CV-01)
- 191 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR, COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 1924060 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jun. 23, 2005) **Defendants' Reply Brief in Support of the Sixth Motion to Compel** (NO. 2-04CV01DF)
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- 194 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966200 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 15, 2005) **Notice of Motion and Memorandum in Support of Motion for Partial Summary Judgment of Non-Infringemen** (NO. 2-04CV01DF)
- 195 TIVO INC., a Delaware Corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada Corporation, 2. EchoStar DBS Corporation, a Colorado Corporation, 3.

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- 196 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants; and Related counterclaims., 2005 WL 2299364 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 20, 2005) **Tivo's Opposition to Defendants' Seventh Motion to Compel** (NO. 2-04CV-01)
- 197 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants. And Related Counterclaims., 2005 WL 3966201 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 20, 2005) **TiVo's Opposition to Defendants' Seventh Motion to Compel** (NO. 2-04CV-01)
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- 201 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966202 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 26, 2005) **Reply Memorandum of Points and Authorities in Support of Echostar's Seventh Motion to Compel** (NO. 2-04CV01DF)
- 202 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar Dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability

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- 203 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 4805996 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jul. 27, 2005) **TiVo Inc.'s Opposition to Echostar's Motion for Partial Summary Judgment of Non-Infringement: (1) No** (NO. 2-04CV-01)
- 204 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2299381 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 3, 2005) **Echostar's Reply Brie in Support of Motion for Partial Summary Judgment of non-Infringement: (1) no** (NO. 2-04CV01DF)
- 205 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966203 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 3, 2005) **Echostar's Reply Brief in Support of Motion for Partial Summary Judgment of Non-Infringement: (1) No** (NO. 2-04CV01DF)
- 206 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants; and Related Counterclaims., 2005 WL 2299384 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 9, 2005) **Defendants' Opposition to Tivo's Second Motion to Compel** (NO. 2-04CV01DF)
- 207 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666748 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 9, 2005) **Echostar's Reply in Support of Its Motion in Limine No. 2 - To Exclude Reference to Or Evidence Rega** (NO. 204-CV-00001-DF)
- 208 TIVO INC., a Delaware corporation, Plaintiff, v. 1. ECHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 3966206 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 18, 2005) **Notice of Motion, Motion and Memorandum in Support of Motion for Partial Summary Judgment of Invalid** (NO. 2-04CV01DF)
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- 210 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666700 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 30, 2005) **TiVo Inc.'s Opposition to Echostar's Motion For Partial Summary Judgment of Invalidity due to Indefi** (NO. 204-CV-00001-DF)
- 211 TIVO INC., a Delaware corporation Plaintiff, v. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, Echostar Dbs Corporation, a Colorado corporation, Echostar Technologies Corporation, a Texas corporation, and Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666701 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 31, 2005) **Tivo Inc.'s Opposition to Echostar's Motion Inlimine No. 4: to Preclude Tivo from Denying the Existence** (NO. 2-04-CV-00001-DF)
- 212 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2667080 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Aug. 31, 2005) **TiVo Inc.'s Opposition to Echostar's Motion in Limine No. 6 - to Preclude Reference to, Use of, or R** (NO. 2-04CV-01)
- 213 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666741 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 1, 2005) **Echostar's Surreply Brief in Support of its Motion for Partial Summary Judgment of Non-Infringement:** (NO. 204-CV-00001-DF)
- 214 TIVO INC., a Delaware corporation, Plaintiff, v. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, Echostar DBS Corporation, a Colorado corporation, Echostar Technologies Corporation, a Texas corporation, and Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666743 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 6, 2005) **Tivo Inc.'s Opposition to Echostar's Motion Inlimine No. 3: to Preclude any Reference To use Of, and** (NO. 204-CV-00001-DF)
- 215 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada Corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666702 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 7, 2005) **Echostar's Reply in Support of its Motion for Partial Summary Judgment of Invalidity Due to Indefini** (NO. 204-CV-00001-DF)
- 216 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666745 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 7, 2005) **Echostar's Opposition to Tivo'S Motion**

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- 217 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666746 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 7, 2005) **Echostar's Motion for a Protective Order Prohibiting Tivo from Pursuing Discovery in other Jurisdict** (NO. 204-CV-00001-DF)
- 218 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2667082 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 7, 2005) **Echostar's Opposition to Tivo's Motion in Limine No. 2: to Preclude Evidence/Argument in Front of th** (NO. 2-04CV01DF)
- 219 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666703 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 9, 2005) **Echostar's Reply to Motion in Limine No. 1 - To Preclude Reference To, Use Of, And Reliance Upon The** (NO. 204-CV-00001-DF)
- 220 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666704 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 9, 2005) **Echostar's Reply re Motion in Limine No. 10 - to Preclude Reference to, use of and Reliance upon oth** (NO. 2-04CV01DF)
- 221 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar Dbs Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2666749 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 9, 2005) **Echostar's Reply in Support of its Motion in Limine No. 5 to Preclude Reference to, Use of, and Reli** (NO. 204-CV-00001-DF)
- 222 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; and 4. Echosphere Limited Liability Company, a Colorado limited liability company, Defendants., 2005 WL 2667084 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Sep. 9, 2005) **Echostar's Reply re Motion in Limine No. 9 – to Preclude Evidence on Doctrine of Equivalent**s (NO. 2-04CV01DF)
- 223 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004918 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jan. 30, 2006) **TiVo's Brief in Support of its Objec-**

- tions to Defendants' Trial Exhibits (NO. 2-04CV-01)**
- 224 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004919 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Jan. 30, 2006) **TiVo's Brief in Opposition to Echostar's Objections to TiVo's Trial Exhibits (NO. 2-04-CV-01)**
- 225 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004917 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Feb. 22, 2006) **TiVo's Motion for Reconsideration of Magistrate Judge's Ruling on TiVo Trial Exhibits 1514, 1515, 16 (NO. 2-04-CV-01)**
- 226 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar dbs Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 813706 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Feb. 22, 2006) **Tivo's Motion for Reconsideration of Magistrate Judge's Ruling on Tivo Trial Exhibits 1514, 1515, 16 (NO. 2-04-CV-01)**
- 227 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004920 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 3, 2006) **TiVo's Motion for Reconsideration of the Court's February 27, 2006 Order Denying Leave to Amend the (NO. 2-04CV-01)**
- 228 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Sorporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1181339 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 3, 2006) **Tivo's Motion for Reconsideration of the Court's February 27, 2006 Order Denying Leave to Amend the (NO. 2-04CV-01)**
- 229 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004921 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 20, 2006) **TiVo's Motion for Reconsideration of Magistrate Judge's Ruling on Admissibility of Exhibits on TiVo' (NO. 2-04-CV-01)**

- 230 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1181340 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 20, 2006) **TiVo's Motion for Reconsideration of Magistrate Judge's Ruling on Admissibility of Exhibits on Tivo'** (NO. 2-04-CV-01)
- 231 TIVO INC., a Delaware corporation Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. EchoStar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants, And Related Counterclaims., 2006 WL 2849181 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 27, 2006) **Tivo'S Motion to Exclude Testimony of V. Thomas Rhyne Regarding Claims 5 and 36** (NO. 2-04CV-01)
- 232 TIVO INC., a Delaware corporation Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, A Nevada Corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, 4. Echosphere Limited Liability Company, a Colorado limited liability company, and 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1181341 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Mar. 29, 2006) **TIVO'S Motion for Reconsideration of Magistrate Judge's Rulings** (NO. 2-04-CV-01)
- 233 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company, Defendants., 2006 WL 1004923 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 11, 2006) **Echostar's Motion for Judgment as a Matter of Law** (NO. 2-04CV01DF)
- 234 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation, a Texas corporation; 4. Echosphere Limited Liability Company, a Colorado limited liability company; and 5. EchoStar Satellite LLC, a Colorado limited liability company, Defendants., 2006 WL 1503232 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 11, 2006) **Echostar's Motion for Judgment as a Matter of Law** (NO. 2-04CV01DF)
- 235 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3. Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants. And Related Counterclaims., 2006 WL 1004924 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 12, 2006) **TiVo's Opposition to Echostar's Renewed Motion for Judgment as a Matter of Law** (NO. 2-04CV-01)
- 236 TIVO INC., a Delaware corporation, Plaintiff, v. 1. EHOSTAR COMMUNICATIONS CORPORATION, a Nevada corporation, 2. Echostar DBS Corporation, a Colorado corporation, 3.

Echostar Technologies Corporation, a Texas corporation, and 4. Echosphere Limited Liability Company, a Colorado limited liability company, 5. Echostar Satellite LLC, a Colorado limited liability company, Defendants, And Related Counterclaims., 2006 WL 1503233 (Trial Motion, Memorandum and Affidavit) (E.D.Tex. Apr. 12, 2006) **Tivo's Opposition to Echostar's Renewed Motion for Judgment as a Matter of Law** (NO. 2-04CV-01)

Patent Family

237 SIMULTANEOUS STORAGE AND PLAYBACK OF MULTIMEDIA DATA METHOD E.G. FOR REAL TIME CAPTURE, STORAGE AND DISPLAY OF TELEVISION BROADCAST SIGNALS, Derwent World Patents Legal 2000-205516

Assignments

238 Action: CORRECTIVE ASSIGNMENT TO CORRECT THE NAME OF RECEIVING PARTY PREVIOUSLY RECORDED ON REEL 018866 FRAME 0510. ASSIGNOR(S) HEREBY CONFIRMS THE SECURITY AGREEMENT., (DATE RECORDED: Feb 12, 2007)

239 Action: SECURITY AGREEMENT Number of Pages: 014, (DATE RECORDED: Feb 08, 2007)

240 ACTION: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS). NUMBER OF PAGES: 002, (DATE RECORDED: Jul 30, 1998)

Patent Status Files

.. Re-Examination Certificate, (OG DATE: Nov 11, 2008)

.. Patent Suit(See LitAlert Entries),

.. Request for Re-Examination, (OG DATE: Jan 31, 2006)

..

.. Patent Suit(See LitAlert Entries),

Docket Summaries

246 DISH NETWORK CORPORATION ET AL v. TIVO INC., (D.DEL. May 30, 2008) (NO. 1:08CV00327), (28 USC 1338 PATENT INFRINGEMENT)

247 "TIVO, INC. v. ECHOSTAR COMMUNICATIONS CORPORATION ET AL", (N.D.GA. Oct 28, 2005) (NO. 1:05CV02799), (FRCP 45(B) MOTION TO QUASH OR MODIFY SUBPOENA)

248 "TIVO INC v. ECHOSTAR COMM, ET AL", (E.D.TEX. Jan 05, 2004) (NO. 2:04CV00001), (35 USC 271 PATENT INFRINGEMENT)

Litigation Alert

249 LitAlert P2008-45-02 (May 30, 2008) Action Taken: A complaint was filed

250 LitAlert P2004-08-19 (Jan 15, 2004) Action Taken: A complaint was filed.

251 LitAlert P2002-10-46 (Jan 23, 2002) Action Taken: A complaint was filed.

Prior Art (Coverage Begins 1976)

- C** 252 APPARATUS AND METHOD FOR RECEIVING AUDIO SIGNALS TRANSMITTED AS PART OF A TELEVISION VIDEO SIGNAL, US PAT 4665431 (U.S. PTO Utility 1987)
- C** 253 APPARATUS AND METHOD FOR RECORDING/PLAYING BACK BROADCASTING SIGNAL, US PAT 5696868 Assignee: Goldstar Co., Ltd., (U.S. PTO Utility 1997)
- H** 254 APPARATUS AND METHOD FOR SYNCHRONIZING ASYNCHRONOUS SIGNALS, US PAT 5550594 Assignee: Pixel Instruments Corp., (U.S. PTO Utility 1996)
- C** 255 APPARATUS AND METHOD FOR TRANSMITTING AUDIO SIGNALS AS PART OF A TELEVISION VIDEO SIGNAL, US PAT 5675388 (U.S. PTO Utility 1997)
- C** 256 AUDIO SYNCHRONIZATION APPARATUS, US PAT 5202761 (U.S. PTO Utility 1993)
- C** 257 AUDIO TO VIDEO TIMING EQUALIZER METHOD AND APPARATUS, US PAT RE33535 (U.S. PTO Reissue 1991)
- C** 258 AUTOMATIC AUDIO TO VIDEO TIMING MEASUREMENT DEVICE AND METHOD, US PAT 5572261 (U.S. PTO Utility 1996)
- C** 259 METHOD AND APPARATUS FOR PRESERVING OR RESTORING AUDIO TO VIDEO SYNCHRONIZATION, US PAT 4313135 (U.S. PTO Utility 1982)
- C** 260 : METHOD AND AN APPARATUS FOR SYSTEM ENCODING BITSTREAMS FOR SEAMLESS CONNECTION, US PAT 5937138 Assignee: Matsushita Electric Industrial Co., Ltd., (U.S. PTO Utility 1999)
- C** 261 OPTICAL DISK APPARATUS FOR THE REPRODUCTION OF COMPRESSED DATA, US PAT 5787225 Assignee: Matsushita Electric Industrial Co., Ltd., (U.S. PTO Utility 1998)
- C** 262 RECORDING SYSTEM RECORDING RECEIVED INFORMATION ON A RECORDING MEDIUM WHILE REPRODUCING RECEIVED INFORMATION PREVIOUSLY RECORDED ON THE RECORDING MEDIUM, US PAT 5706388 Assignee: Ricoh Company, Ltd., (U.S. PTO Utility 1998)
- C** 263 : SIGNAL SYNCHRONIZATION, US PAT 5920842 Assignee: Pixel Instruments, (U.S. PTO Utility 1999)
- C** 264 TIME DELAYED DIGITAL VIDEO SYSTEM USING CONCURRENT RECORDING AND PLAYBACK, US PAT 5371551 (U.S. PTO Utility 1994)
- C** 265 TIME WARPING FOR VIDEO VIEWING, US PAT 5438423 Assignee: Tektronix, Inc., (U.S. PTO Utility 1995)

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Items 1 to 7 of 7								
<input type="checkbox"/>	Patent	Class	Subclass	Description	Court	Docket Number	Filed	Date Retrieved
<input type="checkbox"/>	6,233,389	386	46	Dish Network Corporation et al v. Tivo Inc	US-DIS-DED	1:08cv327	5/30/2008	11/17/2008
<input type="checkbox"/>	6,233,389	386	46	Tivo, Inc v. Echostar Communications Corporation et al	US-DIS-GAND	1:05cv2799	10/28/2005	10/27/2008
<input checked="" type="checkbox"/>	6,233,389	386	46	Tivo, Inc v. Echostar Communications Corporation et al	US-DIS-GAND	1:05mi208	7/21/2005	6/16/2008
<input type="checkbox"/>	6,233,389	386	46	Tivo, Inc v. Echostar Communications Corporation et al	US-DIS-GAND	1:05mi190	7/7/2005	10/27/2008
<input type="checkbox"/>	6,233,389	386	46	Tivo Inc v. Echostar Comm, et al	US-DIS-TXED	2:04cv1	1/5/2004	11/18/2008
<input type="checkbox"/>	6,233,389	386	46	Tivo Inc, v. Sonicblue Incorporated et al	US-DIS-CAND	3:02cv365	1/23/2002	4/18/2002
<input type="checkbox"/>	6,233,389	386	46	Tivo Inc, v. Sonicblue Incorporated et al	US-DIS-CAND	4:02cv365	1/23/2002	8/22/2003

Items 1 to 7 of 7

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US District Court Civil Docket

U.S. District - Delaware
(Wilmington)

1:08cv327

Dish Network Corporation et al v. Tivo Inc

This case was retrieved from the court on Monday, November 17, 2008

Date Filed: 05/30/2008	Class Code: PATENT
Assigned To: Judge Joseph J Farnan, Jr	Closed: No
Referred To:	Statute: 28:1338
Nature of suit: Patent (830)	Jury Demand: Plaintiff
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text
05/30/2008	1	COMPLAINT filed with Jury Demand against TiVo Inc. - Magistrate Consent Notice to Pltf. (Filing fee \$ 350, receipt number 0311000000000452858.) - filed by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. (Attachments: # 1 Exhibit A, # 2 Civil Cover Sheet)(ead) (Entered: 06/02/2008)
05/30/2008	--	Summons Issued as to TiVo Inc. on 5/30/2008. (ead) (Entered: 06/02/2008)
05/30/2008	2	Disclosure Statement pursuant to Rule 7.1 filed by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. (ead) (Entered: 06/02/2008)
05/30/2008	3	Notice of Availability of a U.S. Magistrate Judge to Exercise Jurisdiction (ead) (Entered: 06/02/2008)
06/02/2008	4	Report to the Commissioner of Patents and Trademarks for Patent/Trademark Number(s) 6,233,389; (ead) (Entered: 06/02/2008)
06/03/2008	5	SUMMONS Returned Executed by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. TiVo Inc. served on 6/2/2008, answer due 6/23/2008. (Shaw, John) (Entered: 06/03/2008)
06/11/2008	--	Case assigned to Judge Joseph J. Farnan, Jr. Please include the initials of the Judge (JJF) after the case number on all documents filed. (rjb) (Entered: 06/11/2008)
06/11/2008	6	MOTION for Pro Hac Vice Appearance of Attorney Harold McElhinny and Rachel Krevans - filed by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. (Attachments: # 1 Text of Proposed Order)(Shaw, John) (Entered: 06/11/2008)
06/12/2008	7	NOTICE of Appearance by Jack B. Blumenfeld on behalf of Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC (Blumenfeld, Jack) (Entered: 06/12/2008)
06/17/2008	--	SO ORDERED, re 6 MOTION for Pro Hac Vice Appearance of Attorney Harold McElhinny and Rachel Krevans filed by Echosphere LLC, Echostar Technologies LLC, Dish Network Corporation, Dish Network LLC, Echostar DBS Corporation. Signed by Judge Joseph J. Farnan, Jr. on 6/17/2008. (nms) (Entered: 06/18/2008)
06/20/2008	8	NOTICE of Appearance by Steven J. Balick on behalf of TiVo Inc. (Balick, Steven) (Entered: 06/20/2008)
06/20/2008	9	Disclosure Statement pursuant to Rule 7.1 filed by TiVo Inc.. (Balick, Steven) (Entered: 06/20/2008)
06/20/2008	10	MOTION for Pro Hac Vice Appearance of Attorney Morgan Chu, Christine Byrd, Andrei Iancu, Perry M. Goldberg, Laura W. Brill, Alexander C. Giza, and William D. Bowen - filed by TiVo Inc.. (Balick, Steven) (Entered: 06/20/2008)
06/20/2008	11	STIPULATION extending the date by which defendant must respond to the complaint, and extending the dates by which answering and reply briefs will be due in connection with any motions filed by defendant in response to the complaint, by Dish Network LLC, TiVo Inc., Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. (Balick, Steven) (Entered: 06/20/2008)

Best Available Copy

06/24/2008 -- SO ORDERED, re 10 MOTION for Pro Hac Vice Appearance of Attorney Morgan Chu, Christine Byrd, Andrei Iancu, Perry M. Goldberg, Laura W. Brill, Alexander C. Giza, and William D. Bowen filed by TiVo Inc.. Signed by Judge Joseph J. Farnan, Jr. on 6/24/2008. (nms) (Entered: 06/24/2008)

06/24/2008 -- SO ORDERED, re 11 Stipulation, filed by Echosphere LLC, Echostar Technologies LLC, Dish Network Corporation, TiVo Inc., Dish Network LLC, Echostar DBS Corporation. (see Stipulation for further details). Reset Answer Deadlines: TiVo Inc. answer due 7/7/2008.. Signed by Judge Joseph J. Farnan, Jr. on 6/24/2008. (nms) (Entered: 06/24/2008)

07/07/2008 12 MOTION to Dismiss Based upon Rule 12(b) - filed by TiVo Inc.. (Lydon, Tiffany) (Entered: 07/07/2008)

07/07/2008 13 OPENING BRIEF in Support re 12 MOTION to Dismiss Based upon Rule 12(b) filed by TiVo Inc.. Answering Brief/Response due date per Local Rules is 7/24/2008. (Lydon, Tiffany) (Entered: 07/07/2008)

07/07/2008 14 DECLARATION re 13 Opening Brief in Support, 12 MOTION to Dismiss Based upon Rule 12(b) (Declaration of William D. Bowen) by TiVo Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H Part 1, # 9 Exhibit H Part 2, # 10 Exhibit H Part 3, # 11 Exhibit I, # 12 Exhibit J, # 13 Exhibit K, # 14 Exhibit L, # 15 Exhibit M, # 16 Exhibit N, # 17 Exhibit O, # 18 Exhibit P, # 19 Exhibit Q, # 20 Exhibit R, # 21 Exhibit S, # 22 Exhibit T, # 23 Exhibit U)(Lydon, Tiffany) (Entered: 07/07/2008)

08/07/2008 15 SEALED ANSWERING BRIEF in Opposition re 12 MOTION to Dismiss Based upon Rule 12(b) filed by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. Reply Brief due date per Local Rules is 8/18/2008. (Poff, Adam) (Entered: 08/07/2008)

08/07/2008 16 SEALED DECLARATION re 15 Answering Brief in Opposition, - Declaration of Rachel Krevans in Support of Echostar's Opposition to TiVo's Motion to Dismiss - by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. (Attachments: # 1 Exhibit A-C-FILED UNDER SEAL)(Poff, Adam) (Entered: 08/07/2008)

08/07/2008 17 SEALED DECLARATION re 15 Answering Brief in Opposition, - Declaration of Dan Minnick in Support of EchoStar's Opposition to TiVo's Motion to Dismiss - by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. (Attachments: # 1 Exhibit A-D-FILED UNDER SEAL)(Poff, Adam) (Entered: 08/07/2008)

08/11/2008 18 ORDER, Setting Hearings(Scheduling Conference set for 9/11/2008 at 02:30 PM in Courtroom 4B before Judge Joseph J. Farnan, Jr.). Signed by Judge Joseph J. Farnan, Jr. on 8/11/2008. (Attachments: # 1 Form Scheduling Order)(nms) (Entered: 08/11/2008)

08/11/2008 19 REDACTED VERSION of 15 Answering Brief in Opposition, to Tivo's Motion to Dismiss by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. (Poff, Adam) (Entered: 08/11/2008)

08/11/2008 20 REDACTED VERSION of 16 Declaration, of Rachel Krevans in Support of Echostar's Opposition to Tivo's Motion to Dismiss by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. (Attachments: # 1 Exhibit A through C)(Poff, Adam) (Entered: 08/11/2008)

08/11/2008 21 REDACTED VERSION of 17 Declaration, of Dan Minnick in Support of Echostar's Opposition to Tivo's Motion to Dismiss by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. (Attachments: # 1 Exhibit A through D)(Poff, Adam) (Entered: 08/11/2008)

08/25/2008 22 REPLY BRIEF re 12 MOTION to Dismiss Based upon Rule 12(b) filed by TiVo Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Lydon, Tiffany) (Entered: 08/25/2008)

08/25/2008 23 SEALED EXHIBIT re 22 Reply Brief (In Support of Tivo's Motion to Dismiss) by TiVo Inc.. (Lydon, Tiffany) (nms). (Entered: 08/25/2008)

08/28/2008 24 Letter to The Honorable Joseph J. Farnan, Jr. from Steven J. Balick regarding : (i) TiVo's request for oral argument on the pending motion to dismiss; and (ii) TiVo's request that oral argument take place during the September 11, 2008 Rule 16 conference in this case. (Balick, Steven) (Entered: 08/28/2008)

08/29/2008 -- ORAL ORDER: The Rule 16 Scheduling Conference set for September 11, 2008 is CANCELLED.. Ordered by Judge Joseph J. Farnan, Jr. on 8/29/2008. (dik) (Entered: 08/29/2008)

09/02/2008 25 REDACTED VERSION of 23 Exhibit to a Document by TiVo Inc.. (Lydon, Tiffany) (Entered: 09/02/2008)

10/16/2008 26 MOTION for Pro Hac Vice Appearance of Attorney Kristina Paszek and Jason Crotty - filed by Dish Network LLC, Dish Network Corporation, Echostar DBS Corporation, Echostar Technologies LLC, Echosphere LLC. (Attachments: # 1 Proposed Order, # 2 Certification of Jason Crotty, # 3 Certification of Kristina Paszek) (Shaw, John) Modified on 10/17/2008 (nms). (Entered: 10/16/2008)

10/17/2008 -- SO ORDERED, re 26 MOTION for Pro Hac Vice Appearance of Attorney Kristina Paszek and Jason Crotty filed by Echosphere LLC, Echostar Technologies LLC, Dish Network Corporation, Dish Network LLC, Echostar DBS Corporation. Signed by Judge Joseph J. Farnan, Jr. on 10/17/2008. (nms) (Entered: 10/17/2008)

US District Court Civil Docket

**U.S. District - Georgia Northern
(Atlanta)**

1:05cv2799

Tivo, Inc v. EchoStar Communications Corporation et al

This case was retrieved from the court on Monday, October 27, 2008

Date Filed: 10/28/2005	Class Code: APPEAL, CLOSED, SEAL_Material
Assigned To: Judge William S Duffey, Jr	Closed: Yes
Referred To:	Statute:
Nature of suit: Patent (830)	Jury Demand: None
Cause: FRCP 45(b) Motion to quash or modify subpoena	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: Dkt in other court: USCA for the Federal Circuit, 06-01293	
Dkt in other court: USDC ED TX, 2-04cv01 DF	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text
07/07/2005	1	MOTION to Quash subpoenas with Brief In Support by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. (Attachments: # 1 Exhibit 1# 2 Exhibit 1-A# 3 Exhibit 1-B# 4 Exhibit 1-C# 5 Exhibit 1-D# 6 Exhibit 1-E# 7 Exhibit 1-F# 8 Exhibit 1-G# 9 Exhibit 1-H# 10 Exhibit 1-I# 11 Exhibit 2# 12 Exhibit 2-A# 13 Exhibit 2-B# 14 Exhibit 2-C# 15 Exhibit 2-D# 16 Exhibit 2-E# 17 Exhibit 2-F)(fmm) (Entered: 07/15/2005)
07/26/2005	2	PROPOSED CONSENT ORDER For Extension of Time re: 1 MOTION to Quash subpoenas. (Buhay, William) (Entered: 07/26/2005)
07/27/2005	6	APPLICATION for Admission of Harold J. McElhinny Pro Hac Viceby Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation.Filing Fee received \$150.00, Receipt #539834. (fmm) (Entered: 07/29/2005)
07/27/2005	7	APPLICATION for Admission of Peter P. Meringolo Pro Hac Viceby Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation.Filing Fee received \$150.00, Receipt #539834. (fmm) (Entered: 07/29/2005)
07/27/2005	8	APPLICATION for Admission of Marc J. Pernick Pro Hac Viceby Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation.Filing Fee received \$150.00, Receipt #539835. (fmm) (Entered: 07/29/2005)
07/28/2005	3	NOTICE of Appearance by William Charles Buhay on behalf of TiVo, Inc. (Buhay, William) (Entered: 07/28/2005)
07/28/2005	4	Second MOTION for Extension of Time Reply to Motion for Protective Order and to Quash re: 1 MOTION to Quash subpoenas, 2 Proposed Consent Order with Brief In Support by TiVo, Inc.. (Buhay, William) (Entered: 07/28/2005)
07/28/2005	5	PROPOSED ORDER Unopposed Motion to Extend Time to Reply to Motion for Protective Order and to Quash re: 4 Second MOTION for Extension of Time Reply to Motion for Protective Order and to Quash re: 1 MOTION to Quash subpoenas, 2 Proposed Consent Order. (Buhay, William) (Entered: 07/28/2005)
07/28/2005	9	ORDER GRANTING 4 Motion for Extension of Time. IT IS HEREBY ORDERED that Plaintiff shall have (3) three additional days in which to file its response to the Joint Motion . Signed by Judge William S. Duffey Jr. on 7/26/05. (kt) (Entered: 07/29/2005)
08/01/2005	10	ORDER GRANTING 5 Unopposed Motion to Extend time until 8/4/05 for TiVo to reply to EchoStar and Non-Party Homer Knearl's Joint Motion for a Protective Order and to Quash Rule 45 Subpoenas. Signed by Judge William S. Duffey Jr. on 8/1/05. (kt) (Entered: 08/02/2005)
08/02/2005	--	ORDER (by docket entry only) granting 6 Application for Admission Pro Hac Vice of Harold McElhinny, granting 7 Application for Admission Pro Hac Vice of Peter Meringolo, granting 8 Application for Admission Pro Hac Vice of Marc Pernick . Ordered by Judge William S. Duffey Jr. on 8/2/05. (jdb) (Entered: 08/02/2005)
08/03/2005	13	ORDER APPROVING 11 Third MOTION for Extension of Time to Reply to EchoStar and Non-Party Homer Knearl's Joint Motion for Protective Order and 1 Motion to Quash Rule 45 Subpoenas until 8/10/05. Signed by Judge William S. Duffey Jr. on 8/5/05. (kt) (Entered: 08/05/2005)
08/04/2005	11	Third MOTION for Extension of Time File Response re: 1 MOTION to Quash subpoenas with Brief In Support by TiVo, Inc.. (Buhay, William) (Entered: 08/04/2005)
08/04/2005	12	PROPOSED ORDER Granting Six (6) Day Extension re: 11 Third MOTION for Extension of Time File Response re: 1 MOTION to Quash subpoenas. (Buhay, William) (Entered: 08/04/2005)
08/05/2005	15	APPLICATION for Admission of Christine W.S. Byrd Pro Hac Viceby TiVo, Inc..Filing Fee received \$150.00, Receipt #540264. (fmm) (Entered: 08/11/2005)
08/05/2005	16	APPLICATION for Admission of Perry M. Goldberg Pro Hac Viceby TiVo, Inc..Filing Fee received \$150.00, Receipt #540264. (fmm) (Entered: 08/11/2005)
08/10/2005	14	Fourth MOTION for Extension of Time File Response re: 1 MOTION to Quash subpoenas with Brief In Support by TiVo, Inc.. (Attachments: # 1)(Buhay, William) (Entered: 08/10/2005)
08/12/2005	--	ORDER (by docket entry only) granting 15 Application for Admission Pro Hac Vice of Christine W.S. Byrd, granting 16 Application for Admission Pro Hac Vice of Perry M. Goldberg. Ordered by Judge William S. Duffey Jr. on 8/12/05. (jdb) (Entered: 08/12/2005)
08/12/2005	17	ORDER GRANTING 14 Unopposed Motion for Extension of Time to Reply to the Joint Motion until 8/31/05.

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Signed by Judge William S. Duffey Jr. on 8/11/05. (kt) (Entered: 08/12/2005)

- 08/31/2005 18 Fifth MOTION for Extension of Time re: 1 MOTION to Quash subpoenas with Brief In Support by TiVo, Inc.. (Attachments: # 1 Exhibit A # 2 Proposed Order)(Buhay, William) Modified on 9/1/2005 to describe attachments (fmm). (Entered: 08/31/2005)
- 09/01/2005 19 ORDER GRANTING 18 Motion for Extension of Time until 9/14/05 for TiVo Inc. to reply to the Joint Motion for Protective Order and to Quash Rule 45 Subpoenas. Signed by Judge William S. Duffey Jr. on 8/31/05. (kt) (Entered: 09/01/2005)
- 09/14/2005 20 Sixth MOTION for Extension of Time to Reply to Joint Motion for Protective Order and Quash Rule 45 Subpoenas re: 1 MOTION to Quash subpoenas with Brief In Support by TiVo, Inc.. (Attachments: # 1 Proposed Order)(Buhay, William) Modified on 9/15/2005 to describe attachments (fmm). (Entered: 09/14/2005)
- 09/15/2005 21 ORDER GRANTING 20 Unopposed Motion for Extension of Time to Reply to the Joint Motion until 10/06/05. Signed by Judge William S. Duffey Jr. on 9/15/05. (kt) (Entered: 09/16/2005)
- 10/06/2005 22 Seventh MOTION to Continue by TiVo, Inc.. (Attachments: # 1 Exhibit Texas Court's September 26th Order# 2 Text of Proposed Order Oder Granting Continuance)(Buhay, William) (Entered: 10/06/2005)
- 10/07/2005 23 ORDER GRANTING 22 Seventh Unopposed Motion to Extend Time to Reply to EchoStar and Non-Party Homer Knearl's Joint Motion for a Protective Order and to Quash Rule 45 Subponeas until 10/13/05. Signed by Judge William S. Duffey Jr. on 10/07/05. (kt) (Entered: 10/07/2005)
- 10/07/2005 24 RESPONSE re 22 Seventh MOTION to Continue filed by Echostar Technologies Corporation, Echosphere Limited Liability Company, Echostar Communications Corporation, EchoStar DBS Corporation. (Schlossberg, Ellen) (Entered: 10/07/2005)
- 10/13/2005 25 DOCUMENT FILED IN ERROR Eighth MOTION for Extension of Time to Reply to Echostar and Non-Party Homer Knearl's Joint Motionf or a Protective Order and to Quash Rule 45 Subpoenas; Motion to Dismiss Joint Motion as Moot with Brief In Support by TiVo, Inc.. (Attachments: # 1 Exhibit A to 8th Motion# 2 Exhibit Exhibit B to 8th motion# 3 Text of Proposed Order)(Buhay, William) Modified on 10/14/2005 (fmm). (Entered: 10/13/2005)
- 10/13/2005 26 REDOCKETED #25 MOTION AS Eighth MOTION for Extension of Time by 2 weeks to file response re: 1 MOTION for protective order and to Quash subpoenas or MOTION to Dismiss without prejudice the 1 MOTION for protective order and to Quash subpoenas by TiVo, Inc. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Proposed Order)(fmm) (Entered: 10/14/2005)
- 10/14/2005 27 RESPONSE in Opposition re 26 MOTION to Dismiss MOTION for Extension of Time to file response to re: 1 MOTION to Quash subpoenas MOTION for Extension of Time to file response to re: 1 MOTION to Quash subpoenas filed by Homer Knearl. (Schlossberg, Ellen) (Entered: 10/14/2005)
- 10/28/2005 28 RESPONSE in Opposition re 1 MOTION to Quash subpoenas and Reply Brief to the 26 Motion to Dismiss filed by TiVo, Inc.. (Attachments: # 1 Text of Proposed Order Proposed Order denying Defendants' Motion for Protective Order and to Quash Subpoena and Granting Plaintiff's Motion to Dismiss Defendants' Motion as Moot)(Buhay, William) Modified on 10/31/2005 to add document link (fmm). (Entered: 10/28/2005)
- 10/28/2005 29 AFFIDAVIT in Opposition re 1 MOTION to Quash subpoenas and related Exhibts supporting TiVo's Response to the Motion to Quash and TiVo's Motion to Dismiss filed by TiVo, Inc.. (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D# 5 Exhibit Exhibit E# 6 Exhibit Part 1 of Exhibit F# 7 Exhibit Part 2 of Exhibit F# 8 Exhibit Part 3 of Exhibit F)(Buhay, William) (Entered: 10/28/2005)
- 10/28/2005 30 AFFIDAVIT in Opposition re 1 MOTION to Quash subpoenas The Affidavit is actually a Declaration which attaches the Exhibits relied upon by TiVo filed by TiVo, Inc.. (Attachments: # 1 Exhibit Exhibit A - Filed Under Seal# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D# 5 Exhibit Exhibit E# 6 Exhibit Part 1 of Exhibit F# 7 Exhibit Part 2 of Exhibit F# 8 Exhibit Part 3 of Exhibit F)(Buhay, William) (Entered: 10/28/2005)
- 10/28/2005 31 MOTION to File Exhibit A to 29 Affidavit and 30 Affidavit Under Seal by TiVo, Inc. (Attachments: # 1 Proposed Order)(fmm) (Entered: 10/31/2005)
- 10/28/2005 32 DOCUMENT FILED UNDER SEAL Exhibit A to 29 Affidavit and 30 Affidavit by TiVo, Inc. (fmm) Modified on 2/13/2006 (kt). Additional attachment(s) added on 6/5/2007 (kt). Modified on 6/5/2007 (kt). (Verified by EPM 6/5/07) Modified on 6/5/2007 (kt). (Entered: 10/31/2005)
- 10/28/2005 -- Case reported statistically. Matter transferred from 1:05-mi-190. (kt) (Entered: 10/31/2005)
- 10/31/2005 33 MOTION to Supplement 28 Response in Opposition re 1 MOTION to Quash subpoenas and Reply Brief to the 26 Motion to Dismiss by TiVo, Inc. (Attachments: # 1 Exhibit G-1# 2 Exhibit G-2# 3 Exhibit G-3# 4 Exhibit H-1# 5 Exhibit H-2# 6 Proposed Order)(fmm) (Entered: 11/01/2005)
- 11/01/2005 -- Submission of 1 MOTION to Quash subpoenas, 26 MOTION to Dismiss MOTION for Extension of Time to file response to re: 1 MOTION to Quash subpoenas MOTION for Extension of Time to file response to re: 1 MOTION to Quash subpoenas, 11 Third MOTION for Extension of Time File Response re: 1 MOTION to Quash subpoenas, submitted to District Judge William S. Duffey. (fmm) (Entered: 11/01/2005)
- 11/14/2005 34 REPLY in support of 1 MOTION to Quash subpoenas, 33 MOTION to Supplement 28 Response in Opposition to Motion, filed by Homer Knearl. (Attachments: # 1 Exhibit A # 2 Exhibit B)(Murphy, Charles) Modified on 11/16/2005 to correct docket text to reflect e-filed document. (kt). (Entered: 11/14/2005)
- 11/15/2005 -- Submission of 31 MOTION to Seal Document 29 Affidavit in Opposition to Motion, 30 Affidavit in Opposition to Motion, 33 MOTION to Supplement 28 Response in Opposition to Motion, to District Judge William S. Duffey. (kt) (Entered: 11/15/2005)

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11/16/2005 -- Notification of Docket Correction re 34 Reply to Response to Motion. Wrong event used and double wording in attachments. (kt) (Entered: 11/16/2005)

11/17/2005 35 RESPONSE re 31 MOTION to Seal Document 29 Affidavit in Opposition to Motion,, 30 Affidavit in Opposition to Motion, filed by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. (Murphy, Charles) (Entered: 11/17/2005)

11/17/2005 36 RESPONSE re 33 MOTION to Supplement 28 Response in Opposition to Motion, filed by Homer Knearl. (Murphy, Charles) (Entered: 11/17/2005)

02/06/2006 37 NOTICE Of Filing order in related case by TiVo, Inc. (Attachments: # 1 Order in Colorado Case)(fmm) (Entered: 02/07/2006)

02/07/2006 -- Notification of Docket Correction re 37 Notice of Filing. Pleading incorrectly e-filed in closed miscellaneous case and moved to correct pending civil action. (fmm) (Entered: 02/07/2006)

02/10/2006 38 Minute Entry for proceedings held before Judge William S. Duffey Jr.: Telephone Conference held on 2/10/2006. (Court Reporter Nick Marrone.)(jdb) (Entered: 02/13/2006)

02/13/2006 39 ORDER granting in part and denying in part 1 Motion to Quash (See order for details.) IT IS FURTHER ORDERED that the documents required by this Order to be produced in response to the subpoena which are not subject to in camera review shall be produced by Mr. Knearl on or before February 20, 2006. IT IS FURTHER ORDERED that Mr. Knearl's deposition shall be arranged to be conducted on or before February 28, 2006. IT IS FURTHER ORDERED that the motion is DENIED with respect to the grounds the Mr. Knearl was not provided with reasonable notice, with reasonable time for compliance or that the information otherwise has been requested to be produced by other lawyers at Merchant & Gould. IT IS FURTHER ORDERED that if the Court in the Eastern District of Texas determines that the Subpoena response is outside the period allowed for discovery, compliance with this order shall not be required. IT IS FURTHER ORDERED that Plaintiff's Unopposed Motion for Extension of Time to Reply to Joint Motion for a Protective Order and to Quash Subpoenas 11 , Plaintiff's Motion to Extend Time to Reply 26 , Plaintiff's Motion to File Documents Under Seal 31 , and Plaintiff's Motion for Leave to File a Supplement to its Response in Opposition 33 are GRANTED. Signed by Judge William S. Duffey Jr. on 2/13/06. (kt) (Entered: 02/13/2006)

02/14/2006 41 TRANSCRIPT of Proceedings held on February 10, 2006 before Judge William S. Duffey. Court Reporter: Nicholas A. Marrone. (kt) (Entered: 02/15/2006)

02/15/2006 40 APPLICATION for Admission of Alison M. Tucher Pro Hac Vice by Echostar Technologies Corporation, Echosphere Limited Liability Company, Echostar Communications Corporation, and EchoStar DBS Corporation.Filing Fee received \$150.00, Receipt #547386. (to WSD) (kt) (Entered: 02/15/2006)

02/17/2006 -- ORDER (by docket entry only) granting 40 Application for Admission Pro Hac Vice of Alison M. Tucher. Ordered by Judge William S. Duffey Jr. on 2/17/06. (jdb) (Entered: 02/17/2006)

02/28/2006 42 VACATED pursuant to 53 Order ORDER DIRECTING that Mr. Knearl is ORDERED to produce the documents enclosed in the packet transmitted today by Federal Express to counsel for Mr. Knearl. These documents shall be made available for inspection by Mr. Perry Goldbert, TiVo's outside counsel. The Produced Documents shall be produced for Mr. Goldberg's inspection on or before March 8, 2006. Mr. Goldberg will request Judge Folsom to determine if the Identified Documents are admissible in the litigation pending in Texas. Judge Folsom shall determine what, if any, restrictions will be placed on disclosure of any of the Identified Documents he will allow to be introduced at trial. Identified documents which are not admitted shall promptly be returned to counsel for Mr. Knearl. Signed by Judge William S. Duffey Jr. on 2/28/06. (kt) Modified on 5/15/2006 (kt). Modified on 6/8/2006 (kt). (Entered: 02/28/2006)

03/02/2006 43 Joint MOTION to Stay the Court's Order of February 28, 2006 with Brief In Support by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. (Attachments: # 1 Brief In Support of Joint Motion for a Stay of the Court's Order of February 28, 2006# 2 Text of Proposed Order)(Tucher, Alison) (Entered: 03/02/2006)

03/02/2006 44 Emergency MOTION 43 Joint MOTION to Stay the Court's Order of February 28, 2006 to Waive the Time Requirements of Rule 7.1 with Brief In Support by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. (Attachments: # 1 Text of Proposed Order)(Tucher, Alison) (Entered: 03/02/2006)

03/03/2006 45 ORDER DENYING 43 Motion to Stay the Court's Order of February 28, 2006, granting 44 Motion for Miscellaneous Relief. IT IS FURTHER ORDERED that because the Court has resolved the motion to quash at issue in this proceeding, the Clerk of Court is DIRECTED to close this case. Signed by Judge William S. Duffey Jr. on 3/3/06. (kt) (Entered: 03/03/2006)

03/03/2006 -- Civil Case Terminated. (kt) (Entered: 03/03/2006)

03/03/2006 46 NOTICE OF APPEAL as to 42 Order, by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. Filing fee \$ 255, receipt no. 548185Transcript Order Form due on 3/17/2006. (fem) (Entered: 03/06/2006)

03/06/2006 47 DOCUMENT ERROR Transmission of Certified Copy of Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals re 46 Notice of Appeal, (fem) Modified on 3/8/2006 (fem). (Entered: 03/06/2006)

03/08/2006 48 Transmission of Certified Copy of Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals, Washington, D.C re 46 Notice of Appeal, (fem) (Entered: 03/08/2006)

03/08/2006 -- Notification of Docket Correction to indicate transmission incorrectly forwarded to the Eleventh Circuit and should have been transmitted to the Federal Circuit re 47 Transmission of Notice of Appeal and Docket Sheet to USCA. (fem) (Entered: 03/08/2006)

Best Available Copy

03/09/2006 49 ORDER of USCA - Federal Circuit temporarily staying 42 district court's Order re: 46 Notice of Appeal. USCA - Federal Circuit Miscellaneous Docket Case No. 816. (kac) (Entered: 03/10/2006)

03/13/2006 50 TRANSCRIPT ORDER FORM re: 46 Notice of Appeal. USCA - Federal Circuit Miscellaneous Number 816. Certificate of Readiness due on 3/27/2006 (All necessary transcript(s) on file.)(kac) (Entered: 03/13/2006)

03/20/2006 51 USCA Acknowledgment of 46 Notice of Appeal filed by Echostar Communications Corporation, Echostar Technologies Corporation, EchoStar DBS Corporation, Echosphere Limited Liability Company and Homer Knearl. Case Appealed to USCA - Federal Circuit. Appeal Case Number 2006-1293. (kac) (Entered: 05/03/2006)

04/27/2006 -- Appeal Deadline Terminated. Appealed to the USCA for the Federal Circuit. (kac) (Entered: 04/27/2006)

05/11/2006 52 Certified copy of ORDER of USCA for the Federal Circuit GRANTING Homer Knearl and EchoStar Communication Corporation's Petition for Writ of Mandamus. The district court is directed to vacate its 42 Order requiring production of documents. The district court may conduct any additional proceedings necessary in view of this Court's EchoStar order. USCA, Federal Circuit Case Number 2006-M816. (kt) Modified on 5/23/2006 to correct docket text. (dfb) (Entered: 05/15/2006)

05/15/2006 -- Submission of 52 USCA for the Federal Circuit Order to District Judge William S. Duffey. (kt) (Entered: 05/15/2006)

06/08/2006 53 ORDER DIRECTING that Mr. Knearl produce by 6/19/06, any materials responsive to the subpoena which are required to be produced pursuant to this Order and submit to the Court, by 6/30/06, those materials for which Mr. Knearl requests the Court to conduct an in camera review. IT IS FURTHER ORDERED that Mr. Knearl provide to Plaintiff the privilege log of withheld materials contemporaneous with its 6/19/06 production of materials. IT IS FURTHER ORDERED that the Court's February 28, 2006 Order is VACATED. Signed by Judge William S. Duffey Jr. on 6/8/06. (kt) (Entered: 06/08/2006)

07/11/2006 54 DOCUMENT FILING ERROR MOTION Motion to Enforce Court's Order of June 8, 2006 by TiVo, Inc.. (Attachments: # 1 Exhibit Exhibit 1# 2 Exhibit Exhibit 2# 3 Exhibit Exhibit 3# 4 Exhibit Exhibit 4# 5 Exhibit Exhibit 5# 6 Exhibit Exhibit 6# 7 Exhibit Exhibit 7# 8 Exhibit Exhibit 8)(Buhay, William) Modified text on 7/11/2006. Attorney to refile. (mas). (Entered: 07/11/2006)

07/11/2006 -- Notification of Docket Correction re 54 MOTION Motion to Enforce Court's Order of June 8, 2006. Modified entry to indicate there was a filing error. Attorney to refile. (mas) (Entered: 07/11/2006)

07/11/2006 55 MOTION to Enforce Court's Order of June 8, 2006 by TiVo, Inc.. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8)(Buhay, William) Modified on 8/15/2006 to remove double wording. (kt). (Entered: 07/11/2006)

07/28/2006 56 RESPONSE in Opposition re 55 MOTION Motion to Enforce Court's Order of June 8, 2006 filed by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. (Attachments: # 1 Affidavit of Alison M. Tucher# 2 Exhibit A-L to Tucher Declaration# 3 Exhibit M-T to Tucher Declaration)(Tucher, Alison) (Entered: 07/28/2006)

08/11/2006 57 REPLY to Response to Motion re 55 MOTION Motion to Enforce Court's Order of June 8, 2006 filed by TiVo, Inc.. (Attachments: # 1 Exhibit #1# 2 Exhibit # 2# 3 Exhibit # 3)(Buhay, William) (Entered: 08/11/2006)

08/14/2006 58 Motion for Leave to file Surreply with Brief In Support by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. (Attachments: # 1 Exhibit Surreply)(Murphy, Charles) Modified on 8/15/2006 to remove double wording in docket text. (kt). (Entered: 08/14/2006)

08/15/2006 -- Notification of Docket Correction re 58 MOTION for Leave to File Motion for Leave to file Surreply. Edited docket text to remove double wording. (kt) (Entered: 08/15/2006)

08/16/2006 -- Submission of 55 MOTION to Enforce Court's Order of June 8, 2006, to District Judge William S. Duffey. (kt) (Entered: 08/16/2006)

08/16/2006 59 RESPONSE in Opposition re 58 MOTION for Leave to File Motion for Leave to file Surreply filed by TiVo, Inc.. (Buhay, William) (Entered: 08/16/2006)

08/19/2006 60 RESPONSE re Submission to District Judge and Mr. Knearl's August 18, 2006 correspondence regarding same filed by TiVo, Inc.. (Buhay, William) (Entered: 08/19/2006)

08/21/2006 61 RESPONSE re Submission to District Judge, 60 Response (Non-Motion) and Mr. Knearl's August 18, 2006 correspondence regarding the same filed by TiVo, Inc.. (Buhay, William) (Entered: 08/21/2006)

10/03/2006 -- Submission of 58 MOTION for Leave to File Surreply, to District Judge William S. Duffey. (kt) (Entered: 10/03/2006)

01/26/2007 62 ORDER that Homer Knearl shall execute, under oath, the affidavit attached as Attachment A and Alison M. Tucher shall execute, under oath, the affidavit attached as Attachment B, and both shall return their executed affidavits to the Court on or before February 15, 2007. IT IS FURTHER ORDERED that Mr. Knearl and EchoStar shall, on or before February 15, 2007, deliver to the Court for in camera review, those documents withheld from production to TiVo on the grounds of a legal privilege. IT IS FURTHER ORDERED that Homer Knearl's and EchoStar's Motion for Leave to File Surreply in Opposition to TiVo's Motion 58 is DENIED. Signed by Judge William S. Duffey Jr. on 1/26/07. (Attachments: # 1 Attachment A# 2 Attachment B)(jdb) (Entered: 01/26/2007)

01/29/2007 -- NOTICE of Undeliverable Electronic Mail re: 62 Order. Mail returned for Peter P. Meringolo. (aar) (Entered: 01/29/2007)

02/08/2007 63 NOTICE by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar

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Communications Corporation, EchoStar DBS Corporation Notice of Disassociation of Counsel (Tucher, Alison) (Entered: 02/08/2007)

- 02/15/2007 64 NOTICE Of Filing Affidavit of Alison Tucher by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation Affidavit of Alison Tucher (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3)(Murphy, Charles) Modified on 2/16/2007 (cdg). (Entered: 02/15/2007)
- 02/15/2007 65 NOTICE Of Filing Supplemental Affidavit of Alison M. Tucher by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation Supplemental Affidavit of Alison Tucher (Murphy, Charles) Modified on 2/16/2007 (cdg). (Entered: 02/15/2007)
- 02/15/2007 66 NOTICE Of Filing by Homer Knearl Affidavit of Homer Knearl (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3)(Murphy, Charles) (Entered: 02/15/2007)
- 02/15/2007 67 NOTICE Of Filing by Homer Knearl Supplemental Affidavit of Homer Knearl (Murphy, Charles) (Entered: 02/15/2007)
- 03/22/2007 68 ORDER DIRECTING that Echostar and Homer Knearl SHOW CAUSE by 3/30/07, why the following documents should not be produced: MG PRIV 16, 27, 32-35, 37, 55, 68, 69, 72, 73, 75, 85, 88, 95, 105, 177, 179, 180, 271, 274, 276, 287, 291, and 305. Echostar or Knearl must state in detail for each document the privilege asserted, and the grounds for that privilege, including a description of the identity and role of each author, recipient, cc recipient, or bcc recipient of the document. IT IS FURTHER ORDERED that if any portion of the above documents was submitted to the Court in redacted form, unredacted copies be provided for in camera review by 3/30/07. These documents shall be marked in such a way as to allow the Court to discern easily which portions were previously redacted. Signed by Judge William S. Duffey Jr. on 3/22/07. (kt) (Entered: 03/22/2007)
- 03/30/2007 69 MOTION for Leave to File Excess Pages for Response to Order to Show Cause with Brief In Support by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. (Tucher, Alison) (Entered: 03/30/2007)
- 03/30/2007 70 RESPONSE TO ORDER TO SHOW CAUSE re: 68 Order to Show Cause,,, filed by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. (Attachments: # 1 Affidavit of Homer Knearl# 2 Affidavit of George Lewis# 3 Affidavit of Tadd Wilson# 4 Affidavit of Jenny Shay# 5 Exhibit A-F to Shay Decl.)(Tucher, Alison) (Entered: 03/30/2007)
- 04/02/2007 -- ORDER (by docket entry only) GRANTING 69 Motion for Leave to File Excess Pages. Echostar and Knearl may file a brief in excess of 25 pages. Signed by Judge William S. Duffey Jr. on 4/2/07. (kt) (Entered: 04/02/2007)
- 04/04/2007 71 RESPONSE re 70 Response to Order to Show Cause, 68 Order to Show Cause,,, filed by TiVo, Inc.. (Buhay, William) (Entered: 04/04/2007)
- 04/06/2007 72 RESPONSE re 71 Response (Non-Motion) EchoStar and Homer Knearl's Reply In Support of Response to Order to Show Cause filed by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. (Tucher, Alison) (Entered: 04/06/2007)
- 05/03/2007 73 ORDER re: 70 Response to Order to Show Cause. It is hereby ORDERED that EchoStar produce by 5/16/07, in unredacted form, the following documents: MG PRIV 68 179, (excepting the first two pages), and 180 (excepting the first two pages), and the following portions of MG PRIV 305: ECHO T1000-090340, T1000-090353 (Entry for 4/07/05 only), T1000-090354, and T1000-090360. Signed by Judge William S. Duffey Jr. on 5/3/07. (kt) (Entered: 05/04/2007)
- 07/10/2007 74 NOTICE to William Charles Buhay, counsel for TiVo, Inc. re: sealed materials. (kt) (Entered: 07/10/2007)

US District Court Civil Docket

**U.S. District - Georgia Northern
(Atlanta)**

1:05mi208

Tivo, Inc v. Echostar Communications Corporation et al

This case was retrieved from the court on Monday, June 16, 2008

Date Filed: 07/21/2005	Class Code: CLOSED
Assigned To: Judge William S Duffey, Jr	Closed: Yes
Referred To:	Statute:
Nature of suit: Patent (830)	Jury Demand: None
Cause: FRCP 37(a) Motion to compel deposition testimony	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: USDC ED TX, 04cv01 DF	
Jurisdiction: Federal Question	

Litigants

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Scientific Atlanta, Inc
Movant

Date	#	Proceeding Text
07/21/2005	1	MOTION to Compel production of a document from third party Scientific Atlanta with Brief In Support by Echostar Technologies Corporation, Echosphere Limited Liability Company, Echostar Communications Corporation, EchoStar DBS Corporation. (Attachments: # 1 Exhibit 1# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G)(fmm) (Entered: 07/22/2005)
07/28/2005	2	Withdrawal of Motion 1 MOTION to Compel production of a document from third party Scientific Atlanta filed by Echostar Communications Corporation,, Echostar Technologies Corporation,, EchoStar DBS Corporation,, Echosphere Limited Liability Company,. (Murphy, Charles) (Entered: 07/28/2005)
07/28/2005	--	Miscellaneous Case Terminated. (fmm) (Entered: 07/29/2005)

US District Court Civil Docket

U.S. District - Georgia Northern
(Atlanta)

1:05mi190

Tivo, Inc v. Echostar Communications Corporation et al

This case was retrieved from the court on Monday, October 27, 2008

Date Filed: 07/07/2005	Class Code: CLOSED
Assigned To: Judge William S Duffey, Jr	Closed: Yes
Referred To:	Statute:
Nature of suit: Patent (830)	Jury Demand: None
Cause: FRCP 45(b) Motion to quash or modify subpoena	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: USDC ED TX, 2-04cv01 DF	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text
07/20/2005	1	MOTION to Quash subpoenas with Brief In Support by Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation. (Attachments: # 1 Exhibit 1# 2 Exhibit 1-A# 3 Exhibit 1-B# 4 Exhibit 1-C# 5 Exhibit 1-D# 6 Exhibit 1-E# 7 Exhibit 1-F# 8 Exhibit 1-G# 9 Exhibit 1-H# 10 Exhibit 1-I# 11 Exhibit 2# 12 Exhibit 2-A# 13 Exhibit 2-B# 14 Exhibit 2-C# 15 Exhibit 2-D# 16 Exhibit 2-E# 17 Exhibit 2-F)(fmm) (Entered: 07/15/2005)
07/26/2005	2	PROPOSED CONSENT ORDER For Extension of Time re: 1 MOTION to Quash subpoenas. (Buhay, William) (Entered: 07/26/2005)
07/27/2005	6	APPLICATION for Admission of Harold J. McElhinny Pro Hac Viceby Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation.Filing Fee received \$150.00, Receipt #539834. (fmm) (Entered: 07/29/2005)
07/27/2005	7	APPLICATION for Admission of Peter P. Meringolo Pro Hac Viceby Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation.Filing Fee received \$150.00, Receipt #539834. (fmm) (Entered: 07/29/2005)
07/27/2005	8	APPLICATION for Admission of Marc J. Pernick Pro Hac Viceby Echostar Technologies Corporation, Echosphere Limited Liability Company, Homer Knearl, Echostar Communications Corporation, EchoStar DBS Corporation.Filing Fee received \$150.00, Receipt #539835. (fmm) (Entered: 07/29/2005)
07/28/2005	3	NOTICE of Appearance by William Charles Buhay on behalf of TiVo, Inc. (Buhay, William) (Entered: 07/28/2005)
07/28/2005	4	Second MOTION for Extension of Time Reply to Motion for Protective Order and to Quash re: 1 MOTION to Quash subpoenas, 2 Proposed Consent Order with Brief In Support by TiVo, Inc.. (Buhay, William) (Entered: 07/28/2005)
07/28/2005	5	PROPOSED ORDER Unopposed Motion to Extend Time to Reply to Motion for Protective Order and to Quash re: 4 Second MOTION for Extension of Time Reply to Motion for Protective Order and to Quash re: 1 MOTION to Quash subpoenas, 2 Proposed Consent Order. (Buhay, William) (Entered: 07/28/2005)
07/28/2005	9	ORDER GRANTING 4 Motion for Extension of Time. IT IS HEREBY ORDERED that Plaintiff shall have (3) three additional days in which to file its response to the Joint Motion . Signed by Judge William S. Duffey Jr. on 7/26/05. (kt) (Entered: 07/29/2005)
08/01/2005	10	ORDER GRANTING 5 Unopposed Motion to Extend time until 8/4/05 for TiVo to reply to EchoStar and Non-Party Homer Knearl's Joint Motion for a Protective Order and to Quash Rule 45 Subpoenas. Signed by Judge William S. Duffey Jr. on 8/1/05. (kt) (Entered: 08/02/2005)
08/02/2005	--	ORDER (by docket entry only) granting 6 Application for Admission Pro Hac Vice of Harold McElhinny, granting 7 Application for Admission Pro Hac Vice of Peter Meringolo, granting 8 Application for Admission Pro Hac Vice of Marc Pernick . Ordered by Judge William S. Duffey Jr. on 8/2/05. (jdb) (Entered: 08/02/2005)

Best Available Copy

08/03/2005 13 ORDER APPROVING 11 Third MOTION for Extension of Time to Reply to EchoStar and Non-Party Homer Knearl's Joint Motion for Protective Order and 1 Motion to Quash Rule 45 Subpoenas until 8/10/05. Signed by Judge William S. Duffey Jr. on 8/5/05. (kt) (Entered: 08/05/2005)

08/04/2005 11 Third MOTION for Extension of Time File Response re: 1 MOTION to Quash subpoenas with Brief In Support by TiVo, Inc.. (Buhay, William) (Entered: 08/04/2005)

08/04/2005 12 PROPOSED ORDER Granting Six (6) Day Extension re: 11 Third MOTION for Extension of Time File Response re: 1 MOTION to Quash subpoenas. (Buhay, William) (Entered: 08/04/2005)

08/05/2005 15 APPLICATION for Admission of Christine W.S. Byrd Pro Hac Viceby TiVo, Inc..Filing Fee received \$150.00, Receipt #540264. (fmm) (Entered: 08/11/2005)

08/05/2005 16 APPLICATION for Admission of Perry M. Goldberg Pro Hac Viceby TiVo, Inc..Filing Fee received \$150.00, Receipt #540264. (fmm) (Entered: 08/11/2005)

08/10/2005 14 Fourth MOTION for Extension of Time File Response re: 1 MOTION to Quash subpoenas with Brief In Support by TiVo, Inc.. (Attachments: # 1)(Buhay, William) (Entered: 08/10/2005)

08/12/2005 -- ORDER (by docket entry only) granting 15 Application for Admission Pro Hac Vice of Christine W.S. Byrd, granting 16 Application for Admission Pro Hac Vice of Perry M. Goldberg. Ordered by Judge William S. Duffey Jr. on 8/12/05. (jdb) (Entered: 08/12/2005)

08/12/2005 17 ORDER GRANTING 14 Unopposed Motion for Extension of Time to Reply to the Joint Motion until 8/31/05. Signed by Judge William S. Duffey Jr. on 8/11/05. (kt) (Entered: 08/12/2005)

08/31/2005 18 Fifth MOTION for Extension of Time re: 1 MOTION to Quash subpoenas with Brief In Support by TiVo, Inc.. (Attachments: # 1 Exhibit A # 2 Proposed Order)(Buhay, William) Modified on 9/1/2005 to describe attachments (fmm). (Entered: 08/31/2005)

09/01/2005 19 ORDER GRANTING 18 Motion for Extension of Time until 9/14/05 for TiVo Inc. to reply to the Joint Motion for Protective Order and to Quash Rule 45 Subpoenas. Signed by Judge William S. Duffey Jr. on 8/31/05. (kt) (Entered: 09/01/2005)

09/14/2005 20 Sixth MOTION for Extension of Time to Reply to Joint Motion for Protective Order and Quash Rule 45 Subpoenas re: 1 MOTION to Quash subpoenas with Brief In Support by TiVo, Inc.. (Attachments: # 1 Proposed Order)(Buhay, William) Modified on 9/15/2005 to describe attachments (fmm). (Entered: 09/14/2005)

09/15/2005 21 ORDER GRANTING 20 Unopposed Motion for Extension of Time to Reply to the Joint Motion until 10/06/05. Signed by Judge William S. Duffey Jr. on 9/15/05. (kt) (Entered: 09/16/2005)

10/06/2005 22 Seventh MOTION to Continue by TiVo, Inc.. (Attachments: # 1 Exhibit Texas Court's September 26th Order# 2 Text of Proposed Order Oder Granting Continuance)(Buhay, William) (Entered: 10/06/2005)

10/07/2005 23 ORDER GRANTING 22 Seventh Unopposed Motion to Extend Time to Reply to EchoStar and Non-Party Homer Knearl's Joint Motion for a Protective Order and to Quash Rule 45 Subponeas until 10/13/05. Signed by Judge William S. Duffey Jr. on 10/07/05. (kt) (Entered: 10/07/2005)

10/07/2005 24 RESPONSE re 22 Seventh MOTION to Continue filed by Echostar Technologies Corporation, Echosphere Limited Liability Company, Echostar Communications Corporation, EchoStar DBS Corporation. (Schlossberg, Ellen) (Entered: 10/07/2005)

10/13/2005 25 DOCUMENT FILED IN ERROR Eighth MOTION for Extension of Time to Reply to Echostar and Non-Party Homer Knearl's Joint Motionf or a Protective Order and to Quash Rule 45 Subpoenas; Motion to Dismiss Joint Motion as Moot with Brief In Support by TiVo, Inc.. (Attachments: # 1 Exhibit A to 8th Motion# 2 Exhibit Exhibit B to 8th motion# 3 Text of Proposed Order)(Buhay, William) Modified on 10/14/2005 (fmm). (Entered: 10/13/2005)

10/13/2005 26 REDOCKETED #25 MOTION AS Eighth MOTION for Extension of Time by 2 weeks to file response re: 1 MOTION for protective order and to Quash subpoenas or MOTION to Dismiss without prejudice the 1 MOTION for protective order and to Quash subpoenas by TiVo, Inc. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Proposed Order)(fmm) (Entered: 10/14/2005)

10/14/2005 27 RESPONSE in Opposition re 26 MOTION to Dismiss MOTION for Extension of Time to file response to re: 1 MOTION to Quash subpoenas MOTION for Extension of Time to file response to re: 1 MOTION to Quash subpoenas filed by Homer Knearl. (Schlossberg, Ellen) (Entered: 10/14/2005)

10/28/2005 28 RESPONSE in Opposition re 1 MOTION to Quash subpoenas and Reply Brief to the 26 Motion to Dismiss filed by TiVo, Inc.. (Attachments: # 1 Text of Proposed Order Proposed Order denying Defendants' Motion for Protective Order and to Quash Subpoena and Granting Plaintiff's Motion to Dismiss Defendants' Motion as Moot)(Buhay, William) Modified on 10/31/2005 to add document link (fmm). (Entered: 10/28/2005)

10/28/2005 29 AFFIDAVIT in Opposition re 1 MOTION to Quash subpoenas and related Exhibits supporting TiVo's Response to the Motion to Quash and TiVo's Motion to Dismiss filed by TiVo, Inc.. (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D# 5 Exhibit Exhibit E# 6 Exhibit Part 1 of Exhibit F# 7 Exhibit Part 2 of Exhibit F# 8 Exhibit Part 3 of Exhibit F)(Buhay, William) (Entered: 10/28/2005)

10/28/2005 30 AFFIDAVIT in Opposition re 1 MOTION to Quash subpoenas The Affidavit is actually a Declaration which attaches the Exhibits relied upon by TiVo filed by TiVo, Inc.. (Attachments: # 1 Exhibit Exhibit A - Filed Under Seal# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D# 5 Exhibit Exhibit E# 6 Exhibit Part 1 of Exhibit F# 7 Exhibit Part 2 of Exhibit F# 8 Exhibit Part 3 of Exhibit F)(Buhay, William) (Entered: 10/28/2005)

10/28/2005 31 MOTION to File Exhibit A to 29 Affidavit and 30 Affidavit Under Seal by TiVo, Inc. (Attachments: # 1 Proposed Order)(fmm) (Entered: 10/31/2005)

10/28/2005	32	Exhibit A to 29 Affidavit and 30 Affidavit by TiVo, Inc. (---FILED UNDER SEAL---) (frmm) (Entered: 10/31/2005)
10/28/2005	--	Miscellaneous Case Terminated. Case converted to 1:05-cv-2799. (kt) (Entered: 10/31/2005)
10/31/2005	33	First MOTION to Supplement 28 Response in Opposition to Motion,, 29 Affidavit in Opposition to Motion, Motion for Leave to Supplement Response with Additional Exhibits with Brief In Support by TiVo, Inc.. (Attachments: # 1 Exhibit G-1# 2 Exhibit G-2# 3 Exhibit G-3# 4 Exhibit H-1# 5 Exhibit H-2# 6 Text of Proposed Order Granting Leave)(Buhay, William) (Entered: 10/31/2005)
02/06/2006	34	NOTICE Of Filing TiVo's Response to Motion to Quash by TiVo, Inc. re 28 Response in Opposition to Motion, Notice of Filing of Colorado Order (Attachments: # 1 Exhibit Colorado Order)(Buhay, William) (Entered: 02/06/2006)

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US District Court Civil Docket

U.S. District - Texas Eastern
(Marshall)

2:04cv1

Tivo Inc v. Echostar Comm, et al

This case was retrieved from the court on Tuesday, November 18, 2008

Date Filed: 01/05/2004	Class Code: FRC, JURY, PATENT, REOPEN
Assigned To: Judge David Folsom	Closed: No
Referred To: Magistrate Judge Caroline Craven	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: 5:05-cv-00081-DF	
Jurisdiction: Federal Question	

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Dish Network Corporation
Counter Claimant

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Counter Claimant

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Counter Defendant

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Counter Claimant

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Counter Claimant

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Tivo Inc A Delaware Corporation
Counter Defendant

Echostar Communications Corporation A Nevada Corporation
Counter Claimant

Echostar Dbs Corporation A Colorado Corporation
Counter Claimant

Tivo Inc A Delaware Corporation
Counter Defendant

Echostar Satellite Llc
Counter Claimant

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Dish Network Corporation
Counter Claimant

Echosphere Limited Liability Company
Counter Claimant

Tivo Inc A Delaware Corporation
Counter Defendant

Date	#	Proceeding Text
01/05/2004	1	Original Complaint with JURY DEMAND filed. Cause: 35:271 Patent Infringement (poa) (Entered: 01/07/2004)
01/05/2004	--	Demand for jury trial by TIVO Inc (poa) (Entered: 01/07/2004)
01/05/2004	--	Magistrate consent forms mailed to TIVO Inc (poa) (Entered: 01/07/2004)
01/05/2004	2	Form mailed to Commissioner of Patents and Trademarks. (poa) (Entered: 01/07/2004)
01/09/2004	--	Summons(es) issued for Echostar Comm, Echostar DBS Corp & given to atty's runner (ktd) (Entered: 01/09/2004)
01/15/2004	3	Amended complaint by TIVO Inc , (Answer due 1/26/04 for Echostar DBS Corp, for Echostar Comm) amending [1-1] complaint adding dfts EchoStar Tech Corp, Echosphere Ltd Liab (ktd) (Entered: 01/15/2004)
01/15/2004	--	Summons(es) issued for EchoStar Tech Corp, Echosphere Ltd Liab & given to pla's runner (ktd) (Entered: 01/15/2004)
01/15/2004	6	Form mailed to Commissioner of Patents and Trademarks. (ktd) Additional attachment(s) added on 1/28/2005 (ehs,). (Entered: 01/22/2004)

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01/20/2004	4	Return of service executed as to Echostar DBS Corp 1/12/04 Answer due on 2/2/04 for Echostar DBS Corp (ktd) Additional attachment(s) added on 1/28/2005 (ehs,). (Entered: 01/21/2004)
01/20/2004	5	Return of service executed as to Echostar Comm 1/12/04 Answer due on 2/2/04 for Echostar Comm (ktd) Additional attachment(s) added on 1/28/2005 (ehs,). (Entered: 01/21/2004)
01/26/2004	7	Return of service executed as to EchoStar Tech Corp, Echosphere Ltd Liab 1/16/04 Answer due on 2/5/04 for EchoStar Tech Corp, for Echosphere Ltd Liab (ktd) Additional attachment(s) added on 1/28/2005 (ehs,). (Entered: 01/27/2004)
01/29/2004	8	Secty's Return of service executed as to Echostar DBS Corp 1/20/04 Answer due on 2/9/04 for Echostar DBS Corp (ktd) Additional attachment(s) added on 1/28/2005 (ehs,). (Entered: 01/30/2004)
01/29/2004	9	Secty's Return of service executed as to Echostar Comm 1/20/04 Answer due on 2/9/04 for Echostar Comm (ktd) Additional attachment(s) added on 1/28/2005 (ehs,). (Entered: 01/30/2004)
02/04/2004	10	Secretary of State certificate of service served upon Echosphere Ltd Liab on 1/28/04 (poa) (Entered: 02/04/2004)
02/05/2004	11	Stipulation to extend time to close of business on 3/1/04 for dft's answer or response (ktd) (Entered: 02/05/2004)
02/09/2004	12	Secretary's Return of Service Executed as to EchoStar Technologies Corporation by c/rrr mail on 1/27/2004, answer due: 2/16/2004. (ktd,) (Entered: 02/13/2004)
02/27/2004	13	APPLICATION to Appear Pro Hac Vice by Attorney Rachel Krevans for Echostar Communications Corporation; Echostar DBS Corporation; EchoStar Technologies Corporation and Echosphere Limited Liability Company. (ktd,) (Entered: 03/01/2004)
02/27/2004	14	APPLICATION to Appear Pro Hac Vice by Attorney Zachariah A. Higgins for Echostar Communications Corporation; Echostar DBS Corporation; EchoStar Technologies Corporation and Echosphere Limited Liability Company. (ktd,) (Entered: 03/01/2004)
02/27/2004	15	APPLICATION to Appear Pro Hac Vice by Attorney Paul A. Friedman for Echostar Communications Corporation; Echostar DBS Corporation; EchoStar Technologies Corporation and Echosphere Limited Liability Company. (ktd,) (Entered: 03/01/2004)
02/27/2004	16	APPLICATION to Appear Pro Hac Vice by Attorney Harold J. McElhinny for Echostar Communications Corporation; Echostar DBS Corporation; EchoStar Technologies Corporation and Echosphere Limited Liability Company. (ktd,) (Entered: 03/01/2004)
03/01/2004	--	Pro Hac Vice Filing fee paid by McElhinny; Krevans; Higgins; Friedman; Fee: \$100., receipt number: 102101 (ktd,) (Entered: 03/01/2004)
03/01/2004	17	CORPORATE DISCLOSURE STATEMENT filed by EchoStar Technologies Corporation, Echosphere Limited Liability Company, Echostar Communications Corporation, Echostar DBS Corporation (poa,) (Entered: 03/02/2004)
03/01/2004	18	Filed in Texarkana ANSWER to Amended Complaint ; COUNTERCLAIM against TIVO Inc for declaratory relief of invalidity, non-infringement and unenforceability by EchoStar Technologies Corporation, Echosphere Limited Liability Company.(ktd,) (Entered: 03/02/2004)
03/01/2004	19	MOTION to Change Venue to the Northern District Of California, MOTION to Dismiss by EchoStar Technologies Corporation, Echosphere Limited Liability Company, Echostar Communications Corporation, Echostar DBS Corporation. (poa,) (Entered: 03/02/2004)
03/05/2004	20	REPLY to 18 Answer to Amended Complaint, Counterclaim by TIVO Inc. (poa,) (Entered: 03/09/2004)
03/05/2004	21	APPLICATION to Appear Pro Hac Vice by Attorney Richard E Lyon for TIVO Inc, Perry M Goldberg for TIVO Inc, Ben Yorks for TIVO Inc, Morgan Chu for TIVO Inc. (ktd,) (Entered: 03/09/2004)
03/05/2004	--	Pro Hac Vice Filing fee paid by Chu; Goldberg; Yorks; Lyon; Fee: \$100., receipt number: 102128 (ktd,) (Entered: 03/09/2004)
03/16/2004	22	APPLICATION to Appear Pro Hac Vice by Attorney Adam S. Hoffman for TIVO Inc and TIVO Inc. (mpv,) (Entered: 03/17/2004)
03/16/2004	--	Pro Hac Vice Filing fee paid by Adam S Hoffman; Fee: \$25, receipt number: 102267 (mpv,) (Entered: 03/17/2004)
03/17/2004	23	MOTION for Leave to exceed page limit for pltf to file its oppositions to defts' motion to transfer and dismiss by TIVO Inc. (mll,) (Entered: 03/22/2004)
03/26/2004	24	ORDER granting 23 Motion for Leave to File Excess Pages for its oppositions to dfts' motion to transfer or dismiss. Signed by Judge David Folsom on 3/24/04. (ktd,) (Entered: 03/26/2004)
03/26/2004	25	RESPONSE in Opposition re 19 MOTION to Change Venue filed by TIVO Inc.(exhibits not scanned) (ktd,) (Entered: 03/26/2004)
03/26/2004	26	RESPONSE in Opposition re 19 MOTION to Dismiss filed by TIVO Inc. (ktd,) (Exhibits not scanned) Modified on 3/26/2004 (ktd,). Additional attachment(s) added on 2/15/2005 (ehs,). (Entered: 03/26/2004)
04/05/2004	27	AGREED MOTION for Defendants to File Replies to Plaintiff's Oppositions to Defendant's Motion to Transfer and Dismiss, by EchoStar Technologies Corporation, Echosphere Limited Liability Company, Echostar Communications Corporation, Echostar DBS Corporation. (kjr,) (Entered: 04/05/2004)
04/05/2004	28	REPLY to Response to Motion re 19 MOTION to Change Venue MOTION to Dismiss filed by EchoStar

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defendants. (ktd,) (Entered: 04/07/2004)

04/05/2004 29 REPLY to Response to Motion re 19 MOTION to Change Venue MOTION to Dismiss filed by "EchoStar defendants". (ktd,) (Entered: 04/07/2004)

04/12/2004 30 AGREED MOTION for Leave to File Excess Pages for TIVO's Sur-Reply in Support of its Opposition to Motion to Dismiss, by TIVO Inc. (kjr,) (Entered: 04/13/2004)

04/12/2004 32 SUR-REPLY in Support of Opposition to Motion re 19 MOTION to Change Venue, filed by TIVO Inc. (kjr,) (Entered: 04/13/2004)

04/13/2004 31 ORDER granting 27 Dfts' Motion for Leave to File Excess Pages for Replies to Plaintiff's Oppositions to Dfts' Motion to Transfer and to Dismiss. Signed by Judge David Folsom on 4/12/04. (kjr,) (Entered: 04/13/2004)

04/16/2004 33 ORDER granting 30 Motion for Leave to File Excess Pages to file Sur-Reply in support of its opposition to motion to dismiss. Signed by Judge David Folsom on 4/14/04. cc: attys (poa,) (Entered: 04/16/2004)

04/16/2004 34 SUR-REPLY to Response to Motion re 19 MOTION to Dismiss filed by TIVO Inc. (ktd,) (Entered: 04/19/2004)

07/20/2004 35 MOTION for Hearing /Scheduling Conference, or in the alternative, Request for Order Requiring Parties to Hold Rule 26(f) Conference by TIVO Inc. (Attachments: # 1 Text of Proposed Order)(Chambers, Garret) (Entered: 07/20/2004)

07/22/2004 36 RESPONSE in Opposition re 35 MOTION for Hearing /Scheduling Conference, or in the alternative, Request for Order Requiring Parties to Hold Rule 26(f) Conference filed by EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Friedman, Paul) (Entered: 07/22/2004)

08/27/2004 37 ORDER to Conduct Rule 26(f) Conference. Signed by Judge David Folsom on 8/26/04. (mrm,) (Entered: 08/27/2004)

10/15/2004 38 NOTICE of Disclosure by TIVO Inc (Baxter, Samuel) (Entered: 10/15/2004)

10/20/2004 39 NOTICE of Disclosure by EchoStar Technologies Corporation, Echosphere Limited Liability Company, Echostar Communications Corporation, Echostar DBS Corporation (Young, Damon) (Entered: 10/20/2004)

10/25/2004 40 NOTICE by EchoStar Technologies Corporation, Echosphere Limited Liability Company, Echostar Communications Corporation, TIVO Inc of Joint Rule 26(f) Conference Report (Attachments: # 1Proposed Scheduling Order (Submitted by Defendant)# 2Proposed Scheduling Order (Submitted by Plaintiff Tivo)) (Chambers, Garret) Modified on 10/26/2004 (fal). (Entered: 10/25/2004)

10/28/2004 -- Notified Attorney, Zachariah A. Higgins, Per GO 04-12, that we received several email bounce back by leaving 2 voice mail messages on his phone and his assistant phone on 10/20/04 and 10/21/04 and have no response from either as of 10/25/04. He is no longer with Morrison & Foerster.(djh,) (Entered: 10/28/2004)

11/04/2004 41 MOTION for Zachariah A Higgins to Withdraw as Attorney by "EchoStar defendants". (ktd,) (Entered: 11/04/2004)

11/12/2004 42 ORDER Setting Hearing on Motion 19 MOTION to Change Venue MOTION to Dismiss: Motion Hearing set for 12/8/2004 11:00 AM in Ctrm 319 (Texarkana) before Judge David Folsom.. Signed by Judge David Folsom on 11/11/04. (mrm,) (Entered: 11/12/2004)

11/12/2004 43 ORDER granting 41 Motion to Withdraw as Attorney. Attorney Zachariah A. Higgins terminated . Signed by Judge David Folsom on 11/10/04. (mrm,) (Entered: 11/12/2004)

11/15/2004 44 ORDER The Court has set a Rule 16(b) Scheduling and Planning Conference for 12/8/2004 11:00 AM, following the court's hearing on Dfts Motion to Dismiss and Transfer in Ctrm 319 (Texarkana) before Judge David Folsom.. Signed by Judge David Folsom on 11/15/04. (mrm,) Modified on 11/18/2004 (mrm,). (Entered: 11/15/2004)

12/08/2004 45 Minute Entry for proceedings held before Judge David Folsom : Motion Hearing held on 12/8/2004 re 19 MOTION to Change Venue MOTION to Dismiss filed by Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company, Scheduling Conference held on 12/8/2004. (Court Reporter Libby Crawford.) (mrm,) (Entered: 12/08/2004)

12/13/2004 46 Joint MOTION for Protective Order by "EchoStar defendants", EchoStar Technologies Corporation, Echosphere Limited Liability Company, Echostar Communications Corporation, Echostar DBS Corporation, TIVO Inc. (Attachments: # 1 Exhibit A# 2 Text of Proposed Order)(Baxter, Samuel) (Entered: 12/13/2004)

12/22/2004 47 Proposed Pretrial Order [propoeed] scheduling order by "EchoStar defendants". (Friedman, Paul) Additional attachment(s) added on 12/22/2004 (rml,). (Entered: 12/22/2004)

01/04/2005 48 TRANSCRIPT of Proceedings (on motion to dismiss) held on 12/8/2004 before Judge David Folsom. Court Reporter: Libby Crawford. (sm,) (Entered: 01/04/2005)

02/07/2005 49 STIPULATED PROTECTIVE ORDER granting 46 Motion for Protective Order . Signed by Judge David Folsom on 2/7/05. (mrm,) (Entered: 02/07/2005)

02/09/2005 50 APPLICATION to Appear Pro Hac Vice by Attorney Andrei Iancu for TIVO Inc. (rml,) (Entered: 02/10/2005)

02/09/2005 51 APPLICATION to Appear Pro Hac Vice by Attorney Alexander C D Giza for TIVO Inc. (rml,) (Entered: 02/10/2005)

02/10/2005 -- Pro Hac Vice Filing fee paid by Andrei Iancu; Fee: \$25, receipt number: 103810 (rml,) (Entered: 02/10/2005)

02/10/2005 -- Pro Hac Vice Filing fee paid by Alexander Giza; Fee: \$25, receipt number: 103811 (rml,) (Entered: 02/10/2005)

03/02/2005 52 ***FILED IN ERROR PLEASE IGNORE*** MOTION to Compel Interrogatory Response Filed by EchoStar

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Technologies Corporation, Echosphere Limited Liability Company. (Friedman, Paul) Modified on 3/2/2005 (mpv,). Modified on 3/2/2005 (mpv,). (Entered: 03/02/2005)

- 03/02/2005 53 ***FILED IN ERROR; PLEASE IGNORE*** AFFIDAVIT in Support re 52 MOTION to Compel Interrogatory Response Filed filed by EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I# 10 Exhibit J)(Friedman, Paul) Modified on 3/2/2005 (mpv,). (Entered: 03/02/2005)
- 03/02/2005 54 ***FILED IN ERROR; PLEASE IGNORE*** Additional Attachments to Main Document: 52 MOTION to Compel Interrogatory Response Filed.. (Friedman, Paul) Modified on 3/2/2005 (mpv,). (Entered: 03/02/2005)
- 03/02/2005 55 MOTION to Compel Interrogatory Response REPLACES DOCUMENT #'s 52 , 53 & 54 by EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Affidavit of Paul A. Friedman in Support of Motion to Compel# 2 Exhibit A to the Declaration of Paul A. Friedman# 3 Exhibit B to the Declaration of Paul A. Friedman# 4 Exhibit C to the Declaration of Paul A. Friedman# 5 Exhibit D to the Declaration of Paul A. Friedman# 6 Exhibit E to the Declaration of Paul A. Friedman# 7 Exhibit F to the Declaration of Paul A. Friedman# 8 Exhibit G to the Declaration of Paul A. Friedman# 9 Exhibit H to the Declaration of Paul A. Friedman# 10 Exhibit I to the Declaration of Paul A. Friedman# 11 Exhibit J to the Declaration of Paul A. Friedman# 12 Text of Proposed Order Granting Motion to Compel)(Friedman, Paul) Modified on 3/2/2005 (mpv,). (Entered: 03/02/2005)
- 03/02/2005 -- ***FILED IN ERROR. Document # 52, 53, 54, Motion to Compel, Affidavit and Additional Attachments. PLEASE IGNORE. SEE # 55 for correct document *** (mpv,) (Entered: 03/02/2005)
- 03/03/2005 56 SCHEDULING ORDER: Initial Pretrial Conference set for 9/1/2005 10:00 AM in Ctrm 319 (Texarkana) before Judge David Folsom. Amended Pleadings due by 2/1/2005. Discovery due by 6/10/2005. Joinder of Parties due by 2/1/2005. Jury instructions due by 9/20/2005 Jury Selection set for 10/4/2005 10:00 AM in Ctrm 106 (Marshall) before Judge David Folsom. Mediation Completion due by 8/24/2005. Motions due by 6/30/2005. Proposed Pretrial Order due by 8/18/2005. Claim Construction hearing 5/6/05 at 9:00 AM. Signed by Judge David Folsom on 3/3/05. (mpv,) (Entered: 03/03/2005)
- 03/09/2005 57 ORDER ON DEFENDANT'S MOTION TO DISMISS AND TRANSFER; denying 19 Motion to Change Venue, denying 19 Motion to Dismiss; Therefore, the court ORDERS that Dfts Motion to Dismiss is DENIED as to ECC and DENIED WITHOUT PREJUDICE as to EDBS. The court further ORDERS that Dfts Motion to Transfer is DENIED . Signed by Judge David Folsom on 3/9/05. (mrm,) (Entered: 03/09/2005)
- 03/11/2005 58 MOTION for Extension of Time to File Response/Reply Unopposed Motion for Extension of Time to Respond to Echostar's Motion to Compel Interrogatory Response by TIVO Inc. (Attachments: # 1 Text of Proposed Order) (Baxter, Samuel) (Entered: 03/11/2005)
- 03/16/2005 59 ***FILED IN ERROR. PLEASE IGNORE. NO CERTIFICATE OF SERVICE. SEE DOC #63.*** RESPONSE in Opposition re 55 MOTION to Compel Interrogatory Response filed by TIVO Inc. (Attachments: # 1 Declaration of Richard E. Lyon in Support of Opposition# 2 Ex. 1 to Lyon Decl.# 3 Ex. 2 to Lyon Decl.# 4 Ex. 3 to Lyon Decl.# 5 Ex. 4 to Lyon Decl.# 6 Ex. 5 to Lyon Decl.# 7 Ex. 6 to Lyon Decl.# 8 Ex. 7 to Lyon Decl.# 9 Ex. 8 to Lyon Decl.# 10 Ex. 9 to Lyon Decl.# 11 Ex. 10 to Lyon Decl.# 12 Ex. 11 to Lyon Decl.# 13 Ex. 12 to Lyon Decl.# 14 Ex. 13 to Lyon Decl.# 15 Ex. 14 to Lyon Decl.# 16 Ex. 15 to Lyon Decl.# 17 Ex. 16 to Lyon Decl.# 18 Ex. 17 to Lyon Decl.# 19 Ex. 18 to Lyon Decl.# 20 Ex. 19 to Lyon Decl.# 21 Ex. 20 to Lyon Decl.# 22 Proposed Order Denying Motion to Compel)(Lyon, Richard) Modified on 3/17/2005 (fal,). (Entered: 03/16/2005)
- 03/16/2005 60 ORDER GRANTING TIVO'S UNOPPOSED MOTION FOR EXTENSION OF TIME; granting 58 Motion for Extension of Time to File Response/Reply re 55 MOTION to Compel Interrogatory Response Responses due by 3/16/2005. Signed by Judge David Folsom on 3/16/05. (mrm,) (Entered: 03/16/2005)
- 03/16/2005 61 ***FILED IN ERROR. PLEASE IGNORE. NO CERTIFICATE OF SERVICE. SEE DOC #62.*** MOTION to Amend/Correct 56 Scheduling Order,, by TIVO Inc. (Attachments: # 1 Affidavit Declaration of Richard Lyon in support of Motion to Amend# 2 Exhibit 1# 3 Exhibit 2# 4 Exhibit 3# 5 Exhibit 4# 6 Exhibit 5# 7 Exhibit 6# 8 Exhibit 7# 9 Exhibit 8# 10 Exhibit 9# 11 Exhibit 10# 12 Exhibit 11# 13 Exhibit 12# 14 Exhibit 13# 15 Exhibit 14# 16 Exhibit 15# 17 Exhibit 16# 18 Exhibit 17# 19 Text of Proposed Order)(Giza, Alexander) Modified on 3/17/2005 (fal,). (Entered: 03/16/2005)
- 03/17/2005 62 ***REPLACES DOC #61.*** MOTION to Amend/Correct 56 Scheduling Order,, by TIVO Inc. (Attachments: # 1 Declaration of Richard Lyon in support of Motion to Amend# 2 Exhibit 1-17 to Lyon Decl# 3 Text of Proposed Order)(Giza, Alexander) Modified on 3/17/2005 (fal,). (Entered: 03/17/2005)
- 03/17/2005 63 ***REPLACES DOC #59.*** RESPONSE in Opposition re 55 MOTION to Compel Interrogatory Response filed by TIVO Inc. (Attachments: # 1 Declaration of Richard E. Lyon in Support of Opposition# 2 Ex. 1 to Lyon Decl.# 3 Ex. 2 to Lyon Decl.# 4 Ex. 3 to Lyon Decl.# 5 Ex. 4 to Lyon Decl.# 6 Ex. 5 to Lyon Decl.# 7 Ex. 6 to Lyon Decl.# 8 Ex. 7 to Lyon Decl.# 9 Ex. 8 to Lyon Decl.# 10 Ex. 9 to Lyon Decl.# 11 Ex. 10 to Lyon Decl.# 12 Ex. 11 to Lyon Decl.# 13 Ex. 12 to Lyon Decl.# 14 Ex. 13 to Lyon Decl.# 15 Ex. 14 to Lyon Decl.# 16 Ex. 15 to Lyon Decl.# 17 Ex. 16 to Lyon Decl.# 18 Ex. 17 to Lyon Decl.# 19 Ex. 18 to Lyon Decl.# 20 Ex. 19 to Lyon Decl.# 21 Ex. 20 to Lyon Decl.# 22 Text of Proposed Order Denying Motion to Compel)(Lyon, Richard) Modified on 3/17/2005 (fal,). (Entered: 03/17/2005)
- 03/17/2005 64 MOTION to Compel EchoStar's Production of Documents, Interrogatory Responses, and Attendance at Deposition by TIVO Inc. (Attachments: # 1 Proposed Order# 2 Declaration of Richard E. Lyon# 3 Exhibit 1# 4 Exhibit 2# 5 Exhibit 3# 6 Exhibit 4# 7 Exhibit 5# 8 Exhibit 6# 9 Exhibit 7# 10 Exhibit 8# 11 Exhibit 9# 12 Exhibit 10# 13 Exhibit 11# 14 Exhibit 12# 15 Exhibit 13# 16 Exhibit 14# 17 Exhibit 15# 18 Exhibit 16# 19 Exhibit 17# 20 Exhibit 18# 21 Exhibit 19# 22 Exhibit 20# 23 Exhibit 21# 24 Exhibit 22# 25 Exhibit 23)(Lyon, Richard) (Entered: 03/17/2005)
- 03/21/2005 65 ANSWER to Amended Complaint for Patent Infringement, COUNTERCLAIM for Declaratory Relief of Invalidity,

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Non-Infringement and Unenforceability (counterclaim filed by Defendant Echostar Communications Corporation only) against TIVO Inc by Echostar Communications Corporation, Echostar DBS Corporation. (Friedman, Paul) (Entered: 03/21/2005)

- 03/21/2005 66 RESPONSE in Opposition re 62 MOTION to Amend/Correct 56 Scheduling Order,, filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Ann Citrin# 2 Affidavit of Paul A. Friedman# 3 Exhibit 1 to Friedman Decl.# 4 Exhibit 2 to Friedman Decl.# 5 Exhibit 3 to Friedman Decl.# 6 Exhibit 4 to Friedman Decl.# 7 Exhibit 5 to Friedman Decl.)(Friedman, Paul) (Entered: 03/21/2005)
- 03/23/2005 67 REPLY to Response to Motion re 55 MOTION to Compel Interrogatory Response filed by EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Friedman, Paul) (Entered: 03/23/2005)
- 03/24/2005 68 REPLY to Response to Motion re 62 MOTION to Amend/Correct 56 Scheduling Order,, filed by TIVO Inc. (Baxter, Samuel) (Entered: 03/24/2005)
- 03/28/2005 69 Joint MOTION to Amend/Correct 56 Scheduling Order,, by TIVO Inc. (Attachments: # 1 Text of Proposed Order)(Giza, Alexander) (Entered: 03/28/2005)
- 03/29/2005 70 RESPONSE in Opposition re 64 MOTION to Compel EchoStar's Production of Documents, Interrogatory Responses, and Attendance at Deposition filed by "EchoStar defendants". (Attachments: # 1 Affidavit Citrin Decl# 2 Affidavit Friedman Decl# 3 Exhibit A to Friedman Decl# 4 Exhibit B to Friedman Decl# 5 Exhibit C to Friedman Decl# 6 Exhibit D to Friedman Decl# 7 Exhibit E to Friedman Decl# 8 Exhibit F to Friedman Decl# 9 Exhibit G to Friedman Decl# 10 Exhibit H to Friedman Decl# 11 Exhibit I to Friedman Decl# 12 Exhibit J to Friedman Decl# 13 Exhibit K to Friedman Decl# 14 Exhibit L to Friedman Decl# 15 Exhibit M to Friedman Decl# 16 Exhibit N to Friedman Decl# 17 Exhibit O to Friedman Decl# 18 Exhibit P to Friedman Decl) (Friedman, Paul) (Entered: 03/29/2005)
- 03/30/2005 71 APPLICATION to Appear Pro Hac Vice by Attorney Jason A Crotty for Echostar Communications Corporation; Echostar DBS Corporation; EchoStar Technologies Corporation; Echosphere Limited Liability Company. (rml,) (Entered: 03/30/2005)
- 03/30/2005 -- Pro Hac Vice Filing fee paid by Jason Crotty; Fee: \$25, receipt number: 5-1-60 (rml,) (Entered: 03/30/2005)
- 03/30/2005 72 APPLICATION to Appear Pro Hac Vice by Attorney Karl J Kramer for Echostar Communications Corporation; Echostar DBS Corporation; EchoStar Technologies Corporation; Echosphere Limited Liability Company. (rml,) (Entered: 03/30/2005)
- 03/30/2005 -- Pro Hac Vice Filing fee paid by Karl Kramer; Fee: \$25, receipt number: 5-1-061 (rml,) (Entered: 03/30/2005)
- 03/30/2005 73 AMENDMENT TO SCHEDULING ORDER: Claim Construction Brief due at 4:00 pm PST on 4/11/05; Opposition Claim Construction Briefs due 5/9/05; Claim Construction hearing on 5/23/05; Discovery due by 6/24/2005.. Signed by Judge David Folsom on 3/30/05. (mrm,) (Entered: 03/30/2005)
- 03/30/2005 74 RESPONSE in Opposition re 55 MOTION to Compel Interrogatory Response (Sur-Reply) filed by TIVO Inc. (Attachments: # 1 Declaration of Richard E. Lyon in Support of Sur-Reply# 2 Ex. 1# 3 Ex. 2# 4 Ex. 3# 5 Ex. 4# 6 Ex. 5)(Lyon, Richard) (Entered: 03/30/2005)
- 04/01/2005 75 APPLICATION to Appear Pro Hac Vice by Attorney Robert M Harkins, Jr for Echostar Communications Corporation; Echostar DBS Corporation; EchoStar Technologies Corporation; Echosphere Limited Liability Company. (rml,) (Entered: 04/01/2005)
- 04/01/2005 -- Pro Hac Vice Filing fee paid by Robert Harkins Jr; Fee: \$25, receipt number: 5-1-67 (rml,) (Entered: 04/01/2005)
- 04/04/2005 76 APPLICATION to Appear Pro Hac Vice by Attorney Ann Critin for "EchoStar defendants"; Echostar Communications Corporation; Echostar DBS Corporation; EchoStar Technologies Corporation; Echosphere Limited Liability Company;(rml,) (Entered: 04/04/2005)
- 04/04/2005 -- Pro Hac Vice Filing fee paid by Ann Critin; Fee: \$25, receipt number: 5-1-071 (rml,) (Entered: 04/04/2005)
- 04/05/2005 77 REPLY to Response to Motion re 64 MOTION to Compel EchoStar's Production of Documents, Interrogatory Responses, and Attendance at Deposition filed by TIVO Inc. (Attachments: # 1 Declaration of Richard E. Lyon in support of Reply Brief)(Lyon, Richard) (Entered: 04/05/2005)
- 04/11/2005 78 REPLY to EchoStar Communication Corporation's Counterclaim ANSWER to Counterclaim by TIVO Inc.(Lyon, Richard) (Entered: 04/11/2005)
- 04/11/2005 79 MOTION In Support of EchoStar's Opening Claim Construction Brief by "EchoStar defendants". (Attachments: # 1 Affidavit Harkins decl# 2 Exhibit a to Harkins# 3 Exhibit B to Harkins Decl# 4 Exhibit Harkins decl exhs C to M# 5 Affidavit Reader Decl and Exhs.# 6 Affidavit Rhyne Decl# 7 Text of Proposed Order Proposed Order) (Harkins, Robert) (Entered: 04/11/2005)
- 04/11/2005 80 MOTION for Hearing re TiVo's Opening Claim Construction Brief by TIVO Inc. (Attachments: # 1 Affidavit Giza Declaration and Exs. 1-2# 2 Affidavit Exs. 3-9 (Giza Decl.)# 3 Text of Proposed Order)(Giza, Alexander) (Entered: 04/11/2005)
- 04/18/2005 81 SEALED Second MOTION to Compel by "EchoStar defendants". (mpv,) Additional attachment(s) added on 8/7/2007 (ch,). (Entered: 04/18/2005)
- 04/19/2005 82 ORDER REFERRING MOTION to the Honorable Harry W. McKee: 81 MOTION to Compel filed by "EchoStar defendants", . Signed by Judge David Folsom on 4/19/05. (mrm,) (Entered: 04/19/2005)
- 04/26/2005 83 MOTION for Leave to File First Amended Answers to First Amended Complaint and Counterclaims, Unopposed by Tivo, by Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Text of

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Proposed Order)(Friedman, Paul) (Entered: 04/26/2005)

04/27/2005 84 RESPONSE in Opposition re 81 MOTION to Compel filed by TIVO Inc. (Attachments: # 1 Denny Decl. in support of Opposition# 2 Lyon Decl. in support of Opposition# 3 Exhibits to Lyon Decl.# 4 Text of Proposed Order)(Lyon, Richard) (Entered: 04/27/2005)

04/29/2005 85 Third MOTION to Compel by "EchoStar defendants". (Attachments: # 1 Affidavit of Jason A. Crotty# 2 Exhibit to J. Crotty Decl.# 3 Text of Proposed Order)(Friedman, Paul) (Entered: 04/29/2005)

05/04/2005 86 REPLY to Response to Motion re 81 MOTION to Compel (Second Set) filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Paul A. Friedman# 2 Exhibit 1-3# 3 Exhibit 4# 4 Exhibit 5-6)(Friedman, Paul) (Entered: 05/04/2005)

05/06/2005 87 SEALED MOTION to Compel Deposition Testimony by Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (mpv,) Additional attachment(s) added on 7/30/2007 (ch,). (Entered: 05/09/2005)

05/06/2005 91 Minute Entry for proceedings held before Judge H. W. McKee : Telephone Conference on Motion to Compel held on 5/6/2005. (Court Reporter M. Morris.) (mjmm,) (Entered: 05/10/2005)

05/09/2005 88 Fifth MOTION to Compel by "EchoStar defendants". (Attachments: # 1 Affidavit of Jason A. Crotty# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Text of Proposed Order)(Friedman, Paul) (Entered: 05/09/2005)

05/09/2005 89 Joint MOTION to Amend/Correct Scheduling Order by TIVO Inc. (Attachments: # 1 Text of Proposed Order Proposed Order Amending Scheduling Order)(Lyon, Richard) (Entered: 05/09/2005)

05/10/2005 90 NOTICE of Hearing:Motions Hearing set for 5/19/2005 02:00 PM before Magistrate Judge H. W. McKee in Tyler. (mjmm,) (Entered: 05/10/2005)

05/11/2005 92 AMENDED SCHEDULING ORDER: 1. The parties will file their opposition claim construction briefs on 5/12/05. 2. Disclosure of expert testimony shall be made by the party with burden of proof on the issue by 5/16/05. Thereafter, the other party shall have until 6/6/05, to disclose rebuttal expert testimony.3. Discovery due by 6/27/2005. 4. Motions to transfer, motions to dismiss, motions for summary judgment or other dispositive motions and Daubert motions due by 7/5/2005. 5. All other dates shall remain unchanged. Signed by Judge David Folsom on 5/11/05. (mrm,) (Entered: 05/11/2005)

05/11/2005 93 RESPONSE in Opposition re 85 Third MOTION to Compel filed by TIVO Inc. (Attachments: # 1 Lyon Declaration in support of Opposition# 2 Exhibits 1-2 to Lyon Declaration# 3 Exhibits 3-8 to Lyon Declaration# 4 Denny Declaration in support of Opposition# 5 Text of Proposed Order Denying Motion to Compel)(Lyon, Richard) (Entered: 05/11/2005)

05/11/2005 94 RESPONSE in Opposition re 81 MOTION to Compel (Sur-Reply) filed by TIVO Inc. (Attachments: # 1 Lyon Declaration in support of Sur-Reply# 2 Exhibits to Lyon Declaration# 3 Denny Declaration in support of Sur-Reply)(Lyon, Richard) (Entered: 05/11/2005)

05/12/2005 95 ORDER GRANTING AGREED MOTION TO ALLOW ECHOSTAR LEAVE TO FILE FIRST AMENDED ANSWERS TO FIRST AMENDED COMPLAINT AND COUNTERCLAIMS; granting 83 Motion for Leave to File First Amended Answers to First Amended Complaint and Counterclaims. Signed by Judge David Folsom on 5/12/05. (mrm,) (Entered: 05/12/2005)

05/12/2005 96 ***FILED IN ERROR. SEE CORRECTED DOCUMENT # 97 *** MOTION for Hearing Opposition Claim Construction Brief by TIVO Inc. (Attachments: # 1 Affidavit Declaration of Dr. Gibson# 2 Affidavit Declaration of Giza and Ex. 1# 3 Exhibit Giza Decl. Exs. 2-4# 4 Exhibit Giza Decl. Exs. 5-6)(Giza, Alexander) Modified on 5/13/2005 (ehs,). (Entered: 05/12/2005)

05/12/2005 97 ***REPLACES DOCUMENT # 96 WHICH WAS FILED IN ERROR*** RESPONSE in Opposition re 79 MOTION IN Support of EchoStar's Opening Claim Construction Brief filed by TIVO Inc. (Attachments: # 1 Affidavit Declaration of Dr. Gibson# 2 Affidavit Giza Decl. and Ex. 1# 3 Exhibit Giza Decl. Exs. 2-4# 4 Exhibit Giza Decl. Exs 5-6)(Giza, Alexander) Modified on 5/13/2005 (ehs,). (Entered: 05/12/2005)

05/12/2005 98 SEALED RESPONSE to 80 TIVO's Opening Brief on Claim Construction with attached Appendices and Declaration by "EchoStar defendants". (mpv,) Additional attachment(s) added on 7/30/2007 (ch,). (Entered: 05/13/2005)

05/16/2005 99 MOTION to Continue the May 23, 2005 Claim Construction Hearing by "EchoStar defendants". (Attachments: # 1 Exhibit A# 2 Text of Proposed Order)(Friedman, Paul) (Entered: 05/16/2005)

05/16/2005 100 Joint MOTION to Amend/Correct 92 Scheduling Order,, Case Scheduling Conference; Expedited Treatment of EchoStar's Motion to Continue The Claim Construction Hearing by TIVO Inc, EchoStar Technologies Corporation, Echosphere Limited Liability Company, TIVO Inc(a Delaware corporation), Echostar Communications Corporation, Echostar DBS Corporation, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Text of Proposed Order)(Friedman, Paul) (Entered: 05/16/2005)

05/16/2005 101 REPLY to Response to Motion re 85 Third MOTION to Compel filed by "EchoStar defendants". (Friedman, Paul) (Entered: 05/16/2005)

05/17/2005 102 ORDER REFERRING MOTION to the Honorable Harry W. McKee: 85 Third MOTION to Compel filed by "EchoStar defendants",, 55 MOTION to Compel Interrogatory Response filed by EchoStar Technologies Corporation,, Echosphere Limited Liability Company,, 87 MOTION to Compel filed by Echostar Communications Corporation,, Echostar DBS Corporation,, EchoStar Technologies Corporation,, Echosphere Limited Liability Company,, 88 Fifth MOTION to Compel filed by "EchoStar defendants",, 64 MOTION to Compel EchoStar's Production of Documents, Interrogatory Responses, and Attendance at Deposition filed by TIVO Inc, . Signed by Judge David Folsom on 5/16/05. (mrm,) (Entered: 05/17/2005)

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05/18/2005	103	RESPONSE in Opposition re 100 Joint MOTION to Amend/Correct 92 Scheduling Order,, Case Scheduling Conference; Expedited Treatment of EchoStar's Motion to Continue The Claim Construction Hearing filed by TIVO Inc. (Attachments: # 1 Exhibit Exhibits A, B and C)(Lyon, Richard) (Entered: 05/18/2005)
05/18/2005	104	ORDER denying 99 Motion to Continue the 5/23/05 Claim Construction Hearing. Signed by Judge David Folsom on 5/18/05. (mrm,) (Entered: 05/18/2005)
05/18/2005	105	FILED UNDER SEAL - Opposition to def't's 87 MOTION to Compel deposition testimony and Cross-Motion for Protective Order filed by TIVO Inc. (ehs) Additional attachment(s) added on 7/30/2007 (ch,). (Entered: 05/19/2005)
05/20/2005	106	SEALED REPLY to Response to Motion re 87 MOTION to Compel Deposition Testimony and Opposition to 105 Cross-Motion for Protective Order filed by "EchoStar defendants". (mpv,) Additional attachment(s) added on 7/30/2007 (ch,). (Entered: 05/20/2005)
05/23/2005	107	RESPONSE in Opposition re 88 Fifth MOTION to Compel filed by TIVO Inc. (Attachments: # 1 Declaration of Richard E. Lyon in Support of Opposition to Defendants' Fifth Motion to Compel)(Lyon, Richard) (Entered: 05/23/2005)
05/23/2005	108	RESPONSE in Opposition re 85 Third MOTION to Compel (Sur-Reply) filed by TIVO Inc(a Delaware corporation). (Attachments: # 1 Declaration of Richard E. Lyon in Support of Sur-Reply to Defendants' Third Motion to Compel# 2 Exhibits to Lyon Declaration)(Lyon, Richard) (Entered: 05/23/2005)
05/23/2005	109	NOTICE of Hearing on Motions: 87 MOTION to Compel, 88 Fifth MOTION to Compel, 64 MOTION to Compel EchoStar's Production of Documents, Interrogatory Responses, and Attendance at Deposition, 55 MOTION to Compel Interrogatory Response, 81 MOTION to Compel, 85 Third MOTION to Compel: Motion Hearing set for 5/24/2005 09:30 AM in Tyler before Magistrate Judge H. W. McKee. (mjm,) (Entered: 05/23/2005)
05/23/2005	110	FILED UNDER SEAL - Sur-Reply in Opposition to Def't's re 88 Fifth MOTION to Compel testimony and Reply in Support of Cross-Motion for protective order filed by TIVO Inc. (ehs) Additional attachment(s) added on 7/30/2007 (ch,). (Entered: 05/23/2005)
05/23/2005	111	Minute Entry for proceedings held before Judge David Folsom : Markman Hearing held on 5/23/2005. (Court Reporter Libby Crawford.) (mrm,) (Entered: 05/24/2005)
05/24/2005	112	Minute Entry for proceedings held before Judge H. W. McKee : Motions Hearing held on 5/24/2005. The parties state that they believe the motions have been resolved. The Court will make a ruling after parties send in a status update by 6/17/2005 regarding motions (#55, 64, 81, 85, 87, 88). (Court Reporter Jan Mason.) (mjm,) (Entered: 05/24/2005)
05/24/2005	113	ORDER; The court, therefore, ORDERS that dfts shall have 10 days from the date of the claim construction hrg, or until 6/2/05, to file their responsive brief. The court further ORDERS that plf shall have 5 days to respond to dfts brief or until 6/7/05. The ptys briefs shall not exceed 10 pgs. The court further ORDERS the ptys shall file a Joint Claim Constructicon Chart with the court by 6/7/05. Signed by Judge David Folsom on 5/24/05. (mrm,) (Entered: 05/24/2005)
06/01/2005	114	RESPONSE to 95 Order on Motion for Leave to File, REPLY to Counterclaims of EchoStar Communications Corporation by TIVO Inc. (Lyon, Richard) (Entered: 06/01/2005)
06/01/2005	115	RESPONSE to 95 Order on Motion for Leave to File, REPLY to Counterclaims of EchoStar Technologies Corp. and Ecosphere Limited Liability Company by TIVO Inc. (Lyon, Richard) (Entered: 06/01/2005)
06/02/2005	116	TRANSCRIPT of Proceedings/Markman Hearing held on 5/23/05 before Judge David Folsom. Court Reporter: Libby Crawford. (mpv,) (Entered: 06/02/2005)
06/02/2005	117	NOTICE by "EchoStar defendants" that EchoStar Will Not File Supplemental Claim Construction Briefing In Response to the Court's Order of May 24, 2005 (Kramer, Karl) (Entered: 06/02/2005)
06/02/2005	118	Sixth MOTION to Compel by "EchoStar defendants". (Attachments: # 1 Affidavit of Ann Citrin# 2 Exhibit A-I# 3 Exhibit J# 4 Exhibit K# 5 Exhibit L# 6 Text of Proposed Order)(Friedman, Paul) (Entered: 06/02/2005)
06/03/2005	119	TRANSCRIPT of Pretrial Hearing held on May 24, 2005 at 11:30 a.m. before Judge Harry W. McKee. Court Reporter: Jan Mason. (ehs) (Entered: 06/06/2005)
06/07/2005	120	STATUS REPORT JOINT CLAIM CONSTRUCTION CHART by TIVO Inc. (Giza, Alexander) (Entered: 06/07/2005)
06/10/2005	123	APPLICATION to Appear Pro Hac Vice by Attorney Christine W S Byrd for TIVO Inc. (ch,) (Entered: 06/16/2005)
06/10/2005	--	Pro Hac Vice Filing fee paid by Christine W.S. Byrd; Fee: \$25, receipt number: 2-1-351 (ch,) (Entered: 06/16/2005)
06/13/2005	121	Proposed Pretrial Order [proposed] Amendment to Scheduling Order by TIVO Inc, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Giza, Alexander) (Entered: 06/13/2005)
06/14/2005	122	MOTION for Extension of Time to File Response/Reply to EchoStar's Sixth Motion to Compel (Unopposed) by TIVO Inc. (Lyon, Richard) (Entered: 06/14/2005)
06/16/2005	124	RESPONSE in Opposition re 118 Sixth MOTION to Compel filed by TIVO Inc. (Attachments: # 1 Affidavit Declaration by Adam Hoffman In Support of Tivo's Opposition to EchoStar's Sixth Motion to Compel)(Lyon, Richard) (Entered: 06/16/2005)
06/20/2005	125	ORDER granting 122 Motion for Extension of Time to File Response to EchoStar's Sixth Motion to Compel. Responses due by 6/16/2005. Signed by Judge David Folsom on 6/20/05. (ehs) (Entered: 06/20/2005)

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06/20/2005 126 STATUS REPORT REGARDING THE PARTIES' COMPROMISES ON PENDING MOTIONS TO COMPEL (DOCKET NOS. 55, 64, 81, 85, 87, and 88) by TIVO Inc, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Lyon, Richard) (Entered: 06/20/2005)

06/23/2005 127 REPLY to Response to Motion re 118 Sixth MOTION to Compel filed by "EchoStar defendants". (Friedman, Paul) (Entered: 06/23/2005)

06/27/2005 128 RESPONSE in Opposition re 118 Sixth MOTION to Compel Sur-Reply filed by TIVO Inc. (Lyon, Richard) (Entered: 06/27/2005)

06/28/2005 129 APPLICATION to Appear Pro Hac Vice by Attorney Michelle Armond for TIVO Inc. (ch,) (Entered: 07/07/2005)

07/01/2005 -- Pro Hac Vice Filing fee paid by Armond; Fee: \$25, receipt number: 2-1-427 (ch,) (Entered: 07/07/2005)

07/08/2005 130 ***FILED IN ERROR. PLEASE IGNORE. SEE DOC #131.*** MOTION to Compel Enforce May 24, 2005 Resolution and for a Court Order Concerning Motions To Compel by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order [Proposed] Stipulated Order Regarding the Parties' Compromises on Pending Motions to Compel)(Kramer, Karl) Modified on 7/11/2005 (fal,). (Entered: 07/08/2005)

07/08/2005 131 ***REPLACES DOC #130.*** MOTION to Compel to Enforce May 24, 2005 Resolution and for a Court Order Concerning Motions to Compel by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order [Proposed] Stipulated Order Regarding The Parties' Compromises on Pending Motions to Compel# 2 Affidavit Declaration of Karl J. Kramer in Support of Echostar's Motion to Enforce May 24, 2005 Resolution and for a Court Order Concerning Motions to Compel# 3 Exhibit A# 4 Exhibit B# 5 Exhibit C# 6 Exhibit D# 7 Exhibit E# 8 Exhibit F# 9 Exhibit G)(Kramer, Karl) Modified on 7/11/2005 (fal,). (Entered: 07/08/2005)

07/08/2005 132 Seventh MOTION to Compel by "EchoStar defendants". (Attachments: # 1 Affidavit of Paul A. Friedman in Support of Motion# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G1# 9 Exhibit G2# 10 Exhibit H# 11 Exhibit I# 12 Exhibit J# 13 Exhibit K# 14 Exhibit L# 15 Exhibit M# 16 Exhibit N# 17 Exhibit O# 18 Text of Proposed Order)(Friedman, Paul) (Entered: 07/08/2005)

07/11/2005 -- ***FILED IN ERROR. PLEASE IGNORE Doc #130, Motion to Compel. Replaced with Doc #131.*** (fal,) (Entered: 07/11/2005)

07/11/2005 134 FILED UNDER SEAL - EXHIBIT C to #132 Seventh Motion to Compel by "EchoStar defendants", Echostar Communications Corporation, Echostar DBS Corporation, Echosphere Limited Liability Company.. (ehs) Additional attachment(s) added on 8/8/2007 (ch,). Additional attachment(s) added on 8/8/2007 (ch,). (Entered: 07/14/2005)

07/13/2005 133 ORDER REFERRING MOTIONS TO THE HONORABLE HARRY W. MCKEE: 131 MOTION to Compel to Enforce May 24, 2005 Resolution and for a Court Order Concerning Motions to Compel filed by "EchoStar defendants",, 118 Sixth MOTION to Compel filed by "EchoStar defendants",, 132 Seventh MOTION to Compel filed by "EchoStar defendants", . Signed by Judge David Folsom on 7/13/05. (mrm,) (Entered: 07/13/2005)

07/15/2005 135 Eighth MOTION to Compel by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Friedman, Paul) Additional attachment(s) added on 7/15/2005 (sm,). (Entered: 07/15/2005)

07/15/2005 136 MOTION for Partial Summary Judgment of Non-Infringement: (1) No Infringement by EchoStar's 7100/7200 Devices; and (2) No Infringement Under the Doctrine of Equivalents by "EchoStar defendants". Attachment: # (1) Text of Proposed Order, ****(SEALED EXHIBITS)**** # (2) Exhibit Kramer Declaration # (3) Exhibit A, # (4) Exhibit B Part 1, # (5) Exhibit B Part 2, # (6) Exhibit C, # (7) Exhibit D Part 1, # (8) Exhibit D (exhibits A-C), # (9) Exhibit D (DP-721), # (10) Exhibit D (DP-921), # (11) Exhibit D (DP-942), # (12) Exhibit D (DP-522/625), # (13) Exhibit D (DP-501/508/510), # (14) Exhibit E (Kramer, Karl) (Entered: 07/15/2005)

07/15/2005 137 FILED UNDER SEAL EXHIBIT to doc # 136. (poa,) (Entered: 07/19/2005)

07/15/2005 141 ***Document modified to attach correct document*** FILED UNDER SEAL - EXHIBIT to EchoStar's Eighth Motion to Compel #135 by EchoStar Technologies Corporation. (ehs) Modified on 7/21/2005 (ehs) Additional attachment(s) added on 7/30/2007 (ch,). (Entered: 07/21/2005)

07/20/2005 138 ORDER REFERRING MOTION to the Honorable Harry W. McKee: 135 Eighth MOTION to Compel filed by "EchoStar defendants", . Signed by Judge David Folsom on 7/20/05. (mrm,) (Entered: 07/20/2005)

07/20/2005 139 RESPONSE in Opposition re 131 MOTION to Compel to Enforce May 24, 2005 Resolution and for a Court Order Concerning Motions to Compel filed by TIVO Inc. (Attachments: # 1 Affidavit Hoffman Declaration and Exhibits A and B# 2 Affidavit Chambers Declaration# 3 Text of Proposed Order)(Lyon, Richard) (Entered: 07/20/2005)

07/20/2005 140 RESPONSE in Opposition re 132 Seventh MOTION to Compel filed by TIVO Inc. (Attachments: # 1 Affidavit Hoffman Declaration and Exhibits A to G)(Lyon, Richard) (Entered: 07/20/2005)

07/22/2005 142 NOTICE of Hearing: Discovery Hearing set for 7/29/2005 09:30 AM in Ctrm 210 (Tyler) before Magistrate Judge Harry W. McKee. (srg,) (Entered: 07/22/2005)

07/26/2005 143 NOTICE by "EchoStar defendants" Letter Brief to Judge McKee Regarding Completion of Ramsay Deposition (Kramer, Karl) (Entered: 07/26/2005)

07/26/2005 144 RESPONSE in Support re 131 MOTION to Compel to Enforce May 24, 2005 Resolution and for a Court Order Concerning Motions to Compel filed by "EchoStar defendants". (Kramer, Karl) (Entered: 07/26/2005)

07/26/2005 145 REPLY to Response to Motion re 132 Seventh MOTION to Compel filed by "EchoStar defendants". (Attachments: # 1 Supplemental Declaration of Paul A. Friedman In Support of EchoStar's Seventh Motion to Compel# 2 Exhibit 1, Part 1 to Friedman Decl.# 3 Exhibit 1, Part 2 to Friedman Decl.# 4 Exhibit 1, Part 3 to Friedman Decl.# 5 Exhibit 1, Part 4 to Friedman Decl.# 6 Exhibit 1, Part 5 to Friedman Decl.# 7 Exhibit 1, Part 6 to Friedman Decl.# 8 Exhibit 1, Part 7 to Friedman Decl.# 9 Exhibit 1, Part 8 to Friedman Decl.)(Friedman,

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Paul) (Entered: 07/26/2005)

07/27/2005 146 NOTICE by "EchoStar defendants" Notice Removing EchoStar's Eighth Motion to Compel From Calendar (Kramer, Karl) (Entered: 07/27/2005)

07/27/2005 147 ***FILED IN ERROR. SEE CORRECTED DOCUMENT # 149 *** RESPONSE in Opposition re 136 MOTION for Partial Summary Judgment of Non-Infringement: (1) No Infringement by EchoStar's 7100/7200 Devices; and (2) No Infringement Under the Doctrine of Equivalents filed by TIVO Inc. (Attachments: # 1 Affidavit Giza Decl iso Opposition w/ Exs. 1-11# 2 Text of Proposed Order)(Giza, Alexander) Modified on 8/9/2005 (ehs,). (Entered: 07/27/2005)

07/27/2005 148 RESPONSE in Opposition re 135 Eighth MOTION to Compel filed by TIVO Inc. (Lyon, Richard) (Entered: 07/27/2005)

07/27/2005 149 ***REPLACES DOCUMENT # 147 WHICH WAS FILED IN ERROR*** RESPONSE in Opposition re 136 MOTION for Partial Summary Judgment of Non-Infringement: (1) No Infringement by EchoStar's 7100/7200 Devices; and (2) No Infringement Under the Doctrine of Equivalents filed by TIVO Inc. (Attachments: # 1 Affidavit Giza Decl. iso Opposition w/ Exs. 1-11# 2 Text of Proposed Order)(Giza, Alexander) Modified on 8/9/2005 (ehs,). (Entered: 07/27/2005)

07/28/2005 150 SEALED PER ORDER # 176 - Second MOTION to Compel by TIVO Inc. (Attachments: # 1 Affidavit Hoffman Declaration and Exhibits # (2) Text of Proposed Order Proposed Order)(Lyon, Richard) (original sent to Marshall Ofc 9/13/05) (Entered: 07/28/2005)

07/28/2005 151 REPLY to Response to Motion re 135 Eighth MOTION to Compel filed by "EchoStar defendants". (Friedman, Paul) (Entered: 07/28/2005)

07/29/2005 152 ORDER regarding motions heard before the court on 7/29/05 as set forth herein. Signed by Judge H. W. McKee on 7/20/05. (ehs) (Entered: 08/01/2005)

07/29/2005 153 Minute Entry for proceedings held before Judge H. W. McKee : Motion Hearing held on 7/29/2005 re 131 MOTION to Compel to Enforce May 24, 2005 Resolution and for a Court Order Concerning Motions to Compel filed by "EchoStar defendants",, 135 Eighth MOTION to Compel filed by "EchoStar defendants",, 118 Sixth MOTION to Compel filed by "EchoStar defendants",, 132 Seventh MOTION to Compel filed by "EchoStar defendants"; An order will be entered regarding these motions. (Court Reporter Jill McFarland.) (mjm,) (Entered: 08/01/2005)

08/01/2005 156 TRANSCRIPT of Motion hearing held on July 29, 2005 at 10:37 am before Judge Harry W McKee. Court Reporter: Jill E McFadden. (ehs) (Entered: 08/03/2005)

08/02/2005 154 NOTICE by "EchoStar defendants" and [Defendants' Proposed] Order on Motions Argued At July 29, 2005 Hearing (Attachments: # 1 Exhibit A)(Friedman, Paul) (Entered: 08/02/2005)

08/02/2005 155 NOTICE by TIVO Inc [Proposed] Order Re EchoStar's Motion to Enforce May 24, 2005 Resolution and 7th Motion to Compel (Lyon, Richard) (Entered: 08/02/2005)

08/03/2005 157 REPLY to Response to Motion re 136 MOTION for Partial Summary Judgment of Non-Infringement: (1) No Infringement by EchoStar's 7100/7200 Devices; and (2) No Infringement Under the Doctrine of Equivalents filed by "EchoStar defendants". (Friedman, Paul) (Entered: 08/03/2005)

08/04/2005 158 ORDER granting 131 Motion to Compel, granting in part and denying in part 132 Motion to Compel as set forth herein. Signed by Judge T. John Ward on 8/4/05. (ehs,) (Entered: 08/05/2005)

08/05/2005 159 MOTION to Continue the Deadline for Summary Judgment Motions On Issues of Infringement or Non-Infringement by "EchoStar defendants". (Friedman, Paul) Additional attachment(s) added on 8/10/2005 (fal,). (Entered: 08/05/2005)

08/08/2005 160 ORDER REFERRING MOTION to the Honorable Harry W. McKee for decision: 150 Second MOTION to Compel filed by TIVO Inc, . Signed by Judge David Folsom on 8/5/05. (mrm,) (Entered: 08/08/2005)

08/08/2005 -- Notified Attorney, Ben Yorks, Per GO 04-12, this court no longer accepts pleadings in paper form. The Clerk will no longer mail or fax notices or orders to parties. All notices and orders generated by this court shall be sent electronically. (ehs,) (Entered: 08/08/2005)

08/09/2005 161 RESPONSE in Opposition re 159 MOTION to Continue the Deadline for Summary Judgment Motions On Issues of Infringement or Non-Infringement filed by TIVO Inc. (Attachments: # 1 Text of Proposed Order)(Giza, Alexander) (Entered: 08/09/2005)

08/09/2005 162 RESPONSE in Opposition re 150 Second MOTION to Compel filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Paul A. Friedman and Exs. A-E# 2 Exhibit F-P# 3 Exhibit Q-U)(Friedman, Paul) (Entered: 08/09/2005)

08/09/2005 163 REPLY to Response to Motion re 159 MOTION to Continue the Deadline for Summary Judgment Motions On Issues of Infringement or Non-Infringement filed by "EchoStar defendants". (Friedman, Paul) (Entered: 08/09/2005)

08/09/2005 164 FILED UNDER SEAL - EXHIBIT 12 to Declaration of Alexander C.D. Giza in support of TiVo Inc's opposition to Echostar's motion for partial summary judgment of non-infringement by TIVO Inc. (ehs,) (Entered: 08/10/2005)

08/10/2005 165 Third MOTION to Compel by TIVO Inc. (Attachments: # 1 Affidavit Declaration of Michelle Armond# 2 Exhibit A-J# 3 Text of Proposed Order)(Baxter, Samuel) (Entered: 08/10/2005)

08/10/2005 166 FILED UNDER SEAL - EXHIBITS B - C to declaration of Michelle Armond in support of pltf's third motion to compel #165 by TIVO Inc (ehs,) (Entered: 08/10/2005)

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08/10/2005 167 MOTION for Leave to File Excess Pages TIVO'S MOTION FOR LEAVE TO FILE TIVO'S SURREPLY IN OPPOSITION TO ECHOSTAR'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT: (1) NO INFRINGEMENT BY ECHOSTAR'S 7100/7200 DEVICES; AND (2) NO INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS IN EXCESS OF PAGE LIMIT by TIVO Inc. (Attachments: # 1 Text of Proposed Order)(Baxter, Samuel) (Entered: 08/10/2005)

08/10/2005 170 FILED UNDER SEAL - EXHIBIT A to Declaration of Paul A Friedman in Support of Deft's opposition to Tivo's second motion to compel by "EchoStar defendants".(ehs,) (Entered: 08/11/2005)

08/11/2005 168 RESPONSE in Opposition re 167 MOTION for Leave to File Excess Pages TIVO'S MOTION FOR LEAVE TO FILE TIVO'S SURREPLY IN OPPOSITION TO ECHOSTAR'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT: (1) NO INFRINGEMENT BY ECHOSTAR'S 7100/7200 DEVICES; AND filed by "EchoStar defendants". (Friedman, Paul) (Entered: 08/11/2005)

08/11/2005 169 Consent MOTION to Seal TIVO'S SECOND MOTION TO COMPEL by TIVO Inc. (Attachments: # 1 Text of Proposed Order)(Baxter, Samuel) (Entered: 08/11/2005)

08/11/2005 171 FILED UNDER SEAL - EXHIBIT B to Declaration of Paul A Friedman in support of def't's opposition to Tivo's second motion to compel by "EchoStar defendants". (ehs,) (Entered: 08/11/2005)

08/11/2005 172 FILED UNDER SEAL - EXHIBIT D to Declaration of Paul A Friedman in support of def't's opposition to Tivo's second motion to compel by "EchoStar defendants".(ehs,) (Entered: 08/11/2005)

08/11/2005 173 FILED UNDER SEAL - EXHIBIT P to Declaration of Paul A Friedman in Support of Deft's opposition to Tivo's second motion to compel by "EchoStar defendants". (ehs,) (Entered: 08/11/2005)

08/12/2005 174 ORDER granting in part and denying in part 159 Motion to Continue the ddl for Summary Judgment Motions on Issues of Infringement or Non-Infringement is GRANTED-IN-PART and DENIED-IN-PART and that the ddl for summary judgment motions on issues of infringement or non-infringement is hereby CONTINUED to 8/25/05. Signed by Judge David Folsom on 8/11/05. (mrm,) (Entered: 08/12/2005)

08/15/2005 175 REPLY to Response to Motion re 150 Second MOTION to Compel filed by TIVO Inc. (Baxter, Samuel) (Entered: 08/15/2005)

08/15/2005 178 Minute Entry for proceedings held before Judge H. W. McKee : Telephone Conference held on 8/15/2005. (Court Reporter S. Guthrie.) (mjm,) (Entered: 08/17/2005)

08/16/2005 176 ORDER granting 169 Motion to Seal . Signed by Judge David Folsom on 8/15/05. (mrm,) (Entered: 08/16/2005)

08/17/2005 177 ORDER that EchoStar produce all such documents created before suit was filed, and make available any witnesses with knowledge of relevant pre-suit communications. EchoStar to make Mr. Ergen available for five hours of deposition . Signed by Judge H. W. McKee on 8/17/05. (ehs,) (Entered: 08/17/2005)

08/17/2005 179 ORDER; ORDERED that each pty shall file a motion no later than 5:00pm Friday, 8/26/05, providing an estimate of the total time that pty needs to complete the presentation of testimony, including direct examination, cross examination, re-direct, and rebuttal. . Signed by Judge David Folsom on 8/17/05. (mrm,) (Entered: 08/17/2005)

08/17/2005 180 ORDER; The Court hereby CONVERTS said initial pretrial conference to a status conference to be held at the same time and place. Status Conference set for 9/1/2005 10:00 AM in Ctrm 319 (Texarkana) before Judge David Folsom.. Signed by Judge David Folsom on 8/17/05. (mrm,) (Entered: 08/17/2005)

08/17/2005 181 FILED UNDER SEAL - MOTION for Leave to File second amended complaint to Join Echostar Satellite LLC by TIVO Inc. (ehs,) (Entered: 08/18/2005)

08/17/2005 182 FILED UNDER SEAL - NOTICE of motion for and Memorandum in support of Echostar's MOTION for Partial Summary Judgment re damages period by "EchoStar defendants". (ehs,) Additional attachment(s) added on 8/16/2007 (ch,). Additional attachment(s) added on 8/16/2007 (ch,). Additional attachment(s) added on 8/16/2007 (ch,). (Entered: 08/18/2005)

08/17/2005 -- ***FILED IN ERROR. ATTACHED WRONG DOCUMENT to Document # 181, Motion for leave. PLEASE IGNORE.*** (ehs,) (Entered: 08/18/2005)

08/17/2005 186 FILED UNDER SEAL - replaces document #181 - MOTION for Leave to File second amended complaint to join Echostar Satellite LLC by TIVO Inc. (ehs,) (Entered: 08/18/2005)

08/18/2005 183 MOTION for Extension of Time to File and for Clarification of Pre-Trial Submissions by TIVO Inc. (Attachments: # 1 Text of Proposed Order)(Armond, Michelle) (Entered: 08/18/2005)

08/18/2005 184 RESPONSE in Opposition re 183 MOTION for Extension of Time to File and for Clarification of Pre-Trial Submissions filed by "EchoStar defendants". (McElhinny, Harold) (Entered: 08/18/2005)

08/18/2005 185 CLAIM CONSTRUCTION ORDER. Signed by Judge David Folsom on 8/18/05. (mrm,) (Entered: 08/18/2005)

08/18/2005 187 NOTICE by "EchoStar defendants" of Readiness to File Joint Pre-Trial Order (McElhinny, Harold) (Entered: 08/18/2005)

08/18/2005 188 **WITHDRAWN AS PER ORDER # 333 ** MOTION in Limine No. 11 to Preclude Late Disclosed Exhibits by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order Proposed Order# 2 Affidavit Evans Decl. ISO w/ Exhibits A-G# 3 Affidavit Evans Decl. Ex. H# 4 Affidavit Evans Decl. Exs. H Cont. - I)(Kramer, Karl) Modified on 9/20/2005 (mrm,). (Entered: 08/18/2005)

08/18/2005 189 MOTION for Partial Summary Judgment of Invalidity Due to Indefiniteness by "EchoStar defendants". Responses due by 8/30/2005 (Attachments: # 1 Exhibit A part 1# 2 Exhibit A part 2# 3 Exhibit B# 4 Text of Proposed Order)(Harkins, Robert) (Entered: 08/18/2005)

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08/18/2005 190 FILED UNDER SEAL - NOTICE of MOTION and Memorandum in support of motion for partial Summary Judgment of no willful infringement Volume 1 by "EchoStar defendants". (ehs,) Additional attachment(s) added on 8/29/2007 (ch,). (Entered: 08/19/2005)

08/18/2005 191 FILED UNDER SEAL - Declaration of Karl J Kramer in Support of def't's motion for partial summary judgment of non-willfulness of infringement #190 Volume 1 of Exhibits A-C, Volume #2 by "EchoStar defendants". (ehs,) Additional attachment(s) added on 8/29/07 (ch) Modified on 8/29/2007 (ch,). (Entered: 08/19/2005)

08/18/2005 192 FILED UNDER SEAL - Declaration of Karl J. Kramer in Support of def't's motion for partial summary judgment of non-willfulness of infringement #190 Volume II of Exhibits D-V, Volume #3 by "EchoStar defendants". (ehs,) Additional attachment(s) added on 8/30/2007 (ch,). Additional attachment(s) added on 8/30/2007 (ch,). (Entered: 08/19/2005)

08/18/2005 193 FILED UNDER SEAL - MOTION in Limine No. 1 - to preclude reference to, use of and reliance upon the expert report and testimony of John R Hauser; Declaration of Karl J Kramer in support thereof by "EchoStar defendants". (ehs,) Additional attachment(s) added on 7/27/2007 (ch,). (Entered: 08/19/2005)

08/18/2005 194 FILED UNDER SEAL - MOTION in Limine No. 2 - to exclude reference to or evidence regarding written opinion of counsel; Declaration of Karl J Kramer in support thereof by "EchoStar defendants". (ehs,) Modified on 8/19/2005 (ehs,) ATTACHED CORRECT DOCUMENT TO ENTRY. Additional attachment(s) added on 7/26/2007 (ch,). (Entered: 08/19/2005)

08/18/2005 195 FILED UNDER SEAL - MOTION in Limine No. 3 - to preclude any reference to, use of or reliance upon PTO Museum Display, or Alternatively, to allow discovery by "EchoStar defendants". (ehs,) Additional attachment (s) added on 7/26/2007 (ch,). (Entered: 08/19/2005)

08/18/2005 196 FILED UNDER SEAL - MOTION in Limine No. 4 - to preclude TIVO from denying the existence of non-infringing alternatives; Declaration of Karl J Kramer in support thereof by "EchoStar defendants". (ehs,) Additional attachment(s) added on 7/26/2007 (ch,). (Entered: 08/19/2005)

08/18/2005 197 FILED UNDER SEAL - MOTION in Limine No. 5 - to preclude reference to, use of, or reliance on the expert report and opinion of Alan Gordon on Willfulness; Declaration of Karl J Kramer in support thereof by "EchoStar defendants". (ehs,) Additional attachment(s) added on 7/26/2007 (ch,). (Entered: 08/19/2005)

08/18/2005 198 FILED UNDER SEAL - MOTION in Limine No. 6 - to preclude reference to, use of, and reliance upon the preamble of any asserted claim as a limitation; Declaration of Karl J Kramer in support thereof by "EchoStar defendants". (ehs,) Additional attachment(s) added on 7/27/2007 (ch,). (Entered: 08/19/2005)

08/18/2005 199 FILED UNDER SEAL - MOTION in Limine No. 7 - to preclude reference to, use of, or reliance on alleged convoyed sales of TIVO's subscription services; Declaration of Karl J. Kramer in Support thereof by "EchoStar defendants". (ehs,) (Entered: 08/19/2005)

08/18/2005 200 FILED UNDER SEAL - MOTION in Limine No. 8 - to preclude reference to, use of, or reliance on the expert report and testimony of Keith R Ugone on damages; Declaration of Karl J. Kramer in support thereof by "EchoStar defendants". (ehs,) (Entered: 08/19/2005)

08/18/2005 201 FILED UNDER SEAL - MOTION in Limine No. 9 - to preclude evidence on doctrine or equivalents; Declaration of Karl J Kramer in support thereof by "EchoStar defendants". (ehs,) (Entered: 08/19/2005)

08/18/2005 202 FILED UNDER SEAL - MOTION in Limine No. 10 - to preclude reference to, use of, and reliance upon other Echostar Litigation; Declaration of Karl J. Kramer in support thereof by "EchoStar defendants". (ehs) (Entered: 08/19/2005)

08/22/2005 203 First MOTION to Amend/Correct 167 MOTION for Leave to File Excess Pages TIVO'S MOTION FOR LEAVE TO FILE TIVO'S SURREPLY IN OPPOSITION TO ECHOSTAR'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT: (1) NO INFRINGEMENT BY ECHOSTAR'S 7100/7200 DEVICES; AND (Unopposed) by TIVO Inc. (Attachments: # 1)(Baxter, Samuel) (Entered: 08/22/2005)

08/22/2005 204 NOTICE by TIVO Inc re 165 Third MOTION to Compel Withdrawing Third Motion to Compel In Light of EchoStar's Agreement to Provide the Requested Discovery (Armond, Michelle) (Entered: 08/22/2005)

08/23/2005 205 ***FILED IN ERROR; PLEASE IGNORE; REPLACED BY # 208 CORRECTED DOCUMENT*** Third MOTION in Limine to Preclude any reference to, use of, and reliance upon PTO museum display, or alternatively, to allow discovery by "EchoStar defendants". (Kramer, Karl) Modified on 8/24/2005 (mpv,). (Entered: 08/23/2005)

08/23/2005 206 ORDER granting 203 First MOTION to Amend/Correct 167 MOTION for Leave to File Excess Pages TIVO'S MOTION FOR LEAVE TO FILE TIVO'S SURREPLY IN OPPOSITION TO ECHOSTAR'S MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT: (1) NO INFRINGEMENT BY ECHOSTAR'S 7100/7200 DEVICES; AND (Unopposed) by TIVO Inc.. Signed by Judge David Folsom on 8/23/05. (mrm,) (Entered: 08/23/2005)

08/23/2005 -- ***FILED IN ERROR. Document # 205, Third Motion in Limine. PLEASE IGNORE. REPLACED BY # 208 CORRECTED DOCKET ENTRY*** (mpv,) (Entered: 08/24/2005)

08/24/2005 207 ORDER re 183 MOTION for Extension of Time to File and for Clarification of Pre-Trial Submissions filed by TIVO Inc, Final Pretrial Conference set for 10/11/2005 in Ctrm 106 (Marshall) before Judge David Folsom. Jury Selection set for 10/12/2005 10:00 AM in Ctrm 106 (Marshall) before Judge David Folsom. Proposed Pretrial Order due by 8/26/2005 at 5pm. Objections to exhibits shall be filed no later than 9/9/05 at 5pm. Signed by Judge David Folsom on 8/24/05. (mrm,) (Entered: 08/24/2005)

08/24/2005 208 AFFIDAVIT in Support re 195 MOTION in Limine No. 3--To Preclude Any Reference to, Use of, and Reliance Upon PTO Museum Display (by Declarant Jonathan Bockman) filed by "EchoStar defendants". (Kramer, Karl) (Entered: 08/24/2005)

08/24/2005 209 FILED UNDER SEAL - Surreply in Opposition re 136 MOTION for Partial Summary Judgment of Non-

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Infringement: (1) No Infringement by EchoStar's 7100/7200 Devices; and (2) No Infringement Under the Doctrine of Equivalents filed by TIVO Inc. (ehs,) (Entered: 08/25/2005)

- 08/25/2005 210 ORDER denying as moot 55 Motion to Compel, finding as moot 64 Motion to Compel . Signed by Judge H. W. McKee on 8/25/05. (ehs,) (Entered: 08/25/2005)
- 08/25/2005 211 NOTICE by "EchoStar defendants" Letter Brief to Judge McKee Regarding Completion of Gibson Deposition (Kramer, Karl) Modified on 8/30/2005 (fal,). Modified on 9/22/2005 (mpv,). (Entered: 08/25/2005)
- 08/25/2005 212 FILED UNDER SEAL - MOTION for Partial Summary Judgment of Non-Infringement (3 VOLUMES) by "EchoStar defendants". (ehs,) Additional attachment(s)(Volume 1 of 3) added on 8/29/2007 (ch,). Additional attachment(s)(Volume 1 of 3) added on 8/29/2007 (ch,). Additional attachment(s)(Volume 2 of 3) added on 8/29/2007 (ch,). Additional attachment(s)(Volume 2 of 3) added on 8/29/2007 (ch,). Modified on 8/29/2007 (ch,). (Entered: 08/26/2005)
- 08/25/2005 213 Received Submission of Documents Pursuant to 8/5/05 order filed by BenQ defendants (ehs,) Additional attachment(s) added on 8/26/2005 (ehs,). (Entered: 08/26/2005)
- 08/25/2005 -- ***FILED IN ERROR. Document # 213, Submission of Documents. PLEASE IGNORE.*** (ehs,) (Entered: 08/26/2005)
- 08/25/2005 -- ***FILED IN ERROR. Document # 212, Motion ATTACHED WRONG DOCUMENT. PLEASE IGNORE.*** (ehs,) (Entered: 08/26/2005)
- 08/25/2005 214 FILED UNDER SEAL - MOTION for Partial Summary Judgment of Non-Infringement (3 VOLUMES) by "EchoStar defendants". (ehs,) (Additional attachment(s) added on 6/12/2008: # 1 Volume 1 of 3) (ehs,). (Entered: 08/26/2005)
- 08/25/2005 215 TRANSCRIPT of Telephonic Motion Hearing Proceedings held on 8/15/05 at 9:37 a.m. in Tyler, Tx before Honorable US Magistrate Judge Harry W. McKee. Court Reporter: Shea Sloan. (ch,) (Entered: 08/26/2005)
- 08/25/2005 228 FILED UNDER SEAL - MOTION for Partial Summary Judgment of Infringement of Claims 1 and 32 by TIVO Inc. (ehs,) (Entered: 08/29/2005)
- 08/25/2005 229 FILED UNDER SEAL - DECLARATION of Michelle Armond in Support of motion for partial summary judgment of infringement of claims 1 and 32 by TIVO Inc. (ehs,) (Entered: 08/29/2005)
- 08/25/2005 230 FILED UNDER SEAL - DECLARATION of Jerry Gibson, Ph.D. in Support in support of motion for partial summary judgment of infringement of claims 1 and 32 by TIVO Inc. (ehs,) Modified on 9/5/2007 (ch,). (Entered: 08/29/2005)
- 08/26/2005 216 MOTION for More Definite Statement to Clarify Order of August 17, 2005 by "EchoStar defendants". (Attachments: # 1 Affidavit of Paul A. Friedman# 2 Text of Proposed Order)(Friedman, Paul) (Entered: 08/26/2005)
- 08/26/2005 217 ORDER that TIVo make Dr. Gibson available for deposition on 9/15/05. Signed by Judge H. W. McKee on 8/26/05. (ehs,) (Entered: 08/26/2005)
- 08/26/2005 218 Second MOTION in Limine To Preclude Evidence/Argument In Front of the Jury Regarding EchoStar's Inequitable Conduct Defense by TIVO Inc. (Attachments: # 1 Text of Proposed Order Proposed Order) (Armond, Michelle) (Entered: 08/26/2005)
- 08/26/2005 219 Third MOTION in Limine by TIVO Inc. (Attachments: # 1 Affidavit Declaration# 2 Text of Proposed Order) (Armond, Michelle) (Entered: 08/26/2005)
- 08/26/2005 220 Fifth MOTION in Limine by TIVO Inc. (Attachments: # 1 Affidavit Declaration# 2 Text of Proposed Order) (Armond, Michelle) (Entered: 08/26/2005)
- 08/26/2005 221 FILED UNDER SEAL - MOTION in Limine No. 4: Echostar may not offer evidence or argument or make other suggestions, inconsistent with the Court's Claim Construction rulings by TIVO Inc. (ehs,) (Entered: 08/26/2005)
- 08/26/2005 222 FILED UNDER SEAL - MOTION in Limine No.1: To preclude defendants from introducing into evidence or making arguments regarding agreements wholly between non-parties by TIVO Inc. (ehs,) (Entered: 08/26/2005)
- 08/26/2005 223 MOTION Regarding Estimated Time Required for Trial by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(McElhinny, Harold) (Entered: 08/26/2005)
- 08/26/2005 224 MOTION Providing Estimate of Total Trial Time by TIVO Inc. (Armond, Michelle) (Entered: 08/26/2005)
- 08/26/2005 225 Proposed Pretrial Order by TIVO Inc, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D# 5 Exhibit Exhibit E# 6 Exhibit Exhibit F# 7 Exhibit Exhibit G# 8 Exhibit Exhibit H# 9 Exhibit Exhibit I# 10 Exhibit Exhibit J# 11 Exhibit Exhibit K# 12 Exhibit Exhibit L# 13 Exhibit Exhibit M)(Lyon, Richard) (Entered: 08/26/2005)
- 08/26/2005 226 MOTION for Leave to File A Surreply Brief In Support of Its Motion for Partial Summary Judgment of Non-Infringement: (1) No Infringement by EchoStar's 7100/7200 Devices; and (2) No Infringement Under the Doctrine of Equivalents by "EchoStar defendants". (Attachments: # 1 EchoStar's Surreply Brief# 2 Text of Proposed Order)(Friedman, Paul) (Entered: 08/26/2005)
- 08/26/2005 227 MOTION Motion to Exclude Improperly Withheld Media4 and Burstware Documents and Witnesses by TIVO Inc. (Attachments: # 1 Affidavit Declaration# 2 Text of Proposed Order)(Armond, Michelle) (Entered: 08/26/2005)
- 08/26/2005 238 Minute Entry for proceedings held before Judge H. W. McKee : Telephone Conference held on 8/26/2005.

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(Court Reporter M. Morris.) (mjm,) (Entered: 08/31/2005)

- 08/29/2005 231 RESPONSE in Opposition re 181 MOTION for Leave to File Second Amended Complaint to Join EchoStar Satellite LLC filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Paul A. Friedman# 2 Exhibit 1# 3 Exhibit 2)(Friedman, Paul) (Entered: 08/29/2005)
- 08/29/2005 232 FILED UNDER SEAL - RESPONSE in Opposition re Echostar's 182 MOTION for Partial Summary Judgment Re: Damages Period filed by TIVO Inc. (ehs) (Entered: 08/30/2005)
- 08/29/2005 233 FILED UNDER SEAL - RESPONSE in Opposition to Defendants' re 216 MOTION to Clarify Order of August 17, 2005 filed by TIVO Inc. (ehs,) (Entered: 08/30/2005)
- 08/30/2005 234 REPLY to Response to Motion re 216 MOTION for More Definite Statement to Clarify Order of August 17, 2005 filed by "EchoStar defendants". (Friedman, Paul) (Entered: 08/30/2005)
- 08/30/2005 235 RESPONSE in Opposition re 189 MOTION for Partial Summary Judgment of Invalidity Due to Indefiniteness filed by TIVO Inc. (Attachments: # 1 Exhibit 1)(Lyon, Richard) (Entered: 08/30/2005)
- 08/30/2005 236 MOTION for Extension of Time to File by TIVO Inc. (Attachments: # 1 Proposed Order)(Lyon, Richard) (Entered: 08/30/2005)
- 08/31/2005 237 RESPONSE to Motion re 236 MOTION for Extension of Time to File filed by "EchoStar defendants". (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Text of Proposed Order)(Friedman, Paul) (Entered: 08/31/2005)
- 08/31/2005 239 FILED UNDER SEAL - RESPONSE in Opposition re Echostar's 197 MOTION in Limine No. 5: RE: reference to, use of, and reliance on the expert testimony of Alan Gordon; Declaration of Richard Lyon in support thereof filed by TIVO Inc. (ehs,) (Entered: 08/31/2005)
- 08/31/2005 240 FILED UNDER SEAL - RESPONSE in Opposition to Echostar's 201 MOTION in Limine No. 9 to preclude evidence on doctrine of equivalents filed by TIVO Inc. with attached exhibits (ehs,) (Entered: 08/31/2005)
- 08/31/2005 241 RESPONSE in Opposition re 188 MOTION in Limine No. 11 to Preclude Late Disclosed Exhibits filed by TIVO Inc. (Attachments: # 1 Exhibit A)(Lyon, Richard) (Entered: 08/31/2005)
- 08/31/2005 242 RESPONSE in Opposition re 198 MOTION in Limine No. 6 filed by TIVO Inc. (Attachments: # 1 Armond Declaration)(Lyon, Richard) (Entered: 08/31/2005)
- 08/31/2005 243 RESPONSE in Opposition re 196 MOTION in Limine No. 4 (and Tivo's Cross-Motion) filed by TIVO Inc. (Attachments: # 1 Lyon Declaration and Exhibits# 2 Proposed Order Granting Cross-Motion)(Lyon, Richard) (Entered: 08/31/2005)
- 08/31/2005 244 RESPONSE in Opposition re 194 MOTION in Limine No. 2 filed by TIVO Inc. (Attachments: # 1 Lyon Declaration and Exhibits)(Lyon, Richard) (Entered: 08/31/2005)
- 08/31/2005 245 MOTION for Reconsideration re 177 Order, by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Friedman, Paul) (Entered: 08/31/2005)
- 08/31/2005 247 FILED UNDER SEAL - RESPONSE in Opposition to Echostar's 193 MOTION in Limine No. 1 to preclude reference to, use of, and reliance upon the expert report and testimony of John R Hauser filed by TIVO Inc. (ehs,) Attachment #1 Exhibit A (Entered: 09/01/2005)
- 08/31/2005 248 FILED UNDER SEAL - RESPONSE in Opposition to Echostar's 199 MOTION in Limine No. 7 to preclude reference to, use of, and reliance on alleged convoyed sales of Tivo's Services filed by TIVO Inc. (Entered: 09/01/2005)
- 08/31/2005 249 FILED UNDER SEAL - RESPONSE in Opposition to Echostar's 200 MOTION in Limine No. 8 to preclude reference to, use of, and reliance on the expert testimony and opinion of Keith R Ugone on damages filed by TIVO Inc. (ehs,) (Entered: 09/01/2005)
- 08/31/2005 250 FILED UNDER SEAL - RESPONSE in Opposition to Echostar's 202 MOTION in Limine No. 10 re: reference to, use of, and reliance on Echostar's other litigation; Declaration of Richard Lyon filed by TIVO Inc. (ehs,) (Entered: 09/01/2005)
- 08/31/2005 251 SEALED RESPONSE in Opposition re 190 MOTION for Partial Summary Judgment of No Willful Infringement filed by TIVO Inc. (mpv,) (Entered: 09/01/2005)
- 09/01/2005 246 NOTICE by TIVO Inc Tivo's Objections Regarding the Temporal Scope of the August 17, 2005 Order (Attachments: # 1 Lyon Declaration)(Lyon, Richard) (Entered: 09/01/2005)
- 09/01/2005 252 Minute Entry for proceedings held before Judge David Folsom : Status Conference held on 9/1/2005. (Court Reporter Libby Crawford.) (mrm,) (Entered: 09/01/2005)
- 09/01/2005 253 ORDER; The Court now ORDERS that each side will have 27.5 hours for case presentation, excluding time related to JS, opening, closing, and transition statements. terminating 223 Motion Regarding the Estimated Time Required for Trial . Signed by Judge David Folsom on 9/1/05. (mrm,) (Entered: 09/01/2005)
- 09/01/2005 254 ORDER; ORDERED that Tivo's shall have one additional day, until 9/2/05, to file its oppositions to Echostar's motions in limine. granting 236 Motion for Extension of Time to File . Signed by Judge David Folsom on 9/1/05. (mrm,) (Entered: 09/01/2005)
- 09/01/2005 255 ORDER; proposed jury questionnaires due 9/12/05 at 5pm. Questionnaires are limited to total of 5 pgs. ORDERS the ptys to jointly determine the size and contents of the jury notebooks. Plf and Dfts are ea allowed one jury notebook. . Signed by Judge David Folsom on 9/1/05. (mrm,) (Entered: 09/01/2005)
- 09/01/2005 256 ORDER GRANTING ECHOSTAR'S MOTION FOR LEAVE TO FILE A SURREPLY BRIEF IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT ON NON-INFRINGEMENT: (1) NO INFRINGEMENT BY ECHOSTAR'S 7100/7200 DEVICES; AND (2) NO INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS; granting 226 Motion for Leave to File . Signed by Judge David Folsom on 9/1/05. (mrm,) (Entered: 09/01/2005)

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09/01/2005	257	ECHOSTAR'S SURREPLY OPPOSITION BRIEF IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT OF NON-INFRINGEMENT: (1) NO INFRINGEMENT BY ECHOSTAR'S 7100/7200 DEVICES; AND (2) NO INFRINGEMENT UNDER THE DOCTRINE OF EQUIVALENTS; re 136 MOTION for Partial Summary Judgment of non-infringement filed by "EchoStar defendants". (mrm,) Modified on 9/14/2005 (mpv,). (Entered: 09/01/2005)
09/06/2005	258	SEALED REPLY Memorandum in Support of 182 MOTION for Partial Summary Judgment RE: Damages Period filed by "EchoStar defendants". (mpv,) (Entered: 09/06/2005)
09/06/2005	259	REPLY to Response to Motion re 186 MOTION for Leave to File Second Amended Complaint filed by TIVO Inc. (Lyon, Richard) (Entered: 09/06/2005)
09/06/2005	260	RESPONSE in Opposition re 195 MOTION in Limine No. 3 filed by TIVO Inc. (Attachments: # 1 Lyon Declaration# 2 Denny Declaration# 3 Singletary Declaration)(Lyon, Richard) (Entered: 09/06/2005)
09/06/2005	261	FILED UNDER SEAL - RESPONSE in Opposition re 228 MOTION for Partial Summary Judgment Of Infringement of Claims 1 and 32 filed by "EchoStar defendants". (mpv,) Additional attachment(s) added on 9/6/2007 (ch,). Modified on 9/6/2007 (ch,). (Entered: 09/07/2005)
09/07/2005	262	FILED UNDER SEAL - RESPONSE in Opposition re 221 MOTION in Limine #4 Echostar may not offer evidence or argument, or make other suggestions, inconsistent with the Court's Claim Construction Rulings; and Declaration of Karl J. Kramer filed by "EchoStar defendants". (mpv,) (Entered: 09/07/2005)
09/07/2005	263	FILED UNDER SEAL - RESPONSE in Opposition re 220 Fifth MOTION in Limine to Preclude Evidence and agrument relating to the reverse doctrine of equivalents; and Declaration of Karl J. Kramer filed by "EchoStar defendants". (mpv,) Additional attachment(s) added on 9/6/2007 (ehs,). (Entered: 09/07/2005)
09/07/2005	264	FILED UNDER SEAL - RESPONSE in Opposition re 227 MOTION Motion to Exclude Improperly Withheld Media4 and Burstware Documents and Witnesses filed by "EchoStar defendants". (mpv,) (Entered: 09/07/2005)
09/07/2005	265	RESPONSE in Opposition re 222 MOTION in Limine No. 1 filed by "EchoStar defendants". (Attachments: # 1 Affidavit Lynde Declaration In Support Of Opposition to TiVo's Motion In Limine No. 1) with Sealed attachments (Kramer, Karl) (Entered: 09/07/2005)
09/07/2005	266	RESPONSE in Opposition re 218 Second MOTION in Limine To Preclude Evidence/Argument In Front of the Jury Regarding EchoStar's Inequitable Conduct Defense filed by "EchoStar defendants". (Kramer, Karl) Additional attachment(s) added on 8/17/2007 (ehs,). (Entered: 09/07/2005)
09/07/2005	267	RESPONSE in Opposition re 219 Third MOTION in Limine Nos. 3A-3C filed by "EchoStar defendants". Attachments: Declaration and Exhibits A-B filed under seal(Kramer, Karl) (Entered: 09/07/2005)
09/07/2005	--	Received SEALED DECLARATION OF NANCY S. HALPIN in Support of Echostar's opposition to TIVO's Motion in Limine No. 1 #265 (mpv,) (Entered: 09/07/2005)
09/07/2005	--	Received SEALED Declaration of Karl J. Kramer In Support of Echostar's Opposition to TiVo's motion in limine No. 2. Attachment to Document #266. (mpv,) (Entered: 09/07/2005)
09/07/2005	--	Received SEALED Declaration of Karl J. KRamer in Support of Echostar's opposition to TiVo's motions in limine Nos. 3A-3C attachment to Document #267. (mpv,) (Entered: 09/07/2005)
09/07/2005	268	MOTION for Protective Order Echostar's Motion for a Protective Order Prohibiting TiVo from Pursuing Discovery in Other Jurisdictions by Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Kramer, Karl) Additional attachment(s) added on 9/13/2005 (fal,). (Entered: 09/07/2005)
09/07/2005	269	AFFIDAVIT in Support re 268 MOTION for Protective Order Echostar's Motion for a Protective Order Prohibiting Tivo from Pursuing Discovery in Other Jurisdictions Declaration of Karl J. Kramer in Support of Echostar's Motion for a Protective Order Prohibiting TiVo from Pursuing Discovery in Other Jurisdictions filed by "EchoStar defendants", Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I)(Kramer, Karl) (Entered: 09/07/2005)
09/07/2005	270	REPLY to Response to Motion re 189 MOTION for Partial Summary Judgment of Invalidity Due to Indefiniteness filed by "EchoStar defendants". (Harkins, Robert) (Entered: 09/07/2005)
09/07/2005	271	FILED UNDER SEAL - RESPONSE in Opposition to Echostar's MOTION and Cross Motion RE: Partial Summary Judgment of Infringement of Claims 31 and 61 filed by TIVO Inc. (ehs,) Additional attachment(s) added on 9/5/2007 (ch,). Modified on 9/5/2007 (ch,). (Entered: 09/08/2005)
09/08/2005	272	TRANSCRIPT of Proceedings (JOINT Status Conference) held on 9/1/2005 before Judge David Folsom. Court Reporter: Libby Crawford. (sm,) (Entered: 09/08/2005)
09/08/2005	273	MOTION for Leave to File EchoStar's Unopposed Motion to File Declarations ISO of Replies for EchoStar's MIL Nos. 1 & 6-10 by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order Proposed Order Granting Unopposed Motion to File Declarations ISO EchoStar's MIL Nos. 1 & 6-10)(Kramer, Karl) (Entered: 09/08/2005)
09/08/2005	274	NOTICE by "EchoStar defendants" re 188 MOTION in Limine No. 11 to Preclude Late Disclosed Exhibits - Defendant's Notice of Withdrawal of Echostr's August 18, 2005 Motion in Limine No. 11 (Pickett, John) (Entered: 09/08/2005)
09/08/2005	275	Joint MOTION to Amend/Correct 207 Order,, Set Scheduling Order Deadlines,, Terminate Motions, by Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Lyon, Richard) Additional attachment(s) added on 9/13/2005 (fal,). (Entered: 09/08/2005)

09/08/2005)

09/09/2005 276 ORDER GRANTING ECHOSTAR'S UNOPPOSED MOTION TO FILE DECLARATIONS IN SUPPORT OF REPLIES FOR ECHOSTAR'S MOTIONS IN LIMINE NOS. 1 AND 6-10; granting 273 Motion for Leave to File . Signed by Judge David Folsom on 9/9/05. (mrm,) (Entered: 09/09/2005)

09/09/2005 277 ORDER PER JOINT MOTION TO MODIFY AUGUST 24, 2005 ORDER; granting 275 Motion to Amend/Correct . Signed by Judge David Folsom on 9/9/05. (mrm,) (Entered: 09/09/2005)

09/09/2005 278 REPLY to Response to Motion re 193 MOTION in Limine No. 1 filed by "EchoStar defendants". (Kramer, Karl) (Entered: 09/09/2005)

09/09/2005 279 REPLY to Response to Motion re 194 MOTION in Limine No. 2 filed by "EchoStar defendants". (Kramer, Karl) (Entered: 09/09/2005)

09/09/2005 280 REPLY to Response to Motion re 196 MOTION in Limine No. 4 filed by "EchoStar defendants". (Kramer, Karl) (Entered: 09/09/2005)

09/09/2005 281 REPLY to Response to Motion re 197 MOTION in Limine No. 5 filed by "EchoStar defendants". (Kramer, Karl) (Entered: 09/09/2005)

09/09/2005 282 REPLY to Response to Motion re 201 MOTION in Limine No. 9 filed by "EchoStar defendants". (Kramer, Karl) (Entered: 09/09/2005)

09/09/2005 283 REPLY to Response to Motion re 202 MOTION in Limine No. 10 filed by "EchoStar defendants". (Kramer, Karl) (Entered: 09/09/2005)

09/09/2005 284 FILED UNDER SEAL REPLY to Response to Motion re 198 MOTION in Limine No. 6 with declaration of Karl Kramer filed by "EchoStar defendants". (sm,) (Entered: 09/09/2005)

09/09/2005 285 FILED UNDER SEAL REPLY to Response to Motion re 200 MOTION in Limine No. 8 and Declaration of Karl Kramer filed by "EchoStar defendants". (sm,) (Entered: 09/09/2005)

09/09/2005 286 FILED UNDER SEAL REPLY to Response to Motion re 199 MOTION in Limine No. 7 and Declaration of Karl Kramer filed by "EchoStar defendants". (sm,) (Entered: 09/09/2005)

09/09/2005 287 FILED UNDER SEAL MOTION for Sanctions/Contempt Order with exhibits by "EchoStar defendants". (sm,) (Entered: 09/09/2005)

09/09/2005 288 ORDER Setting Hearing on Motions 188 MOTION in Limine No. 11 to Preclude Late Disclosed Exhibits, 218 Second MOTION in Limine To Preclude Evidence/Argument In Front of the Jury Regarding EchoStar's Inequitable Conduct Defense, 193 MOTION in Limine, 219 Third MOTION in Limine, 194 MOTION in Limine, 220 Fifth MOTION in Limine, 195 MOTION in Limine, 221 MOTION in Limine, 196 MOTION in Limine, 197 MOTION in Limine, 222 MOTION in Limine, 198 MOTION in Limine, 199 MOTION in Limine, 200 MOTION in Limine, 201 MOTION in Limine, 202 MOTION in Limine, 227 MOTION Motion to Exclude Improperly Withheld Media4 and Burstware Documents and Witnesses: Motion Hearing and Initial Pretrial Conference set for 9/22/2005 10:00 AM in Ctrm 319 (Texarkana) before Judge David Folsom. Further ORDERED to attend a Final Pre-trial Conference on 10/4/05 in Texarkana at 10:00 am. Signed by Judge David Folsom on 9/9/05. (mrm,) (Entered: 09/09/2005)

09/09/2005 -- Reset Scheduling Order Deadlines: Initial Pretrial Conference 9/22/05 10:00 Am in Ctrm 319 (Texarkana) before Judge David Folsom. Final Pretrial Conference set for 10/4/2005 10:00 AM in Ctrm 319 (Texarkana) before Judge David Folsom. (mrm,) (Entered: 09/09/2005)

09/09/2005 289 MOTION to Strike TiVo Inc.'s Cross Motion Re Partial Summary Judgment of Infringement of Claims 31 and 61 by "EchoStar defendants". (Attachments: # 1 Affidavit of Karl Kramer and exhibits# 2 Text of Proposed Order) (Kramer, Karl) (Entered: 09/09/2005)

09/09/2005 290 FILED UNDER SEAL - DECLARATION of Karl J. Kramer in Support of defts 278 Reply to Motion in Limine No. 1 - to preclude reference to, use of, and reliance upon the expert report and testimony of John R Hauser by "EchoStar defendants". (ehs,) (Entered: 09/12/2005)

09/09/2005 291 FILED UNDER SEAL - Declaration of Karl J. Kramer in Support of defts 282 Reply to Motion in Limine No. 9 - to preclude evidence on doctrine of equivalents by "EchoStar defendants". (ehs,) (Entered: 09/12/2005)

09/09/2005 292 FILED UNDER SEAL - Declaration in Support of deft's 283 Reply to Motion in Limine No. 10 - to preclude reference to, use of and reliance upon other Echostar litigation by "EchoStar defendants". (ehs,) (Entered: 09/12/2005)

09/12/2005 293 ORDER that EchoStar produce the notes Bozicevic, Field & Francis, LLP created in developing its opinion concerning infringement of the '389 patent. EchoStar to produce remaining documents pertaining to advice it received from counsel before suit was filed concerning infringement of the '389 patent. Becking & Cannon each be made available for 1 hour of deposition time concerning the notes they created regarding infringement of the '389 patent. Signed by Judge H. W. McKee on 9/12/05. (ehs,) (Entered: 09/12/2005)

09/12/2005 294 NOTICE by TIVO Inc, "EchoStar defendants" Joint Submission of Proposed Juror Questionnaires (Attachments: # 1 Exhibit A# 2 Exhibit B)(Kramer, Karl) (Entered: 09/12/2005)

09/12/2005 295 NOTICE of Disclosure by "EchoStar defendants" Pursuant to 35 U.S.C. Section 282 (Friedman, Paul) (Entered: 09/12/2005)

09/12/2005 296 STATUS REPORT Joint List of Pending Motions Other Than Motions In Limine by TIVO Inc, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Lyon, Richard) (Entered: 09/12/2005)

09/13/2005 297 FILED UNDER SEAL REPLY to Response to Motion re 190 MOTION for Summary Judgment of No Willful

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Infringement filed by "EchoStar defendants". (mpv,) (Entered: 09/13/2005)

09/13/2005 298 REPLY to Response to Motion re 195 MOTION in Limine No. 3-To Preclude Any Reference To, Use Of, and Reliance Upon PTO Museum Display, Or Alternatively, To Allow Discovery filed by "EchoStar defendants". (Friedman, Paul) (Entered: 09/13/2005)

09/13/2005 299 NOTICE by "EchoStar defendants" re 246 Notice (Other) Defendants' Opposition to Tivo's Objections Regarding the Temporal Scope of the August 17, 2005 Order (Friedman, Paul) (Entered: 09/13/2005)

09/13/2005 300 FILED UNDER SEAL - Sur-Reply in Opposition to Echostar's 182 MOTION for Partial Summary Judgment re damages period filed by TIVO Inc. (ehs,) (Entered: 09/14/2005)

09/13/2005 301 FILED UNDER SEAL - Unopposed MOTION for Leave to File Tivo's Reply regarding Tivo's motion for partial summary judgment of infringement of Claims 1 and 32 and Echostar's request for entry of partial summary judgment of non-infringement of Claims 1 and 32 in excess of page limit by TIVO Inc. (ehs,) (Entered: 09/14/2005)

09/13/2005 302 FILED UNDER SEAL - Opposition to deft's protective motion for reconsideration of the court's order of August 17, 2005 filed by TIVO Inc. (ehs,) (Entered: 09/14/2005)

09/13/2005 312 Minute Entry for proceedings held before Judge H. W. McKee : Telephone Conference held on 9/13/2005. (Court Reporter M. Morris.) (mjm,) (Entered: 09/15/2005)

09/14/2005 303 APPLICATION to Appear Pro Hac Vice by Attorney Emily A Evans for "EchoStar defendants". (rml,) (Entered: 09/14/2005)

09/14/2005 304 FILED UNDER SEAL - REPLY to Response to Motion re 214 MOTION for Partial Summary Judgment Of Non-Infringement of Claims 31 and 61 filed by "EchoStar defendants". (mpv,) (Entered: 09/14/2005)

09/14/2005 -- Pro Hac Vice Filing fee paid by Emily Evans; Fee: \$25, receipt number: 5-1-281 (rml,) (Entered: 09/14/2005)

09/14/2005 305 RESPONSE in Support re 222 MOTION in Limine TIVO'S REPLY IN FURTHER SUPPORT OF TIVO'S MOTION IN LIMINE NO. 1: TO PRECLUDE DEFENDANTS FROM INTRODUCING INTO EVIDENCE OR MAKING ARGUMENTS REGARDING AGREEMENTS WHOLLY BETWEEN NON-PARTIES filed by TIVO Inc. (Baxter, Samuel) (Entered: 09/14/2005)

09/14/2005 306 REPLY to Response to Motion re 218 Second MOTION in Limine To Preclude Evidence/Argument In Front of the Jury Regarding EchoStar's Inequitable Conduct Defense filed by TIVO Inc. (Lyon, Richard) (Entered: 09/14/2005)

09/14/2005 307 MOTION for Leave to File Tivo's Reply to Motion to Exclude Improperly Withheld Media4 and Burstware Documents and Witnesses by TIVO Inc. (Attachments: # 1 Proposed Order)(Chambers, Garret) (Entered: 09/14/2005)

09/14/2005 308 RESPONSE in Opposition re 189 MOTION for Partial Summary Judgment of Invalidity Due to Indefiniteness filed by TIVO Inc. (Armond, Michelle) (Entered: 09/14/2005)

09/14/2005 309 RESPONSE in Support re 219 Third MOTION in Limine filed by TIVO Inc. (Armond, Michelle) (Entered: 09/14/2005)

09/14/2005 310 RESPONSE in Support re 221 MOTION in Limine filed by TIVO Inc. (Armond, Michelle) (Entered: 09/14/2005)

09/14/2005 311 RESPONSE in Support re 220 Fifth MOTION in Limine filed by TIVO Inc. (Armond, Michelle) (Entered: 09/14/2005)

09/15/2005 313 APPEAL OF MAGISTRATE JUDGE DECISION to District Court by "EchoStar defendants" re 293 Order,, (Attachments: # 1 Exhibit A)(Friedman, Paul) (Entered: 09/15/2005)

09/15/2005 314 RESPONSE in Support re 227 MOTION Motion to Exclude Improperly Withheld Media4 and Burstware Documents and Witnesses filed by TIVO Inc. (Armond, Michelle) (Entered: 09/15/2005)

09/15/2005 315 Joint MOTION to Amend/Correct September 9, 2005 Order 277 by TIVO Inc, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Text of Proposed Order Proposed Order)(Lyon, Richard) (Entered: 09/15/2005)

09/16/2005 316 MOTION to Withdraw 188 MOTION in Limine No. 11 to Preclude Late Disclosed Exhibits by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Pickett, John) (Entered: 09/16/2005)

09/16/2005 317 RESPONSE in Opposition re 199 MOTION in Limine No. 7: TO PRECLUDE REFERENCE TO, USE OF, AND RELIANCE ON ALLEGED CONVOYED SALES OF TIVO'S SERVICES filed by TIVO Inc. (Baxter, Samuel) (Entered: 09/16/2005)

09/16/2005 318 FILED UNDER SEAL - Sur-Reply in Opposition to Echostar's 198 MOTION in Limine No. 6 to preclude reference to, use of, or reliance upon the preamble of any asserted claim as a limitation filed by TIVO Inc. (ehs,) (Entered: 09/16/2005)

09/16/2005 319 FILED UNDER SEAL - SUR-REPLY in Opposition to Echostar's 201 MOTION in Limine No. 9 - to preclude evidence on doctrine of equivalents filed by TIVO Inc. (ehs,) (Entered: 09/16/2005)

09/16/2005 320 FILED UNDER SEAL - Sur-Reply BRIEF in opposition to Echostar's motion in Limine No.1 (#193) - to preclude reference to, use of, and reliance upon the expert report and testimony of John R Hauser filed by "EchoStar defendants". (ehs,) (Entered: 09/16/2005)

09/16/2005 321 RESPONSE in Opposition re 200 MOTION in Limine TIVO'S SUR-REPLY BRIEF IN OPPOSITION TO ECHOSTAR'S MOTION IN LIMINE NO. 8 [DOC 200] - TO PRECLUDE REFERENCE TO, USE OF, AND RELIANCE UPON THE EXPERT TESTIMONY AND OPINION OF KEITH R. UGONE ON DAMAGES filed by TIVO Inc. (Baxter, Samuel) (Entered: 09/16/2005)

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09/16/2005 322 RESPONSE in Opposition re 197 MOTION in Limine Sur-Reply filed by TIVO Inc. (Lyon, Richard) (Entered: 09/16/2005)

09/16/2005 323 RESPONSE in Opposition re 194 MOTION in Limine Sur-Reply filed by TIVO Inc. (Lyon, Richard) (Entered: 09/16/2005)

09/16/2005 324 RESPONSE in Opposition re 202 MOTION in Limine Sur-Reply filed by TIVO Inc. (Lyon, Richard) (Entered: 09/16/2005)

09/16/2005 325 RESPONSE in Opposition re 196 MOTION in Limine Sur-Reply filed by TIVO Inc. (Lyon, Richard) (Entered: 09/16/2005)

09/19/2005 326 RESPONSE in Opposition re 222 MOTION in Limine Surreply filed by "EchoStar defendants". (Kramer, Karl) (Entered: 09/19/2005)

09/19/2005 327 RESPONSE in Opposition re 220 Fifth MOTION in Limine Surreply filed by "EchoStar defendants". (Kramer, Karl) (Entered: 09/19/2005)

09/19/2005 328 RESPONSE in Opposition re 227 MOTION Motion to Exclude Improperly Withheld Media4 and Burstware Documents and Witnesses Surreply filed by "EchoStar defendants". (Kramer, Karl) (Entered: 09/19/2005)

09/19/2005 329 RESPONSE in Opposition re 268 MOTION for Protective Order Echostar's Motion for a Protective Order Prohibiting TiVo from Pursuing Discovery in Other Jurisdictions filed by TIVO Inc. (Attachments: # 1 Affidavit Garret Chambers Declaration)(Chambers, Garret) (Entered: 09/19/2005)

09/19/2005 330 Joint MOTION to Amend/Correct March 3, 2005 Scheduling Order 56 by TIVO Inc, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Text of Proposed Order Proposed Order)(Lyon, Richard) (Entered: 09/19/2005)

09/19/2005 331 FILED UNDER SEAL - RENEWED MOTION to Strike 271 Tivo's late Cross-motion for partial summary judgment of Infringement of Claims 31 and 61, or, in the alternative, Echostar's opposition to Tivo's Cross-Motion for partial summary judgment of infringement of claims 31 and 61 by "EchoStar defendants". (mpv,) Additional attachment(s) added on 9/5/2007 (ch,). Modified on 9/5/2007 (ch,). (Entered: 09/20/2005)

09/20/2005 332 ORDER; ORDERED to meet and confer on each of the pending motions in limine, including the motion filed as dkt no. 227, to determine whether the ptys can reach agreement on any motion or portion of a motion . Signed by Judge David Folsom on 9/20/05. (mrm,) (Entered: 09/20/2005)

09/20/2005 333 ORDER granting 316 Motion to Withdraw 188 MOTION in Limine No. 11 to Preclude Late Disclosed Exhibits . Signed by Judge David Folsom on 9/20/05. (mrm,) (Entered: 09/20/2005)

09/20/2005 334 FILED UNDER SEAL - SURREPLY to Response to Motion re 228 MOTION for Partial Summary Judgment of Infringement of Claims 1 and 32 and ECHOSTAR's Request for Entry of Partial Summary Judgment of Non-Infringement of Claims 1 and 32 filed by "EchoStar defendants". (mpv,) (Entered: 09/20/2005)

09/20/2005 335 ORDER granting 307 Motion for Leave to File Its Reply in Support of Its Motion to Exclude Improperly Withheld Media4 and Burstware Documents and Witnesses. TiVo shall have until 9/15/05 to file said Reply. Signed by Judge David Folsom on 9/20/05. (mrm,) (Entered: 09/20/2005)

09/20/2005 336 ORDER PER JOINT MOTION TO MODIFY SEPTEMBER 9, 2005 ORDER; granting 315 Motion to Amend/Correct . Signed by Judge David Folsom on 9/20/05. (mrm,) (Entered: 09/20/2005)

09/20/2005 337 REPLY to Response to Motion re 245 MOTION for Reconsideration re 177 Order, filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Paul A. Friedman)(Friedman, Paul) (Entered: 09/20/2005)

09/20/2005 338 ***FILED IN ERROR. SEE CORRECTED DOCUMENT # 344 *** RESPONSE to Motion re 287 MOTION for Sanctions Sur-Reply filed by TIVO Inc. (Lyon, Richard) Modified on 9/21/2005 (ehs,). (Entered: 09/20/2005)

09/20/2005 339 Exhibit List Objections by "EchoStar defendants".. (Attachments: # 1 Exhibit A)(Friedman, Paul) (Entered: 09/20/2005)

09/20/2005 340 Exhibit List Objections by TIVO Inc.. (Attachments: # 1 Exhibit Objections to EchoStar's Preliminary Exhibit List)(Lyon, Richard) (Entered: 09/20/2005)

09/20/2005 342 FILED UNDER SEAL - Sur-Reply in Opposition to Echostar's MOTION for Partial Summary Judgment of no willful infringement filed by TIVO Inc. (ehs,) (Entered: 09/21/2005)

09/20/2005 343 FILED UNDER SEAL - TIVO'S (1) Reply in support of TIVO'S Objections re: The temporal Scope of the August 17, 2005 Ortder, and (2) Motion for (Proposed) Order Nunc Pro Tunc Extending Filing Deadline by TIVO Inc. (ehs,) (Entered: 09/21/2005)

09/21/2005 341 NOTICE of Disclosure by "EchoStar defendants" - Defendants' Pre-Trial Disclosures Under Federal Rule of Civil Procedure 26(a)(3) (Pickett, John) (Entered: 09/21/2005)

09/21/2005 344 ***REPLACES DOCUMENT # 338 ***WHICH WAS FILED IN ERROR*** RESPONSE to Motion re 195 MOTION in Limine Sur-Reply in Further Opposition filed by TIVO Inc. (Lyon, Richard) Modified on 9/21/2005 (ehs,). (Entered: 09/21/2005)

09/21/2005 345 RESPONSE in Support re 268 MOTION for Protective Order Echostar's Motion for a Protective Order Prohibiting TiVo from Pursuing Discovery in Other Jurisdictions Reply Brief in Support of EchoStar's Motion for a Protective Order Prohibiting TiVo from Pursing Discovery in Other Jurisdictions filed by "EchoStar defendants", Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Kramer, Karl) (Entered: 09/21/2005)

09/21/2005 346 ORDER, granting 330 Joint MOTION to Amend/Correct March 3, 2005 Scheduling Order 56 filed by TIVO Inc,, Echostar Communications Corporation,, Echostar DBS Corporation,, EchoStar Technologies Corporation,,

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Echosphere Limited Liability Company, Jury instructions and Verdict Form due by 9/23/2005. Signed by Judge David Folsom on 9/21/05. (mrm,) (Entered: 09/21/2005)

- 09/21/2005 347 RESPONSE in Opposition re 289 MOTION to Strike TiVo Inc.'s Cross Motion Re Partial Summary Judgment of Infringement of Claims 31 and 61 filed by TIVO Inc. (Attachments: # 1 Text of Proposed Order)(Giza, Alexander) (Entered: 09/21/2005)
- 09/21/2005 348 RESPONSE in Opposition re 214 MOTION for Partial Summary Judgment TiVo Inc.'s Surreply in Further Opposition to EchoStar's Motion for Partial Summary Judgment of Non-Infringement of Claims 31 and 61 filed by TIVO Inc. (Giza, Alexander) (Entered: 09/21/2005)
- 09/22/2005 349 Minute Entry for proceedings held before Judge David Folsom : Motion Hearing held on 9/22/2005 re 201 MOTION in Limine filed by "EchoStar defendants",, 227 MOTION Motion to Exclude Improperly Withheld Media4 and Burstware Documents and Witnesses filed by TIVO Inc.,, 202 MOTION in Limine filed by "EchoStar defendants",, 218 Second MOTION in Limine To Preclude Evidence/Argument In Front of the Jury Regarding EchoStar's Inequitable Conduct Defense filed by TIVO Inc.,, 193 MOTION in Limine filed by "EchoStar defendants",, 219 Third MOTION in Limine filed by TIVO Inc.,, 194 MOTION in Limine filed by "EchoStar defendants",, 220 Fifth MOTION in Limine filed by TIVO Inc.,, 195 MOTION in Limine filed by "EchoStar defendants",, 221 MOTION in Limine filed by TIVO Inc.,, 196 MOTION in Limine filed by "EchoStar defendants",, 222 MOTION in Limine filed by TIVO Inc.,, 197 MOTION in Limine filed by "EchoStar defendants",, 198 MOTION in Limine filed by "EchoStar defendants",, 199 MOTION in Limine filed by "EchoStar defendants",, 200 MOTION in Limine filed by "EchoStar defendants",. (Court Reporter Libby Crawford.) (mrm,) (Entered: 09/22/2005)
- 09/22/2005 350 Joint MOTION for Extension of Time to File Response/Reply Briefs re Motion for Contempt Order [Doc 287] by TIVO Inc, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Lyon, Richard) Additional attachment(s) added on 9/23/2005 (mpv,). (Entered: 09/22/2005)
- 09/22/2005 351 FILED UNDER SEAL - Surreply in further in Opposition to Echostar's Motion for Partial Summary Judgment of Non-Infringement of Claims 31 and 61 (#214) filed by TIVO Inc. (ehs,) (Entered: 09/23/2005)
- 09/22/2005 352 FILED UNDER SEAL - RESPONSE in Opposition to Echostar's 287 MOTION for Contempt Order filed by TIVO Inc. (ehs,) (Entered: 09/23/2005)
- 09/23/2005 353 NOTICE by "EchoStar defendants" of Filing of Correspondence Regarding Deposition of Dan Landreth In Further Opposition to Tivo's Motion to Exclude (Attachments: # 1 Exhibit A)(Kramer, Karl) (Entered: 09/23/2005)
- 09/23/2005 354 ***SEE CORRECTED ORDER # 357 *** ORDER; ORDERS: Echostar to produce all notes, communications, or other documentation created by or relating to the infringement analysis of the '389 patent undertaken by Bozicevic, Field & Frances, LLP, at any time; Echostar to produce the two Merchant & Gould opinions and all notes, communications, or other documentation related to any infringement analysis of the '389 patent undertaken by Merchant & Gould. Echostar is to produce these materials within 7 days of this order. The Court further ORDERS Echostar to produce Frank Becking, Alan Cannon, Kerry Miller, Homer Knearl and Timothy Scull for deposition concerning their analysis of the '389 patent and any potential infringement by Echostar. TiVo is granted an additional 5 hrs of deposition time; These witnesses are not be made available no later than 10/14/05 . Signed by Judge David Folsom on 9/23/05. (mrm,) Modified on 9/26/2005 (mrm,). (Entered: 09/23/2005)
- 09/23/2005 355 NOTICE by "EchoStar defendants" 35 U.S.C. Section 282 Supplemental Disclosure (Friedman, Paul) (Entered: 09/23/2005)
- 09/23/2005 356 Proposed Jury Instructions by TIVO Inc, "EchoStar defendants". (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D# 5 Exhibit Exhibit E# 6 Exhibit Exhibit F)(Lyon, Richard) (Entered: 09/23/2005)
- 09/26/2005 357 *VACATED AS PER ORDER # 729 * ***REPLACES ORDER # 354 *** ORDER; ORDERS: Echostar to produce all notes, communications, or other documentation created by or relating to the infringement analysis of the '389 patent undertaken by Bozicevic, Field & Frances, LLP, at any time; Echostar to produce the two Merchant & Gould opinions and all notes, communications, or other documentation related to any infringement analysis of the '389 patent undertaken by Merchant & Gould. Echostar is to produce these materials within 7 days of this order. The Court further ORDERS Echostar to produce Frank Becking, Alan Cannon, Kerry Miller, Homer Knearl and Timothy Scull for deposition concerning their analysis of the '389 patent and any potential infringement by Echostar. TiVo is granted an additional 5 hrs of deposition time; These witnesses are not be made available no later than 10/14/05 . Signed by Judge David Folsom on 9/26/05. (mrm,) Modified on 5/16/2006 (mrm,). (Entered: 09/26/2005)
- 09/26/2005 358 ORDER PER JOINT MOTION FOR EXTENSION TO SERVE AND FILE BRIEFS RE MOTION FOR CONTEMPT ORDER; granting 350 Motion for Extension of Time to File Response/Reply re 287 MOTION for Sanctions Responses due by 9/22/2005 Replies due by 9/30/2005. Signed by Judge David Folsom on 9/26/05. (mrm,) (Entered: 09/26/2005)
- 09/26/2005 360 FILED UNDER SEAL - REPLY in Support of its Cross-Motion #271 for Partial Summary Judgment of Infringement of Claims 31 and 61 by TIVO Inc. (ehs,) (Entered: 09/28/2005)
- 09/27/2005 359 NOTICE by "EchoStar defendants" of Compliance (Evans, Emily) (Entered: 09/27/2005)
- 09/27/2005 361 ORDER finding as moot 81 Motion to Compel, finding as moot 85 Motion to Compel, finding as moot 87 Motion to Compel, finding as moot 88 Motion to Compel, finding as moot 118 Motion to Compel . Signed by Judge H. W. McKee on 9/27/05. (ehs,) (Entered: 09/28/2005)

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09/28/2005	362	REPLY to Response to Motion re 289 MOTION to Strike TiVo Inc.'s Cross Motion Re Partial Summary Judgment of Infringement of Claims 31 and 61 filed by "EchoStar defendants". (Kramer, Karl) (Entered: 09/28/2005)
09/29/2005	363	ORDER to produce Dr. Rhyne for 2 hours of deposition time before 10/14/05. Signed by Judge H. W. McKee on 9/29/05. (ehs,) (Entered: 09/29/2005)
09/29/2005	364	FILED UNDER SEAL REPLY to Response to Motion re 287 MOTION for Sanctions/Contempt Order Based on Tivo's violation of the protective order filed by "EchoStar defendants". (mpv,) (Entered: 09/29/2005)
09/30/2005	365	Exhibit List Trial Exhibit List by TIVO Inc.. (Attachments: # 1 Supplement Part 2 of trial exhibit list# 2 Supplement Part 3 of trial exhibit list# 3 Supplement Part 4 of trial exhibit list# 4 Supplement Part 5 of trial exhibit list# 5 Supplement Part 6 of trial exhibit list# 6 Supplement Part 7 of trial exhibit list# 7 Supplement Part 8 of trial exhibit list# 8 Supplement Part 9 of trial exhibit list)(Giza, Alexander) (Entered: 09/30/2005)
09/30/2005	366	Exhibit List Objections to EchoStar's Trial Exhibit List by TIVO Inc.. (Attachments: # 1 Supplement Part 2 to Objections to EchoStar's Trial Exhibit List# 2 Supplement Part 3 to Objections to EchoStar's Trial Exhibit List# 3 Supplement Part 4 to Objections to EchoStar's Trial Exhibit List# 4 Supplement Part 5 to Objections to EchoStar's Trial Exhibit List)(Giza, Alexander) (Entered: 09/30/2005)
09/30/2005	367	Proposed Pretrial Order Amendments to Exhibits D, H, and K by "EchoStar defendants". (Attachments: # 1 Exhibit D (Revised)# 2 Exhibit H (Amended) Part 1# 3 Exhibit H (Amended) part 2# 4 Exhibit K (Addendum 1)# 5 Exhibit K (Addendum 2))(Kramer, Karl) (Entered: 09/30/2005)
09/30/2005	368	Exhibit List Objections by "EchoStar defendants".. (Attachments: # 1 Exhibit A)(Kramer, Karl) (Entered: 09/30/2005)
09/30/2005	369	NOTICE of Disclosure by "EchoStar defendants" Pursuant to Rule 26(a)(3) "Expect to Offer, May Offer" Designations (Attachments: # 1 Exhibit A)(Kramer, Karl) (Entered: 09/30/2005)
09/30/2005	371	APPLICATION to Appear Pro Hac Vice by Attorney Kristina Paszek for "EchoStar defendants". (rml,) (Entered: 10/03/2005)
09/30/2005	--	Pro Hac Vice Filing fee paid by Kristina Paszek; Fee: \$25, receipt number: 5-1-300 (rml,) (Entered: 10/03/2005)
10/03/2005	370	NOTICE of Disclosure by "EchoStar defendants" - Defendants' Supplemental Pre-Trial Disclosures Under Federal Rule of Civil Procedure 26(a)(3) (Pickett, John) (Entered: 10/03/2005)
10/03/2005	372	Proposed Pretrial Order Exhibit I - Addendum by TIVO Inc. (Lyon, Richard) (Entered: 10/03/2005)
10/03/2005	373	NOTICE by TIVO Inc of Compliance with Fed. R. Civ. Proc. 26(a)(3) (Lyon, Richard) (Entered: 10/03/2005)
10/03/2005	374	FILED UNDER SEAL - Surreply in support of def't's RESPONSE in Opposition re Tivo's 331 MOTION to Strike 271 Response in Opposition to Motion for partial summary judgment of infringement of claims 31 and 61 filed by "EchoStar defendants". (ehs,) (Entered: 10/04/2005)
10/04/2005	375	Minute Entry for proceedings held before Judge David Folsom : Initial Pretrial Conference held on 10/4/2005. (Court Reporter Libby Crawford.) (mrm,) (Entered: 10/05/2005)
10/05/2005	376	APPLICATION to Appear Pro Hac Vice by Attorney Alison M Tucher for Echostar Communications Corporation; Echostar DBS Corporation; Echostar Communications Corporation; Echosphere Limited Liability Company. (rml,) (Entered: 10/05/2005)
10/05/2005	--	Pro Hac Vice Filing fee paid by Alison Tucher; Fee: \$25, receipt number: 5-1-303 (rml,) (Entered: 10/05/2005)
10/05/2005	377	RESPONSE in Opposition re 289 MOTION to Strike TiVo Inc.'s Cross Motion Re Partial Summary Judgment of Infringement of Claims 31 and 61 (Sur-Reply) filed by TIVO Inc. (Giza, Alexander) (Entered: 10/05/2005)
10/06/2005	378	SEALED TRANSCRIPT of Proceedings (Motions in Limine, Excerpt of Proceedings regarding motion) held on 9/22/2005 before Judge David Folsom. Court Reporter: Libby Crawford. (sm,) (Entered: 10/06/2005)
10/06/2005	379	TRANSCRIPT of Proceedings (Motions in Limine except for a portion of which is excerpted and sealed under separate cover - #378) held on September 22, 2005 before Judge David Folsom. Court Reporter: Libby Crawford. (sm,) (Entered: 10/06/2005)
10/06/2005	380	*VACATED AS PER ORDER # 729 * ORDER OF CLARIFICATION OF THE COURT'S SEPTEMBER 26,2005 OPINION AND ORDER re 357 Order (attachments with order are Exhibit 1 and Exhibit 2). Signed by Judge David Folsom on 10/6/05. (mrm,) Modified on 10/6/2005 (mrm,). Modified on 5/16/2006 (mrm,). (Entered: 10/06/2005)
10/06/2005	381	ORDER granting 268 Motion for Protective Order Prohibiting TiVo from Pursuing Discovery in Other Jurisdictions. Signed by Judge David Folsom on 10/6/05. (mrm,) (Entered: 10/06/2005)
10/06/2005	382	STIPULATION re 218 Second MOTION in Limine To Preclude Evidence/Argument In Front of the Jury Regarding EchoStar's Inequitable Conduct Defense As Moot by TIVO Inc, "EchoStar defendants". (Kramer, Karl) (Entered: 10/06/2005)
10/06/2005	384	FILED UNDER SEAL - Sur-Reply in Opposition to Echostar's 287 MOTION for a contempt order filed by TIVO Inc. (ehs,) (Entered: 10/07/2005)
10/07/2005	383	Emergency MOTION to Stay Court's Order of October 6, 2005 by Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Text of Proposed Order Proposed Order# 2 Text of Proposed Order Alternative Proposed Order)(McElhinny, Harold) (Entered: 10/07/2005)
10/07/2005	385	RESPONSE to Motion re 383 Emergency MOTION to Stay Court's Order of October 6, 2005 filed by TIVO Inc.

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(Baxter, Samuel) (Entered: 10/07/2005)

- 10/07/2005 386 *VACATED AS PER ORDER # 729 * ORDER GRANTING DEFENDANTS' REQUEST FOR AN EMERGENCY STAY OF THE COURT'S ORDER OF OCTOBER 6, 2005; granting 383 Emergency MOTION to Stay Court's Order of October 6, 2005 . Signed by Judge David Folsom on 10/7/06. (mrm,) Modified on 5/16/2006 (mrm,). (Entered: 10/07/2005)
- 10/07/2005 387 Proposed Jury Instructions by TIVO Inc, "EchoStar defendants". (Lyon, Richard) (Entered: 10/07/2005)
- 10/11/2005 388 STATUS REPORT TIVO'S REPORT ON ITS OBJECTIONS TO DEFENDANTS' EXHIBITS by TIVO Inc. (Baxter, Samuel) (Entered: 10/11/2005)
- 10/11/2005 389 NOTICE by TIVO Inc NOTICE OF LODGING OF TIVO'S DESIGNATED DEPOSITION TESTIMONY FOR FIRST WEEK OF TRIAL (Baxter, Samuel) (Entered: 10/11/2005)
- 10/11/2005 390 TRANSCRIPT of Pre-Trial Hearing Proceedings held on 10/4/05 at 9:55 a.m. In Texarkana, Tx Judge Honorable Judge David Folsom. Court Reporter: Libby Crawford. (ch,) (Entered: 10/11/2005)
- 10/11/2005 391 NOTICE by "EchoStar defendants" of Filing of Petition for Writ of Mandamus in the U.S. Court of Appeals for the Federal Circuit (Attachments: # 1 Exhibit A (Writ)# 2 Exhibit A (Addendum part 1)# 3 Exhibit A (Addendum part 2)# 4 Exhibit A (Addendum part 3))(Tucher, Alison) (Entered: 10/11/2005)
- 10/11/2005 392 Minute Entry for proceedings held before Judge David Folsom : Final Pretrial Conference held on 10/11/2005. (Court Reporter Libby Crawford.) (mrm,) (Entered: 10/12/2005)
- 10/14/2005 393 FILED UNDER SEAL NOTICE OF FILING LETTER BRIEF filed per Judge's request by "EchoStar defendants". (mpv,) Additional attachment(s) added on 10/2/2007 (ehs,). (Entered: 10/14/2005)
- 10/14/2005 394 NOTICE by "EchoStar defendants" of Order from the Court of Appeals for the Federal Circuit Directing Briefing Concerning EchoStar's Writ of Mandamus (Kramer, Karl) (Entered: 10/14/2005)
- 10/14/2005 395 NOTICE by "EchoStar defendants" of Filing of Letter Brief (Kramer, Karl) (Entered: 10/14/2005)
- 10/14/2005 396 MOTION for Extension of Time to File UNOPPOSED MOTION BY PLAINTIFF TIVO INC. TO EXTEND DATE FOR LODGING OF DEPOSITION TESTIMONY THAT TIVO EXPECTS TO OFFER DURING THE FIRST WEEK OF TRIAL AND MATERIALS RELATED THERETO by TIVO Inc. (Attachments: # 1 Text of Proposed Order Proposed Order) (Byrd, Christine) (Entered: 10/14/2005)
- 10/17/2005 397 ORDER; Therefore, it is hereby ORDERED that trial in this case is CONTINUED until March 2006. It is further ORDERED that all motion practice is hereby STAYED unless leave from this Court is first obtained and all discovery is STAYED pending a status conference to be scheduled when the Court has more information concerning its November schedule . Signed by Judge David Folsom on 10/17/05. (mrm,) (Entered: 10/17/2005)
- 10/17/2005 399 Received NOTICE OF DOCKETING from USCA that a petition for writ of mandamus has been filed with the court. MISC NO 803 on 10/12/05 (ehs,) (Entered: 10/18/2005)
- 10/18/2005 398 ORDER ON UNOPPOSED MOTION BY PLAINTIFF TIVO INC. TO EXTEND DATE FOR LODGING OF DEPOSITION TESTIMONY THAT TIVO EXPECTS TO OFFER DURING THE FIRST WEEK OF TRIAL AND MATERIALS RELATED THERETO; granting 396 Motion for Extension of Time to File . Signed by Judge David Folsom on 10/17/05. (mrm,) (Entered: 10/18/2005)
- 10/18/2005 400 TRANSCRIPT of Proceedings/Pretrial Hearing held on 10/11/05 before Judge David Folsom. Court Reporter: Libby Crawford. (mpv,) (Entered: 10/19/2005)
- 10/20/2005 401 APPLICATION to Appear Pro Hac Vice by Attorney Charles Conrow Murphy, Jr for Merchant & Gould. (mpv,) (Entered: 10/20/2005)
- 10/20/2005 -- Pro Hac Vice Filing fee paid by Charles Conrow Murphy Jr; Fee: \$25, receipt number: 5-1-318 (mpv,) (Entered: 10/20/2005)
- 10/28/2005 402 NOTICE from USCA Federal Circuit showing Notice of Docketing a petition for writ of mandamus having been filed on 10/25/05 giving Misc No 805 In RE: Echostar Communications (ehs,) (Entered: 10/31/2005)
- 10/31/2005 403 MOTION for Extension of Time to File Unopposed Motion To Further Extend Date For Lodging Of Deposition Testimony That Tivo Expects To Offer During The First Week Of Trial And Materials Related Thereto by TIVO Inc. (Lyon, Richard) Proposed Order added on 11/1/2005 (mpv,). Modified on 11/1/2005 (mpv,). (Entered: 10/31/2005)
- 10/31/2005 405 NOTICE from USCA Federal Circuit that Tivo Inc is directed to respond to Merchant & Gould's petition no later than 11/3/05 (ehs,) (Entered: 11/03/2005)
- 11/01/2005 -- Shipped to FRC on 3/29/05, Accession Number 021-05-0102, Location 3-22-227-4-2, Box 5 Vols 1-2 of 2 of 7 Boxes. [For internal information only - case is either pending and imaged or closed.] (ch,) Modified on 4/30/2008 (ch,). (Entered: 11/01/2005)
- 11/02/2005 404 ORDER RE UNOPPOSED MOTION BY PLAINTIFF TIVO INC. TO FURTHER EXTEND DATE FOR LODGING OF DEPOSITION TESTIMONY THAT TIVO EXPECTS TO OFFER DURING THE FIRST WEEK OF TRIAL AND MATERIALS RELATED THERETO; granting 403 Motion for Extension of Time to File; Tivo shall lodge with the ct on 11/16/05, deposition transcripts w/ both Tivo's designations and dfts counter-designations highlighted, and a compilation of the objections to each other's designations . Signed by Judge David Folsom on 11/2/05. (mrm,) (Entered: 11/02/2005)
- 11/16/2005 406 NOTICE by TIVO Inc of Lodging of Tivo's Designated Deposition Testimony for First Week of Trial (Lyon, Richard) (Entered: 11/16/2005)

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12/21/2005 407 ORDER; The Court now ORDERS that each side shall have 17.5 hours for case presentation, excluding trial related to jury selection, opening statement, closing argument, and transition statements. Signed by Judge David Folsom on 12/21/05. (mrm,) (Entered: 12/21/2005)

12/22/2005 408 ORDER The above-styled case is set for trial on this Court's in March 2006 docket. Status Conference set for 1/18/2006 01:30 PM in Ctrm 319 (Texarkana) before Judge David Folsom to determine a hearing date for summary judgment motions and to address any outstanding discovery issues. The Court notes that scheduled discovery is closed; should either party seek additional discovery, leave from this Court is required and will only be granted upon a showing of good cause. Signed by Judge David Folsom on 12/22/05. (mpv,) (Entered: 12/22/2005)

12/29/2005 409 MOTION for Reconsideration re 407 Order of December 21, 2005 by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(McElhinny, Harold) (Entered: 12/29/2005)

01/04/2006 410 RESPONSE in Opposition re 409 MOTION for Reconsideration re 407 Order of December 21, 2005 filed by TIVO Inc. (Armond, Michelle) (Entered: 01/04/2006)

01/04/2006 411 REPLY to Response to Motion re 409 MOTION for Reconsideration re 407 Order of December 21, 2005 filed by "EchoStar defendants". (McElhinny, Harold) (Entered: 01/04/2006)

01/06/2006 412 REPLY to Response to Motion re 409 MOTION for Reconsideration re 407 Order of December 21, 2005 filed by TIVO Inc. (Armond, Michelle) (Entered: 01/06/2006)

01/06/2006 413 MOTION for Paul A. Friedman to Withdraw as Attorney by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Friedman, Paul) (Entered: 01/06/2006)

01/09/2006 414 ORDER granting 413 Motion to Withdraw as Attorney for Defendants; terminated: Paul A. Friedman. Signed by Judge David Folsom on 1/9/2006. (mrm,) (Entered: 01/09/2006)

01/09/2006 -- Attorney Paul A. Friedman terminated. (as per order # 414). Signed by Judge David Folsom on 1/9/2006. (mrm,) (Entered: 01/09/2006)

01/12/2006 415 MOTION for Ann E. Citrin to Withdraw as Attorney by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Paszek, Kristina) (Entered: 01/12/2006)

01/17/2006 416 ORDER granting 415 Motion to Withdraw Ann E. Citrin as Attorney for Dfts. After considering the request, the Court finds that it has merit, GRANTS the request, and ORDERS the withdrawal of Mrs. Citrin as attorney for Dfts. The Clerk shall remove Mrs. Citrin from the Court's ECF email service list for this matter. All other Morrison & Foerster LLP attorneys remain counsel of record for Dfts . Signed by Judge David Folsom on 1/17/06. (mpv,) (Entered: 01/17/2006)

01/19/2006 417 ORDER granting 301 Motion for Leave to File. It is therefore ORDERED that Tivo's Unopposed Motion for LEave to file Tivo's Reply Regarding Tivo's Motion for Partial Summary Judgment of Infringement of Claims 1 and 32 and Echostar's Request for Entry of Partial Summary Judgment of Non-Infringement of Claims 1 and 32 In Excess of Page Limit is GRANTED. Signed by Judge David Folsom on 1/19/06. (mpv,) (Entered: 01/19/2006)

01/19/2006 418 ORDER granting 186 Motion for Leave to File Second Amended Complaint to Join Echostar Satellite LLC. Signed by Judge David Folsom on 1/19/06. (mpv,) (Entered: 01/19/2006)

01/23/2006 419 RESPONSE in Opposition re 202 MOTION in Limine No. 10 (Partial Opposition) filed by TIVO Inc. (Lyon, Richard) (Entered: 01/23/2006)

01/24/2006 420 AMENDED COMPLAINT SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT against Echostar Satellite LLC, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company, filed by TIVO Inc. (Attachments: # 1 Exhibit A)(Baxter, Samuel) (Entered: 01/24/2006)

01/25/2006 421 ORDER; The Cour hereby ORDERS TIVo, within 5 days after the entry of this Order, to file a motion with the Court seeking to withdraw asserted claims and stating whether or not the claims are to be withdrawn with or without prejudice. No motion need be filed should TIVo choose not to withdraw any asserted claims. Signed by Judge David Folsom on 1/25/06. (mrm,) (Entered: 01/25/2006)

01/26/2006 422 ORDER denying 193 Motion in Limine, denying 194 Motion in Limine, granting 195 Motion in Limine, denying 196 Motion in Limine, denying 197 Motion in Limine, granting 198 Motion in Limine, denying 199 Motion in Limine, denying 200 Motion in Limine, taking under advisement 201 Motion in Limine, granting as modified 202 Motion in Limine, denying 218 Motion in Limine, denying 219 Motion in Limine, denying 220 Motion in Limine, denying 221 Motion in Limine, denying 222 Motion in Limine; Accordingly the Court hereby ORDERS that the pty's motions in limine are granted, denied, or modified as set forth herein . Signed by Judge David Folsom on 1/26/06. (mrm,) (Entered: 01/26/2006)

01/27/2006 423 NOTICE by TIVO Inc of Lodging of Tivo's Shortened Designated Deposition Testimony (Lyon, Richard) (Entered: 01/27/2006)

01/30/2006 424 NOTICE by TIVO Inc Tivo's Brief In Support of Its Objections to Defendants' Trial Exhibits (Attachments: # 1 Exhibit Exhibit A through H)(Byrd, Christine) (Entered: 01/30/2006)

01/30/2006 425 NOTICE by TIVO Inc Tivo's Brief in Opposition to EchoStar's Objections to Tivo's Trial Exhibits (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit D-K)(Byrd, Christine) (Entered: 01/30/2006)

01/30/2006 426 ORDER REFERRING parties' objections to deposition designations and exhibits to Magistrate Judge Caroline Craven for decision. Signed by Judge David Folsom on 1/30/06. (mrm,) (Entered: 01/30/2006)

01/30/2006 427 NOTICE by "EchoStar defendants" Defendants' Submission Regarding Evidentiary Objections To Be Heard By The Magistrate Judge (Attachments: # 1 Appendix A# 2 Appendix B# 3 Affidavit of Kristina Paszek# 4 Exhibit A-E to Paszek Decl.)(Kramer, Karl) (Entered: 01/30/2006)

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01/31/2006 428 NOTICE by "EchoStar defendants" of Filing of Letter Brief (Krevans, Rachel) (Entered: 01/31/2006)

01/31/2006 429 Minute Entry for proceedings held before Judge David Folsom : Motion Hearing held on 1/31/2006 re 228 MOTION for Partial Summary Judgment filed by TIVO Inc., 182 MOTION for Partial Summary Judgment filed by "EchoStar defendants", 214 MOTION for Partial Summary Judgment filed by "EchoStar defendants", 189 MOTION for Partial Summary Judgment of Invalidity Due to Indefiniteness filed by "EchoStar defendants", 190 MOTION for Summary Judgment filed by "EchoStar defendants", 136 MOTION for Partial Summary Judgment of Non-Infringement: (1) No Infringement by EchoStar's 7100/7200 Devices; and (2) No Infringement Under the Doctrine of Equivalents filed by "EchoStar defendants",. (Court Reporter Libby Crawford.) (mrm,) (Entered: 02/01/2006)

02/01/2006 430 MOTION Withdraw Asserted Claims 6, 20, 37, and 51 by TIVO Inc. (Attachments: # 1 Text of Proposed Order) (Armond, Michelle) (Entered: 02/01/2006)

02/01/2006 431 NOTICE by TIVO Inc of Submission of Previously Submitted Letters Re Jury Notebook (Hoffman, Adam) (Entered: 02/01/2006)

02/02/2006 432 ORDER granting in part and denying in part 227 Motion to Exclude Improperly Withheld Media4 and Burstware Documents & Witnesses; ORDERS that fact witnesses Dan Landreth and Fred Tuck are hereby Dan Landreth and Fred Tuck, from EchoStar's witness list and are PRECLUDED from testifying but DENIES all other requested relief . Signed by Judge David Folsom on 2/2/06. (mrm,) (Entered: 02/02/2006)

02/02/2006 433 ORDER granting in part and denying in part 201 EchoStar's ninth Motion in Limine and ORDERS that TiVo is PRECLUDED from presenting expert testimony regarding whether EchoStar's 7100 and 7200 digital video recorder products infringe the '389 patent and DENIES EchoStar's motion to preclude Dr. Gibson from testifying regarding infringement under the doctrine of equivalents . Signed by Judge David Folsom on 2/2/06. (mrm,) (Entered: 02/02/2006)

02/02/2006 434 ORDER denying 289 Motion to Strike, denying 331 Motion to Strike. The Court hereby DENIES EchoStar's motion and renewed motion to strike TiVo's Cross Motion for Partial Summary Judgment of Infringement of Claims 31 and 61. This order does not affect the Court's consideration of EchoStar's Opposition to TiVo's Cross Motion for Partial Summary Judgment of Infringement of Claims 31 and 61 Dkt. # 331 . Signed by Judge David Folsom on 2/2/06. (mpv,) (Entered: 02/02/2006)

02/02/2006 435 NOTICE by TIVO Inc of Filing of Letter Brief (Armond, Michelle) (Entered: 02/02/2006)

02/03/2006 436 ***PLEASE IGNORE - MOTION MUST HAVE LEAVE TO FILE REPLACED BY # 437 *** MOTION for Reconsideration Concerning Section II C of the Court's February 2, 2006 Order by "EchoStar defendants". (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Text of Proposed Order)(Kramer, Karl) Modified on 2/3/2006 (rml,). Modified on 2/6/2006 (mpv,). Modified on 2/6/2006 (mpv,). (Entered: 02/03/2006)

02/03/2006 437 MOTION for Reconsideration Concerning Section II C of the Court's February 2, 2006 Order by "EchoStar defendants". (Attachments: # 1 Exhibit A-C# 2 Affidavit of Karl J. Kramer# 3 Text of Proposed Order)(Kramer, Karl) (Entered: 02/03/2006)

02/03/2006 438 NOTICE by "EchoStar defendants" of Filing of Letter Brief (Krevans, Rachel) (Entered: 02/03/2006)

02/03/2006 -- ***FILED IN ERROR. Document # 436, MOTION for Reconsideration Concerning Section II C of the Court's February 2, 2006 Order by "EchoStar defendants". PLEASE IGNORE. DOCUMENT NOW REPLACED BY # 437 *** (mpv,) (Entered: 02/06/2006)

02/05/2006 439 NOTICE by "EchoStar defendants" re 431 Notice (Other) of Filing of Letter Brief Regarding Proposed Jury Notebooks (Krevans, Rachel) (Entered: 02/05/2006)

02/06/2006 440 ***FILED IN ERROR; PLEASE IGNORE; DOCUMENT WILL BE REFILED UNDER SEAL*** REPLY to Response to Motion re 436 MOTION for Reconsideration Concerning Section II C of the Court's February 2, 2006 Order reply re proposed exhibit 2449 (MJ Craven) filed by TIVO Inc. (Attachments: # Supplement Reply re: Exhibit 2449)(Byrd, Christine) Additional attachment(s) added on 2/6/2006 (mpv,). Modified on 2/6/2006 (mpv,). (Entered: 02/06/2006)

02/06/2006 -- ***FILED IN ERROR. Document # 440, REPLY to Response to Motion re 436 MOTION for Reconsideration Concerning Section II C of the Court's February 2, 2006 Order reply re proposed exhibit 2449 (MJ Craven). PLEASE IGNORE. DOCUMENT WILL BE REFILED UNDER SEAL*** (mpv,) (Entered: 02/06/2006)

02/06/2006 442 RESPONSE in Opposition re 430 MOTION Withdraw Asserted Claims 6, 20, 37, and 51 filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Text of Proposed Order # 3 Text of Proposed Order (Alternative))(Kramer, Karl) (Entered: 02/06/2006)

02/06/2006 443 Additional Attachments to Main Document: 442 Response in Opposition to Motion,.. (Attachments: # 1 Exhibit A)(Kramer, Karl) (Entered: 02/06/2006)

02/06/2006 444 TRANSCRIPT of Proceedings/Status Conference held on 1/18/06 before Judge David Folsom. Court Reporter: Libby Crawford. (mpv,) (Entered: 02/07/2006)

02/07/2006 446 NOTICE by TIVO Inc of Filing of Letter Brief re Jury Notebooks (Byrd, Christine) (Entered: 02/07/2006)

02/07/2006 447 NOTICE by TIVO Inc re 438 Notice (Other) of Filing of Responsive Letter Brief re EchoStar's Letter Brief on SJ Motions claims 1 & 32 (Giza, Alexander) (Entered: 02/07/2006)

02/07/2006 448 NOTICE by "EchoStar defendants" re 424 Notice (Other) Defendants' Supplemental Brief Regarding Plaintiff's Objection To Defendants' Proposed Trial Exhibit No. 2449 (Attachments: # 1 Affidavit of Karl J. Kramer) (Kramer, Karl) (Entered: 02/07/2006)

02/07/2006 449 ORDER re: 430 Motion to Withdraw Asserted Claims 6, 20, 37, and 51 with Prejudice; ORDERS: 1) Any claims by TiVo against Dfts for infringement of claims 6, 20, 37, and 51 of US Patent No 6,233,389 are hereby

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DISMISSED WITH PREJUDICE. 2) Any defenses or counterclaims that have been brought by Dfts against TiVo with regard to claims 6, 20, 37, and 51 of US Patent No 6,233,389 are hereby DISMISSED WITH PREJUDICE. 3) Evidence of this dismissal shall not be admissible at trial . Signed by Judge David Folsom on 2/7/06. (mrm,) (Entered: 02/07/2006)

- 02/07/2006 451 ORDER regarding certain disputed exhibits. EchoStar's objections to TiVo's Nos. 1514, 1515, 1645,1683, 1698, 1703, 1705 and 1709 are sustained. Signed by Judge Caroline Craven on 2/7/06. (ehs,) (Entered: 02/08/2006)
- 02/08/2006 450 ORDER; ORDERS that each party will have 20 hours for case presentation, excluding time related to jury selection, opening statement, closing argument, and transition statements. Motions terminated: 409 MOTION for Reconsideration re 407 Order of December 21, 2005 filed by "EchoStar defendants",.. Signed by Judge David Folsom on 2/7/06. (mrm,) (Entered: 02/08/2006)
- 02/08/2006 453 STATUS REPORT to Mag. Judge Craven by TIVO Inc, Echostar Satellite LLC, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Text of Proposed Order Deposition Designations# 2 Text of Proposed Order Expert Reports)(Byrd, Christine) (Entered: 02/08/2006)
- 02/08/2006 454 RESPONSE to Motion re 437 MOTION for Reconsideration Concerning Section II C of the Court's February 2, 2006 Order filed by TIVO Inc. (Armond, Michelle) (Entered: 02/08/2006)
- 02/09/2006 455 ORDER Jury Selection set for 3/6/2006 09:00 AM in Ctrm 106 (Marshall) before Judge David Folsom. Jury Trial set for 3/27/2006 9:00 AM in Ctrm 106 (Marshall) before Judge David Folsom. Signed by Judge David Folsom on 2/9/06. (mrm,) (Entered: 02/09/2006)
- 02/09/2006 456 ***FILED IN ERROR; DEFICIENT DOCUMENT; EXCEEDS PAGE LIMIT; ATTORNEY MUST FILE MOTION FOR LEAVE TO EXCEED PAGE LIMIT*** REPLY to Response to Motion re 437 MOTION for Reconsideration Concerning Section II C of the Court's February 2, 2006 Order filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Exhibit A to Kramer Decl.)(Kramer, Karl) Modified on 2/9/2006 (mpv,). (Entered: 02/09/2006)
- 02/09/2006 -- NOTICE of Deficiency regarding the REPLY to Response to Motion re 437 MOTION for Reconsideration Concerning Section II C of the Court's February 2, 2006 Order submitted by "EchoStar defendants". Exceeds Page Limit. Correction should be made by 2/9/06 (mpv,) (Entered: 02/09/2006)
- 02/09/2006 457 ORDER on parties' objections to trial exhibits. Ruling set forth herein. Signed by Judge Caroline Craven on 2/9/06. (ehs,) (Entered: 02/09/2006)
- 02/09/2006 458 ORDER on deposition designations per hearing held before Judge Craven. Deadlines set for filing of documents. Court will hear arguments on any disputes on 2/27/06 at 10:00 am . Signed by Judge Caroline Craven on 2/9/06. (ehs,) (Entered: 02/09/2006)
- 02/09/2006 -- Set/Reset Hearings: Hearing set for 2/27/2006 10:00 AM before Magistrate Judge Caroline Craven. (ehs,) (Entered: 02/09/2006)
- 02/09/2006 459 MOTION for Leave to File Excess Pages to file EchoStar's Reply in Support of its Motion for Reconsideration Concerning Section II C of the Court's February 2, 2006 Order by "EchoStar defendants". (Attachments: # 1 Exhibit A PART 1# 2 Exhibit EXHIBIT A PART 2# 3 Exhibit A PART 3# 4 Text of Proposed Order)(Pickett, John) (Entered: 02/09/2006)
- 02/09/2006 460 Second Amended ANSWER to Amended Complaint Second Amended Complaint for Patent Infringement, COUNTERCLAIM for Declaratory Relief of Invalidity, Non-Infringement and Unenforceability by EchoStar Communications Corporation against TIVO Inc by Echostar Communications Corporation, Echostar DBS Corporation.(Kramer, Karl) (Entered: 02/09/2006)
- 02/09/2006 461 Second Amended ANSWER to Amended Complaint Second Amended Complaint for Patent Infringement, COUNTERCLAIM for Declaratory Relief of Invalidity, Non-Infringement and Unenforceability against TIVO Inc by Echostar Satellite LLC, EchoStar Technologies Corporation, Echosphere Limited Liability Company.(Kramer, Karl) (Entered: 02/09/2006)
- 02/10/2006 463 ORDER granting 459 Motion for Leave to Exceed Page Limit to file their Reply in Support of their Motion for Reconsideration . Signed by Judge David Folsom on 2/10/06. (mrm,) (Entered: 02/10/2006)
- 02/10/2006 464 REPLY in Support re 437 MOTION for Reconsideration Concerning Section II C of the Court's February 2, 2006 Order filed by "EchoStar defendants". (Attachments: # 1 Exhibit a# 2 Exhibit b)(mrm,) (Entered: 02/10/2006)
- 02/10/2006 465 ORDER vacating Section 2 C of 2/6/2006 Order re 437 Motion for Reconsideration and will allow the testimony of Dan Landreth at trial; MOTION for Reconsideration filed by "EchoStar defendants"; agreement that Echostar will not call Fred Tuck, . Signed by Judge David Folsom on February 10, 2006. (rml,) (Entered: 02/10/2006)
- 02/10/2006 466 ORDER denying 452 motion and setting briefing schedule;February 16th by 5 p.m. Deadline for TiVo to file an opening brief;the brief shall not exceed 15 pages.February 24th by 5 p.m. Deadline for EchoStar to file a response brief;the brief shall not exceed 15 pages.March 1st by 5 p.m. Deadline for TiVo to file a reply brief;the brief shall not exceed 5 pages.March 6th . Following the conclusion of jury selection, the parties will beheard on this issue; each party will have 20 minutes for argument. Signed by Judge David Folsom on February 10, 2006. (rml,) Modified on 2/10/2006 (rml,). Modified on 2/15/2006 (rml,). (Entered: 02/10/2006)
- 02/13/2006 467 STATUS REPORT Joint Report on Remaining Disputed Objections to TiVo Exhibits by TIVO Inc, Echostar Satellite LLC, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B#

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3 Text of Proposed Order Proposed Order)(Byrd, Christine) (Entered: 02/13/2006)

02/13/2006 484 APPLICATION to Appear Pro Hac Vice by Attorney Randall I Erickson for TIVO Inc. APPROVED (poa,) (Entered: 02/21/2006)

02/13/2006 -- Pro Hac Vice Filing fee paid by Erickson; Fee: \$25, receipt number: 2-1-1164 (poa,) (Entered: 02/21/2006)

02/13/2006 485 APPLICATION to Appear Pro Hac Vice by Attorney Steven P Rice for TIVO Inc. APPROVED (poa,) (Entered: 02/21/2006)

02/13/2006 -- Pro Hac Vice Filing fee paid by Rice; Fee: \$25, receipt number: 2-1-1165 (poa,) (Entered: 02/21/2006)

02/13/2006 486 APPLICATION to Appear Pro Hac Vice by Attorney R Scott Feldmann for TIVO Inc. APPROVED (poa,) (Entered: 02/21/2006)

02/13/2006 493 APPLICATION to Appear Pro Hac Vice by Attorney R Scott Feldmann for TIVO Inc. APPROVED (poa,) (Entered: 02/24/2006)

02/13/2006 -- Pro Hac Vice Filing fee paid by Feldmann; Fee: \$25, receipt number: 2-1-1166 (poa,) (Entered: 02/24/2006)

02/13/2006 494 APPLICATION to Appear Pro Hac Vice by Attorney Van V Nguyen for TIVO Inc. APPROVED (poa,) (Entered: 02/24/2006)

02/13/2006 -- Pro Hac Vice Filing fee paid by Nguyen; Fee: \$25, receipt number: 2-1-1167 (poa,) (Entered: 02/24/2006)

02/14/2006 468 ORDER the courts 2/7/06 and 2/9/06 addressed two sets of objections that EchoStar raised to TiVo's Trial Exhibits. The parties having met and conferred on the remaining EchoStar objections, and having provided the Court with a list of the objection remaining in dispute the parties shall file briefs on these objections and exhibits on the following schedule as set forth herein. Signed by Judge Caroline Craven on 2/14/06. (ch,) (Entered: 02/14/2006)

02/15/2006 473 ORDER sua sponte that the Court will hear any disputes on the depositions designations on 2/27/06 starting at 10:00 a.m. In order for the Court to prepare for the hearing, EchoStar shall provide to the Court on or before 2/24/06, in a format substantially similar to the one utilized by TiVo, copies of the deposition excerpts to be considered at the hearing. Signed by Judge Caroline Craven on 2/15/06. (poa,) (Entered: 02/16/2006)

02/16/2006 470 ***FILED IN ERROR; PLEASE IGNORE; INCORRECT DATE; WILL BE REFILED*** TRANSCRIPT of Proceedings/Hearing on Summary Judgment Motions held on 1/31/06 before Judge David Folsom. Court Reporter: Libby Crawford. (mpv,) Modified on 2/16/2006 (mpv,). (Entered: 02/16/2006)

02/16/2006 -- ***FILED IN ERROR. Document # 470, Transcript. PLEASE IGNORE. INCORRECT DATE; WILL BE REFILED*** (mpv,) (Entered: 02/16/2006)

02/16/2006 471 FILED IN ERROR; PLEASE IGNORE; INCORRECT DOCUMENT ATTACHED; SHOULD BE SEALED; ATTORNEY WILL CORRECT AND REFILE*** MOTION for Leave to File Excess Pages FOR TIVO'S REPLY IN SUPPORT OF ITS MOTION TO RECONSIDER THE COURT'S ORDER RE: ECHOSTAR'S MOTION IN LIMINE NO. 6 by TIVO Inc. (Attachments: # Exhibit # Text of Proposed Order)(Armond, Michelle) Additional attachment(s) added on 2/16/2006 (mpv,). Modified on 2/16/2006 (mpv,). (Entered: 02/16/2006)

02/16/2006 -- ***FILED IN ERROR. Document # 471, MOTION for Leave to File Excess Pages FOR TIVO'S REPLY IN SUPPORT OF ITS MOTION TO RECONSIDER THE COURT'S ORDER RE: ECHOSTAR'S MOTION IN LIMINE NO. 6 by TIVO Inc. PLEASE IGNORE. INCORRECT DOCUMENT; ATTORNEY WILL REFILE WITH CORRECT DOCUMENT; PREVIOUS DOCUMENT CONTAINED SEALED MATERIAL; NOW REMOVED FROM DOCKET*** (mpv,) (Entered: 02/16/2006)

02/16/2006 472 MOTION for Leave to File Excess Pages re TiVo's Reply In Support of Its Motion to Reconsider the Court's Order re EchoStar's Motion in Limine No. 6 (REPLACES #471) by TIVO Inc. (Attachments: # 1 Exhibit 1# 2 Text of Proposed Order)(Armond, Michelle) Modified on 2/16/2006 (mpv,). (Entered: 02/16/2006)

02/16/2006 474 NOTICE by TIVO Inc Brief in Opposition to Remaining Disputes Re: EchoStar Objections to TiVo's Trial Exhibits (Attachments: # 1 Exhibit Exhibits A-E)(Byrd, Christine) (Entered: 02/16/2006)

02/16/2006 475 NOTICE by TIVO Inc, Echostar Satellite LLC, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company [Joint Proposed] Stipulation and Order on Objections to Third Party Documents As Trial Exhibits (Attachments: # 1 Exhibit Exhibit A)(Byrd, Christine) (Entered: 02/16/2006)

02/16/2006 481 TRANSCRIPT of Proceedings/Hearing on Summary Judgment Motions held on 1/31/06 before Judge David Folsom. Court Reporter: Libby Crawford. REPLACES #470 (mpv,) (Entered: 02/21/2006)

02/16/2006 482 TRANSCRIPT of Proceedings/Pretial Hearing/Deposition Designations and Exhibit Objections held on 1/31/06 before Judge Caroline M Craven. Court Reporter: Libby Crawford. (mpv,) (Entered: 02/21/2006)

02/17/2006 476 ORDER granting 472 Motion for Leave to File Excess Pages in TIVO's reply in support of motion to reconsider court order. Signed by Judge David Folsom on February 17, 2006. (rml,) (Entered: 02/17/2006)

02/17/2006 478 NOTICE by TIVO Inc of Reply in Support of TiVo's Motion to Reconsider the Court's Order re Echostar's Motion in Limine No. 6 [Docket #422] and for a Ruling on the Merits that the Preamble is a Limitation [Docket #452] (Attachments: # 1 Declaration)(Armond, Michelle) (Entered: 02/17/2006)

02/17/2006 480 NOTICE by TIVO Inc re 474 Notice (Other) of Errata In TiVo's Brief In Opposition To Remaining Disputes Re:EchoStar Objections to TiVo Trial Exhibits (Byrd, Christine) (Entered: 02/17/2006)

02/21/2006 483 REVISED ORDER; The Court hereby RESETS the expedited briefing schedule as follows: 2/22/06 by 5pm ddl for TiVo to file opening brief; 2/27/06 by 5pm ddl for EchoStar to file response brief; 3/1/06 by 5pm ddl for TiVo to file reply brief; 3/6/06 following the conclusion of jury selection the ptys will be heard on this issue;

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each pty will have 20 minutes for argument. Signed by Judge David Folsom on 2/21/06. (mrm,) (Entered: 02/21/2006)

02/21/2006 -- Set/Reset Hearings: Hearing set for 3/6/2006 after jury selection in Ctrm 106 (Marshall) before Judge David Folsom. (mrm,) (Entered: 02/21/2006)

02/22/2006 488 NOTICE by TIVO Inc re 483 Order, TiVo's Brief on Claim Construction of the Preamble (Attachments: # 1 Declaration)(Armond, Michelle) (Entered: 02/22/2006)

02/22/2006 489 NOTICE by "EchoStar defendants" Brief In Support of Objections to TiVo's Trial Exhibits (Attachments: # 1 Exhibit A# 2 Exhibit B)(Kramer, Karl) (Entered: 02/22/2006)

02/22/2006 490 MOTION for Reconsideration of Magistrate Judge's Ruling on TiVo Trial Exhibits 1514, 1515, 1683, 1703, 1705, and 1709 by TIVO Inc. (Attachments: # 1 Text of Proposed Order Proposed Order# 2 Affidavit Declaration of Christine Byrd in Support of Motion to Reconsideration of Magistrate Judge's Ruling on TiVo Trial Exhibits# 3 Exhibit Exhibit A to Byrd Declaration# 4 Exhibit Exhibit B to Byrd Declaration# 5 Exhibit Exhibit C to Byrd Declaration# 6 Exhibit Exhibit D to Byrd Declaration# 7 Exhibit Exhibit E to Byrd Declaration# 8 Exhibit Exhibit F to Byrd Declaration# 9 Exhibit Exhibit G to Byrd Declaration# 10 Exhibit Exhibit H to Byrd Declaration# 11 Exhibit Exhibit I to Byrd Declaration# 12 Exhibit Exhibit J to Byrd Declaration# 13 Exhibit Exhibit K to Byrd Declaration# 14 Exhibit Exhibit L to Byrd Declaration# 15 Exhibit Exhibit M to Byrd Declaration# 16 Exhibit Exhibit N to Byrd Declaration# 17 Exhibit Exhibit O to Byrd Declaration# 18 Exhibit Exhibit P to Byrd Declaration)(Byrd, Christine) (Entered: 02/22/2006)

02/23/2006 492 ORDER re 475 Notice (Other) Joint Proposed] Stipulation and Order on Objections to Third Party Documents As Trial Exhibits . Signed by Judge Caroline Craven on 2/22/06. (mpv,) (Entered: 02/23/2006)

02/24/2006 495 NOTICE by "EchoStar defendants" of Lodging of EchoStar's Shortened Designated Deposition Testimony (Kramer, Karl) (Entered: 02/24/2006)

02/24/2006 496 Second Amended ANSWER to Counterclaim by EchoStar Communications Corp. by TIVO Inc(a Delaware corporation).(Hoffman, Adam) (Entered: 02/24/2006)

02/24/2006 497 Second Amended ANSWER to Counterclaim by EchoStar Technologies Corp., EchoSphere LLC, and EchStar Satellite LLC by TIVO Inc(a Delaware corporation).(Hoffman, Adam) (Entered: 02/24/2006)

02/27/2006 498 ***VACATED PER ORDER # 521 *** ORDER denying 469 Sealed Motion to Amend the Proposed Joint Pre-trial Order. Signed by Judge David Folsom on 2/27/06. (mrm,) Modified on 3/13/2006 (mrm,). (Entered: 02/27/2006)

02/27/2006 499 Minute Entry for proceedings held before Judge Caroline Craven : Hearing on Depo Designations and trial exhibits held on 2/27/2006. (Court Reporter Leslie Bates.) (lf,) (Entered: 02/27/2006)

02/28/2006 501 Minute Entry for proceedings held before Judge David Folsom : Telephone Conference held on 2/28/2006. (mrm,) (Entered: 03/01/2006)

03/01/2006 502 NOTICE by TIVO Inc re 483 Order, TiVo's Reply In Support of Its Brief on Claim Construction of the Preamble (Armond, Michelle) (Entered: 03/01/2006)

03/01/2006 503 ORDER regarding the parties' objections to deposition designations and exhibits, the Court issues the rulings as set forth herein. Signed by Judge Caroline Craven on 3/1/06. (ehs,) (Entered: 03/02/2006)

03/03/2006 504 MOTION for Leave to File a Surreply Brief In Support of the Court's Ruling on Motion in Limine No. 6 that the Preamble is Not a Limitation to the Claims by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Kramer, Karl) (Entered: 03/03/2006)

03/03/2006 505 MOTION for Reconsideration re 498 Order on Sealed Motion Denying Leave to Amend the Proposed Joint Pre-Trial Order by TIVO Inc. (Attachments: # 1 Declaration# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Text of Proposed Order)(Armond, Michelle) Additional attachment(s) added on 3/3/2006 (ch,). (Entered: 03/03/2006)

03/03/2006 506 NOTICE by TIVO Inc, "EchoStar defendants" of Filing of Joint Proposed Order on Deposition Designations Per Hearing Before Magistrate Judge Craven on February 27, 2006 (Attachments: # 1 Joint Proposed Order on Deposition Designations)(Kramer, Karl) (Entered: 03/03/2006)

03/06/2006 509 ORDER on Deposition Designations per Hearing before Magistrate Judge Craven on 2/27/06, ruling set forth herein . Signed by Judge Caroline Craven on 3/6/06. (ehs,) (Entered: 03/07/2006)

03/06/2006 510 Minute Entry for proceedings held before Judge David Folsom : Jury Selection and Hearing held on 3/6/2006. (mrm,) (Entered: 03/07/2006)

03/07/2006 511 ORDER; The Court hereby SETS an expedited briefing schedule as follows: 3/9th by 5pm ddl for Echostar to file a response, if any; 3/10th by 5pm ddl for TiVo to file a reply, if any. Signed by Judge David Folsom on 3/7/06. (mrm,) (Entered: 03/07/2006)

03/07/2006 512 ORDER GRANTING ECHOSTAR'S MOTION FOR LEAVE TO FILE A SURREPLY BRIEF IN SUPPORT OF THE COURT'S RULING ON MOTION IN LIMINE NO 6 THAT THE PREAMBLE IS NOT A LIMITATION TO THE CLAIMS; granting 504 Motion for Leave to File . Signed by Judge David Folsom on 3/7/06. (mrm,) (Entered: 03/07/2006)

03/07/2006 -- NOTICE TO PARTIES: The surreply referred to in ORDER # 512 , was not filed because, it was not attached to the motion. It is the Prys responsibility to file their Surreply. (mrm,) (Entered: 03/07/2006)

03/09/2006 515 TRANSCRIPT of Motion Hearing held on March 6, 2006 at 2:45 pm before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 03/09/2006)

03/09/2006 516 ORDER denying 490 Motion for Reconsideration of Magistrate Judge's Ruling on TiVo Trial Exhibits 1516, 1515,

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1683, 1703, 1705, 1709 . Signed by Judge Caroline Craven on 3/9/06. (ehs,) (Entered: 03/09/2006)

03/10/2006 517 ***FILED IN ERROR; PLEASE IGNORE; COURT WILL REDOCKET SINCE OPPOSITION SHOULD HAVE BEEN FILE PRIOR TO THIS DOCUMENT*** RESPONSE in Support re 505 MOTION for Reconsideration re 498 Order on Sealed Motion Denying Leave to Amend the Proposed Joint Pre-Trial Order filed by TIVO Inc. (Armond, Michelle) Modified on 3/13/2006 (mpv,). (Entered: 03/10/2006)

03/10/2006 -- ***FILED IN ERROR. DOCKETED INCORRECTLY DUE TO CLERICAL ERROR BY COURT Document # 517, RESPONSE in Support re 505 MOTION for Reconsideration re 498 Order on Sealed Motion Denying Leave to Amend the Proposed Joint Pre-Trial Order. PLEASE IGNORE. Court will refile *** (mpv,) (Entered: 03/13/2006)

03/10/2006 519 REPLY to Response to Motion re 505 MOTION for Reconsideration re 498 Order on Sealed Motion Denying Leave to Amend the Proposed Joint Pre-Trial Order filed by TIVO Inc. (mpv,) (Entered: 03/13/2006)

03/13/2006 520 ORDER; The Court finds that the preambles to the asserted claims of the '389 patent are not limitations . Signed by Judge David Folsom on 3/13/06. (mrm,) (Entered: 03/13/2006)

03/13/2006 521 ORDER, granting 505 MOTION for Reconsideration re 498 Order on Sealed Motion Denying Leave to Amend the Proposed Joint Pre-Trial Order filed by TIVO Inc. Accordingly, it is further ORDERED that the Court's 2/27/06 Order is VACATED and TiVo's Motion for Leave to Amend the Proposed Joint Pretrial Order 469 is GRANTED. Proposed Pretrial Order due by 3/24/2006 at 5pm. Prys shall provide supplemental expert reports directed exclusively to dependent claims 5 and 36 by 3/20/06 at 5pm. Each pty shall have 5 additional hrs of deposition to depose respective experts. Depositions shall be completed prior to trial; Prys shall confer by 3/15/06 to discuss issues of claim construction re: claims 5 and 36. Prys shall have until 3/20/06 by 5pm to file Markman Briefs and until 3/22/06 by 5pm to respond. Both initial and responses shall be limited to 5 pgs. Signed by Judge David Folsom on 3/13/06. (mrm,) (Entered: 03/13/2006)

03/13/2006 522 ***FILED IN ERROR; PLEASE IGNORE; DOCUMENT SHOULD HAVE BEEN FILED UNDER SEAL; DOCUMENT MOTION REFERS TO HAS NOT BEEN FILED*** MOTION to Expedite Briefing on EchoStar's Motion to Exclude or Strike Dr. Ugone's New Market Share Analysis Disclosed for the First Time on March 10, 2006 by "EchoStar defendants". (Kramer, Karl) Modified on 3/14/2006 (mpv,). (Entered: 03/13/2006)

03/13/2006 523 ***FILED IN ERROR; DEFICIENT DOCUMENT; NO CERTIFICATE OF CONFERENCE; ATTY MUST REFILE; PLEASE IGNORE*** MOTION for Reconsideration of Magistrate Judge's Ruling on TiVo Exhibit 1656 by TIVO Inc. (Attachments: # 1 Exhibit A# 2 Text of Proposed Order Proposed Order)(Byrd, Christine) Modified on 3/14/2006 (mpv,). (Entered: 03/13/2006)

03/13/2006 -- ***FILED IN ERROR. Document # 522, MOTION to Expedite Briefing on EchoStar's Motion to Exclude or Strike Dr. Ugone's New Market Share Analysis Disclosed for the First Time on March 10, 2006. SHOULD HAVE BEEN FILED UNDER SEAL AFTER THE MOTION TO STRIKE IS FILED: PLEASE IGNORE.*** (mpv,) (Entered: 03/14/2006)

03/13/2006 -- NOTICE of Deficiency regarding the #523 MOTION for Reconsideration of Magistrate Judge's Ruling on TiVo Exhibit 1656 submitted by TIVO Inc. No Certificate of Conference. Correction should be made by 3/15/06 (mpv,) (Entered: 03/14/2006)

03/14/2006 524 ***FILED IN ERROR; PLEASE IGNORE; DOCUMENT SHOULD HAVE BEEN FILED UNDER SEAL; WILL BE REFILED*** RESPONSE to Motion re 522 MOTION to Expedite Briefing on EchoStar's Motion to Exclude or Strike Dr. Ugone's New Market Share Analysis Disclosed for the First Time on March 10, 2006 filed by TIVO Inc.(Byrd, Christine) Modified on 3/14/2006 (mpv,). (Entered: 03/14/2006)

03/14/2006 -- ***FILED IN ERROR. Document # 524, RESPONSE to Motion re 522 MOTION to Expedite Briefing on EchoStar's Motion to Exclude or Strike Dr. Ugone's New Market Share Analysis Disclosed for the First Time on March 10, 2006. SHOULD BE FILED UNDER SEAL AFTER MOTION TO STRIKE AND MOTION FOR EXPEDITED BRIEFING IS FILED; PLEASE IGNORE.*** (mpv,) (Entered: 03/14/2006)

03/15/2006 528 ORDER denying 190 Motion for Partial Summary Judgment of No Willful Infringement. Signed by Judge David Folsom on 3/15/06. (mrm,) (Entered: 03/15/2006)

03/15/2006 529 ORDER denying 228 Motion for Partial Summary Judgment of Infringement of Claims 1 and 32 . Signed by Judge David Folsom on 3/15/06. (mrm,) (Entered: 03/15/2006)

03/15/2006 530 ORDER denying 214 Motion for Partial Summary Judgment of Non-Infringement and denying 271 TiVo's Cross Motion for Partial Summary Judgment of Infringement . Signed by Judge David Folsom on 3/15/06. (mrm,) (Entered: 03/15/2006)

03/15/2006 532 MOTION for Reconsideration replacing document #523 by TIVO Inc. (Attachments: # 1 Exhibit Exhibit A# 2 Text of Proposed Order Proposed Order)(Byrd, Christine) (Entered: 03/15/2006)

03/15/2006 533 MOTION to Continue the Trial by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order) (McElhinny, Harold) (Entered: 03/15/2006)

03/15/2006 534 MOTION for Additional Time at Trial by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order) (McElhinny, Harold) (Entered: 03/15/2006)

03/16/2006 536 ORDER denying 136 Motion for Partial Summary Judgment of Non-Infringement: (1) No Infringement by EchoStar's 7100/7200 Devices; and (2) No Infringement Under the Doctrine of Equivalents . Signed by Judge David Folsom on 3/16/06. (mrm,) (Entered: 03/16/2006)

03/16/2006 537 ORDER re 533 MOTION to Continue the Trial filed by "EchoStar defendants", The Court hereby SETS the following expedited briefing schedule on this motion: 3/17/06 ddl for TiVo to file a response; 3/21/06 ddl for EchoStar to file a reply. Signed by Judge David Folsom on 3/16/06. (mrm,) (Entered: 03/16/2006)

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03/16/2006 538 ORDER re 534 MOTION for Additional Time at Trial filed by "EchoStar defendants", The Court hereby SETS the following expedited briefing schedule on this motion: 3/17/06 ddl for TiVo to file a response; 3/21/06 ddl for EchoStar to file a reply. Signed by Judge David Folsom on 3/16/06. (mrm,) (Entered: 03/16/2006)

03/16/2006 539 ORDER re 527 SEALED MOTION filed by "EchoStar defendants",, 525 SEALED MOTION filed by "EchoStar defendants", The Court hereby SETS the following expedited briefing schedule on EchoStar's Motion to Exclude or Strike Dr. Ugone's New Market Share Analysis Disclosed for the First Time on 3/10/06: 3/17/06 ddl for TiVo to file a response; 3/21/06 ddl for EchoStar to file a reply. Signed by Judge David Folsom on 3/16/06. (mrm,) (Entered: 03/16/2006)

03/16/2006 540 NOTICE by TIVO Inc, Echostar Satellite LLC, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company [Joint Proposed] Order on Objections to TiVo's Trial Exhibits (Attachments: # 1 Exhibit A)(Hoffman, Adam)(OK Per Judge) Modified on 3/17/2006 (mpv,). (Entered: 03/16/2006)

03/17/2006 541 ORDER re 540 Notice (Other), Notice (Other) filed by TIVO Inc,, Echostar Communications Corporation,, Echostar DBS Corporation,, EchoStar Technologies Corporation,, Echosphere Limited Liability Company,, Echostar Satellite LLC,. Based upon the Magistrate Judge's comments and rulings, and upon further meeting and conferring, the parties agree that the attached Exhibit List (Attached to # 540) reflects Judge Craven's decisions on EchoStar's objections to TiVo's trial exhibits. In order to allow the parties to seek reconsideration of particular rulings pursuant to Appendix B of the Local Rules, the parties jointly request that this Order be entered without prejudice to the parties' positions on the rulings contained therein. Signed by Judge Caroline Craven on 3/17/06. (mpv,) (Entered: 03/17/2006)

03/17/2006 542 TRANSCRIPT of Jury Voir Dire Proceedings held on 3/6/06 @ 10:00 a.m. In Marshall, Tx before Honorable Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (150 pages) (ch,) (Entered: 03/17/2006)

03/17/2006 543 RESPONSE in Opposition re 533 MOTION to Continue the Trial filed by TIVO Inc. (Armond, Michelle) (Entered: 03/17/2006)

03/17/2006 544 RESPONSE in Opposition re 534 MOTION for Additional Time at Trial filed by TIVO Inc. (Armond, Michelle) (Entered: 03/17/2006)

03/20/2006 546 ORDER granting 534 Motion for Additional Time at Trial; The Court hereby ORDERS that ea pty will have 22 hours for case presentation, excluding time related to jury selection, opening statement, closing argument, and transition statements . Signed by Judge David Folsom on 3/20/06. (mrm,) (Entered: 03/20/2006)

03/20/2006 547 ***MISSING SIGNATURE PAGE. SEE CORRECTED ORDER # 569 ***/b>

 ORDER re 533 Motion to Continue; ORDERS the trial schedule MODIFIED so that opening statements and the presentation of evidence is to commence on WEDNESDAY, 3/29/06 at 9:00 am. Signed by Judge David Folsom on 3/20/06. (mrm,) Modified on 3/23/2006 (mrm,). (Entered: 03/20/2006)

03/20/2006 548 ORDER that the Court has review the parties' positions and declines to claify 457 Order. The February 9, 2006 Order on Objections to Expert Reports as Trial Exhibits remains in effect.. Signed by Judge Caroline Craven on 3/20/06. (poa,) (Entered: 03/20/2006)

03/20/2006 549 SEALED PATENT DOCUMENT EchoStar's Opening Claim Construction Brief Regarding Claims 5 and 36. (Attachments: # 1 Affidavit of Nathaniel Polish and Exhibit 1# 2 Affidavit of Karl J. Kramer# 3 Exhibit A to Kramer Decl.# 4 Exhibit B to Kramer Decl.# 5 Exhibit C to Kramer Decl.# 6 Exhibit D to Kramer Decl.# 7 Exhibit E to Kramer Decl.# 8 Exhibit F to Kramer Decl.)(Kramer, Karl) (Entered: 03/20/2006)

03/20/2006 550 NOTICE by TIVO Inc re 521 Order,,,, Terminate Motions,,,, Set Scheduling Order Deadlines,,, TiVo's Brief on Claim Construction of Claims 5 and 36 (Attachments: # 1 Declaration# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C) (Armond, Michelle) (Entered: 03/20/2006)

03/20/2006 551 SEALED PATENT DOCUMENT EchoStar's Reply In Support of Motion to Exclude or Strike Dr. Ugone's New Market Share Analysis Disclosed for the First Time on March 10, 2006. (Kramer, Karl) (Entered: 03/20/2006)

03/20/2006 552 SEALED PATENT DOCUMENT TiVo's Opposition to EchoStar's Motion to Exclude Undisclosed Expert Testimony By Lay Witnesses and Expert Testimony Based Thereon. (Attachments: # 1 Affidavit Declaration of Christine Byrd in Support of TiVo's Opposition to EchoStar's Motion to Exclude Undisclosed Testimony By Lay Witnesses and Expert Testimony Based Thereon# 2 Exhibit A to Byrd Declaration# 3 Exhibit B to Byrd Declaration# 4 Exhibit C to Byrd Declaration# 5 Exhibit D to Byrd Declaration# 6 Exhibit E to Byrd Declaration)(Byrd, Christine) (Entered: 03/20/2006)

03/20/2006 553 MOTION for Reconsideration of Magistrate Judge's Ruling on Admissibility of Exhibits on TiVo's Products by TIVO Inc. (Attachments: # 1 Affidavit Declaration of Christine Byrd In Support of TiVo's Motion for Reconsideration of Magistrate Judge's Ruling on Admissibility of Exhibits on TiVo's Products# 2 Exhibit A to Byrd Declaration# 3 Exhibit B to Byrd Declaration# 4 Exhibit C to Byrd Declaration# 5 Exhibit D to Byrd Declaration# 6 Exhibit E to Byrd Declaration# 7 Exhibit F to Byrd Declaration# 8 Exhibit G to Byrd Declaration# 9 Exhibit H to Byrd Declaration# 10 Exhibit I to Byrd Declaration# 11 Exhibit J to Byrd Declaration# 12 Exhibit K to the Byrd Declaration# 13 Exhibit L to the Byrd Declaration)(Byrd, Christine) Additional attachment(s) added on 3/21/2006 (sm,). (Entered: 03/20/2006)

03/20/2006 554 FILED IN ERROR - PLEASE IGNORE - Additional Attachments to Main Document: 553 MOTION for Reconsideration of Magistrate Judge's Ruling on Admissibility of Exhibits on TiVo's Products.. (Byrd, Christine) Modified on 3/21/2006 (sm,). (Entered: 03/20/2006)

03/20/2006 -- ***FILED IN ERROR, PLEASE IGNORE, (DOCUMENT IS REALLY A PROPOSED ORDER TO #553). Document # 554, Additional Attachment. PLEASE IGNORE.*** (sm,) Modified on 3/22/2006 (mpv,). (Entered: 03/21/2006)

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03/20/2006 569 ***REPLACES ORDER # 547 IT WAS MISSING THE SIGNATURE PAGE*** ORDER re 533 Motion to Continue; ORDERS the trial schedule MODIFIED so that opening statements and the presentation of evidence is to commence on WEDNESDAY, 3/29/06 at 9:00 am. . Signed by Judge David Folsom on 3/23/06. (mrm,) (Entered: 03/23/2006)

03/21/2006 555 ORDER OUTLINING COURTROOM PROCEDURES. Signed by Judge David Folsom on 3/21/06. (mrm,) (Entered: 03/21/2006)

03/21/2006 556 ORDER; The Court attaches hereto as Exhibit "A" its Proposed Preliminary Jury Instructions. Any comments on these instructions should be made by letter submitted to the Court and opposing counsel no later than Friday, 3/24/06 at 5pm . Signed by Judge David Folsom on 3/21/06. (Attachments: # 1 Exhibit A) Proposed Preliminary Jury Instructions)(mrm,) (Entered: 03/21/2006)

03/21/2006 557 NOTICE by "EchoStar defendants" of Lodging of EchoStar's Amended Proposed Jury Notebook (Attachments: # 1 Exhibit A)(Krevans, Rachel) (Entered: 03/21/2006)

03/21/2006 558 ORDER REGARDING JURY NOTEBOOKS. Signed by Judge David Folsom on 3/21/06. (mrm,) (Entered: 03/21/2006)

03/22/2006 560 ORDER granting 514 Sealed Motion for Leave to File in Excess of Page Limit TiVo's Brief in Opposition to EchoStar's Motion for Reconsideration of the Magistrate Judge's Order of 2/7/06. Signed by Judge David Folsom on 3/22/06. (mrm,) (Entered: 03/22/2006)

03/22/2006 561 SEALED PATENT DOCUMENT; TIVO'S BRIEF IN OPPOSITION TO ECHOSTAR'S MOTION FOR RECONSIDERATION OF THE MAGISTRATE JUDGE'S ORDER OF FEBRUARY 7, 2006. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I# 10 Exhibit J# 11 Exhibit K# 12 Exhibit L Part 1# 13 Exhibit L Part 2# 14 Exhibit L Part 3# 15 Exhibit L Part 4# 16 Exhibit M# 17 Exhibit N# 18 Exhibit O# 19 Exhibit P)(mrm,) (Entered: 03/22/2006)

03/22/2006 562 ORDER re: courtesy copies. Signed by Judge David Folsom on 3/22/06. (mrm,) (Entered: 03/22/2006)

03/22/2006 563 ORDER granting 535 Sealed Motion to Exceed Page Limit to file their Reply Brief in Support of its Motion for Reconsideration by the District Judge of the Magistrate Judge's Order of February 7, 2006. Signed by Judge David Folsom on 3/22/06. (mrm,) (Entered: 03/22/2006)

03/22/2006 564 SEALED PATENT DOCUMENT; ECHOSTAR'S REPLY BRIEF IN SUPPORT OF ITS MOTION FOR RECONSIDERATION BY THE DISTRICT JUDGE OF THE MAGISTRATE JUDGE'S ORDER OF FEBRUARY 7,2006 (mrm,) (Entered: 03/22/2006)

03/22/2006 565 NOTICE by TIVO Inc TiVo's Sur-Reply to EchoStar's Motion to Exclude or Strike Dr. Ugone's Market Share Analysis (Armond, Michelle) (Entered: 03/22/2006)

03/22/2006 566 ***FILED IN ERROR; DEFICIENT DOCUMENT; ATTORNEY MUST REFILE; PLEASE IGNORE*** SEALED PATENT MOTION EchoStar's Motion for Leave to File a Surreply Brief in Support of Its Motion for Reconsideration by the District Judge of the Magistrate Judge's Order of February 7, 2006 by "EchoStar defendants". (Attachments: # 1 Exhibit A)(Kramer, Karl) Modified on 3/23/2006 (mpv,). (Entered: 03/22/2006)

03/22/2006 567 SEALED PATENT RESPONSE by "EchoStar defendants" to 550 Notice (Other), Notice (Other) EchoStar's Responsive Claim Construction Brief Regarding Claims 5 and 36. (Attachments: # 1 Affidavit of Karl J. Kramer and Exhibit A)(Kramer, Karl) (Entered: 03/22/2006)

03/22/2006 568 SEALED PATENT DOCUMENT TIVO'S REPLY BRIEF ON CLAIM CONSTRUCTION OF CLAIMS 5 AND 36. (Attachments: # 1 Declaration# 2 Exhibit # 3 Declaration# 4 Exhibit)(Armond, Michelle) (Entered: 03/22/2006)

03/22/2006 -- NOTICE of Deficiency regarding #566 SEALED PATENT MOTION EchoStar's Motion for Leave to File a Surreply Brief in Support of Its Motion for Reconsideration by the District Judge of the Magistrate Judge's Order of February 7, 2006 submitted Sealed document attached to motion for leave to file, under new procedures as of 3/22/06 cannot be filed. Atty must refile. . Correction should be made by one business day. (mpv,) (Entered: 03/23/2006)

03/23/2006 570 ORDER denying 182 Motion for Partial Summary Judgment re: Damages Period . Signed by Judge David Folsom on 3/23/06. (mrm,) (Entered: 03/23/2006)

03/23/2006 571 ORDER sua sponte re 508 SEALED MOTION filed by "EchoStar defendants". The deadline to file a reply on this motion is 3/27/06 at 1:00 p.m. CST . Signed by Judge David Folsom on 3/23/06. (mpv,) (Entered: 03/23/2006)

03/23/2006 572 ORDER re 532 MOTION for Reconsideration replacing document #523 filed by TIVO Inc. To protect Its Position RE: Magistrate Judge's Ruling on RiVo Exhibit 1656, Dkt # 532. It is hereby ORDERED: The RESPONSE is due on 3/27/06 at 1:00 p.m. CST. The REPLY is due on 3/28/06 at 1:00 p.m. CST. Signed by Judge David Folsom on 3/23/06. (mpv,) (Entered: 03/23/2006)

03/23/2006 573 ORDER sua sponte re 553 MOTION for Reconsideration of Magistrate Judge's Ruling on Admissibility of Exhibits on TiVo's Products filed by TIVO Inc. It is hereby ORDERED: The RESPONSE is due on 3/27/06 at 1:00 p.m. CST. The REPLY is due on 3/28/06 at 1:00 p.m. CST. Signed by Judge David Folsom on 3/23/06. (mpv,) (Entered: 03/23/2006)

03/23/2006 574 MOTION for Leave to File a Surreply Brief In Support of Its Motion for Reconsideration by the District Judge of the Magistrate Judge's Order of February 7, 2006 by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Kramer, Karl) (Entered: 03/23/2006)

03/23/2006 576 Proposed Pretrial Order (Amended) by TIVO Inc, Echostar Satellite LLC, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company.

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(Attachments: # 1 Exhibit A: TiVo's Contentions# 2 Exhibit B: EchoStar's Contentions# 3 Exhibit C: TiVo's Witness List# 4 Exhibit D: EchoStar's Witness List# 5 Exhibit Exhibit E: EchoStar's Objections to TiVo's Witness List# 6 Exhibit F: TiVo's Objections to EchoStar's Exhibit List# 7 Exhibit G: TiVo Exhibit List# 8 Exhibit H: EchoStar's Exhibit List# 9 Exhibit I: TiVo Deposition Designations# 10 Exhibit J: EchoStar's Deposition Designations)(Byrd, Christine) (Entered: 03/23/2006)

- 03/24/2006 577 ORDER denying 189 Motion for Partial Summary Judgment of Invalidity Due to Indefiniteness. Signed by Judge David Folsom on 3/24/06. (mrm,) (Entered: 03/24/2006)
- 03/24/2006 578 ORDER GRANTING ECHOSTAR'S UNOPPOSED MOTION FOR LEAVE TO FILE A SURREPLY BRIEF IN SUPPORT OF ITS MOTION FOR RECONSIDERATION BY THE DISTRICT JUDGE OF THE MAGISTRATE JUDGE'S ORDER OF FEBRUARY 7, 2006; granting 574 Motion for Leave to File . Signed by Judge David Folsom on 3/24/06. (mrm,) (Entered: 03/24/2006)
- 03/24/2006 579 JOINT FINAL PRETRIAL ORDER. Signed by Judge David Folsom on 3/24/06. (Attachments: # 1 Exhibit A) TiVo's Contentions# Exhibit B) (Corrected) EchoStar's Contentions# 3 Exhibit C) TiVo's Witness List# Exhibit D) (Corrected)EchoStar's Witness List# 5 Exhibit E) Objections to TiVo's Witness List# 6 Exhibit F) Objections to EchoStar's Witness List# 7 Exhibit G) TiVo's Exhibit List# Exhibit H) EchoStar's Exhibit List# 9 Exhibit I) TiVo's Deposition Designations# 10 Exhibit J) EchoStar's Deposition Designations)(mrm,) Additional attachment(s) added on 3/27/2006 (mrm,). Modified on 3/27/2006 (mrm,). Additional attachment(s) added on 3/28/2006 (mrm,). Additional attachment(s) added on 3/28/2006 (mrm,). (Entered: 03/24/2006)
- 03/24/2006 580 MOTION to Exclude The Testimony of Defendats' Witness Homer Knearl And All Reference To His Opinion Work by TIVO Inc. (Attachments: # 1 Declaration# 2 Exhibit F# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G# 9 Text of Proposed Order)(Armond, Michelle) (Entered: 03/24/2006)
- 03/24/2006 581 ORDER re 575 SEALED PATENT MOTION for Reconsideration by the District Judge of the Magistrate Judge's Order of March 17, 2006 filed by "EchoStar defendants"; ORDERED: RESPONSE is due on Monday, 3/27/06 at 5pm cst; REPLY is due on Tuesday, 3/28/06 at 1pm cst. Signed by Judge David Folsom on 3/24/06. (mrm,) (Entered: 03/24/2006)
- 03/24/2006 582 ORDER OF CLARIFICATION; re: jury notebooks. Signed by Judge David Folsom on 3/24/06. (Attachments: # 1 Exhibit A)(mrm,) (Entered: 03/24/2006)
- 03/24/2006 583 SUPPLEMENTAL CLAIM CONSTRUCTION ORDER . Signed by Judge David Folsom on 3/24/06. (mrm,) (Entered: 03/24/2006)
- 03/24/2006 584 SEALED PATENT DOCUMENT - EchoStar's Surreply Brief in Support of its Motion for Reconsideration by the District Judge of the Magistrate Judge's Order of February 7, 2006. (Pickett, John) (Entered: 03/24/2006)
- 03/26/2006 585 Consent MOTION to Amend/Correct 576 Proposed Pretrial Order,, Exhibits B and D by "EchoStar defendants". (Attachments: # 1 Exhibit B# 2 Exhibit D# 3 Text of Proposed Order)(Kramer, Karl) (Entered: 03/26/2006)
- 03/27/2006 586 MOTION to Exclude Testimony of V. Thomas Rhyme Regarding Claims 5 and 36 by TIVO Inc. (Attachments: # 1 Declaration# 2 Exhibit A# 3 Exhibit B# 4 Text of Proposed Order)(Armond, Michelle) (Entered: 03/27/2006)
- 03/27/2006 587 SEALED PATENT DOCUMENT Notice of Filing of Letter Brief with Magistrate Judge Craven. (Attachments: # 1 Exhibit Letter Brief to Magistrate Re EchoStar Request for Better Copies of Documents# 2 Exhibit EchoStar Trial Exhibit 788# 3 Exhibit EchoStar Trial Exhibit 2888# 4 Exhibit EchoStar Trial Exhibit 1840# 5 Exhibit 3/23/06 E-Mail to Counsel)(Byrd, Christine) (Entered: 03/27/2006)
- 03/27/2006 588 Consent MOTION for Leave to File Excess Pages to EchoStar's Reply Re Motion to Exclude Undisclosed Expert Opinion Testimony By Lay Witnesses and Expert Testimony Based Thereon by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Kramer, Karl) (Entered: 03/27/2006)
- 03/27/2006 589 RESPONSE to Motion re 532 MOTION for Reconsideration replacing document #523 filed by "EchoStar defendants". (Kramer, Karl) (Entered: 03/27/2006)
- 03/27/2006 590 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 553 MOTION for Reconsideration of Magistrate Judge's Ruling on Admissibility of Exhibits on TiVo's Products filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D)(Kramer, Karl) (Entered: 03/27/2006)
- 03/27/2006 591 SEALED PATENT DOCUMENT EchoStar's Reply Re Motion to Exclude Undisclosed Expert Opinion Testimony By Lay Witnesses and Expert Testimony Based Thereon. (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Exhibit A)(Kramer, Karl) (Entered: 03/27/2006)
- 03/27/2006 592 Proposed Jury Instructions by "EchoStar defendants". (Attachments: # 1 Exhibit D-Jury Instructions# 2 Exhibit F-Verdict Form)(Kramer, Karl) (Entered: 03/27/2006)
- 03/27/2006 593 Consent MOTION to Amend/Correct 585 Consent MOTION to Amend/Correct 576 Proposed Pretrial Order,, Exhibits B and D by "EchoStar defendants". (Attachments: # 1 Exhibit D# 2 Text of Proposed Order)(Kramer, Karl) (Entered: 03/27/2006)
- 03/27/2006 594 ORDER GRANTING ECHOSTAR'S UNOPPOSED MOTION TO CORRECT EXHIBITS B AND D TO THE JOINT FINAL PRE-TRIAL ORDER; granting 585 Motion to Amend/Correct , Signed by Judge David Folsom on 3/27/06. (mrm,) (Entered: 03/27/2006)
- 03/27/2006 -- NOTICE of docket correction; 579 Joint Final Pre-trial Order corrected as per order # 594 , exhibits B and D substituted (mrm,) (Entered: 03/27/2006)
- 03/27/2006 595 ORDER; EchoStar is hereby ORDERED to submit to the Court a copy of Exhibit No. 3490 and of Exhibit No. 3497 no later than TUESDAY, MARCH 28th at 1pm . Signed by Judge David Folsom on 3/27/06. (mrm,) (Entered: 03/27/2006)

03/27/2006 596 ORDER re 580 MOTION to Exclude The Testimony of Defendats' Witness Homer Knearl And All Reference To His Opinion Work filed by TIVO Inc, ORDERED: RESPONSE is due on FRIDAY, 3/31/06 and the REPLY is due on MONDAY, 4/3/06 at 1pm . Signed by Judge David Folsom on 3/27/06. (mrm,) (Entered: 03/27/2006)

03/27/2006 597 ORDER re 586 MOTION to Exclude Testimony of V. Thomas Rhyne Regarding Claims 5 and 36 filed by TIVO Inc, ORDERED: RESPONSE is due on Friday, 3/31 and REPLY is due on Monday, 4/3/06 at 1pm . Signed by Judge David Folsom on 3/27/06. (mrm,) (Entered: 03/27/2006)

03/27/2006 598 ORDER granting 559 Sealed Motion for Leave to File a Surreply Brief in Opposition to EchoStar's Motion for Reconsideration of the Magistrate Judge's Order of 2/7/06. Signed by Judge David Folsom on 3/27/06. (mrm,) (Entered: 03/27/2006)

03/27/2006 599 SEALED PATENT DOCUMENT, TIVO'S SURREPLY IN OPPOSITION TO ECHOSTAR'S MOTION FOR RECONSIDERATION OF THE MAGISTRATE JUDGE'S ORDER OF 2/7/06; re 487 SEALED MOTION for Reconsideration of the Magistrate Judge's Order of 2/7/06 filed by TIVO Inc. (mrm,) Modified on 3/28/2006 (mrm,). (Entered: 03/27/2006)

03/27/2006 600 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 580 MOTION to Exclude The Testimony of Defendats' Witness Homer Knearl And All Reference To His Opinion Work filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Alison M. Tucher# 2 Exhibit A-F)(Tucher, Alison) (Entered: 03/27/2006)

03/27/2006 601 NOTICE by "EchoStar defendants" Regarding EchoStar Trial Exhibit Nos. 3490 and 3497 (Attachments: # 1 Exhibit A# 2 Exhibit B)(Kramer, Karl) (Entered: 03/27/2006)

03/27/2006 602 SEALED PATENT DOCUMENT TiVo Opposition to EchoStar Motion for Reconsideration By the District Judge of the Magistrate's Order of March 17, 2006. (Attachments: # 1 Affidavit Hoffman Declaration in Support of TiVo Opposition# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F)(Byrd, Christine) Certificate of Authorization to File Sealed Document added on 3/30/2006 (mpv,). Modified on 3/30/2006 (mpv,). (Entered: 03/27/2006)

03/27/2006 603 NOTICE by "EchoStar defendants" of Filing of Letter Brief to Magistrate Judge Craven (Kramer, Karl) (Entered: 03/27/2006)

03/28/2006 604 NOTICE by "EchoStar defendants" of Filing of Letter Brief to Magistrate Judge Craven (Kramer, Karl) (Entered: 03/28/2006)

03/28/2006 605 RESPONSE in Support re 580 MOTION to Exclude The Testimony of Defendats' Witness Homer Knearl And All Reference To His Opinion Work filed by TIVO Inc. (Attachments: # 1 Declaration# 2 Exhibit H)(Armond, Michelle) (Entered: 03/28/2006)

03/28/2006 606 ORDER granting 588 Motion to Exceed Page Limit to file their Reply Re Motion to Exclude Undisclosed Expert Opinion Testimony by Lay Witnesses and Expert Testimony Based Thereon. Signed by Judge David Folsom on 3/28/06. (Reply is already on file as dkt # 591 , was filed prior to order being granted) (mrm,) (Entered: 03/28/2006)

03/28/2006 607 ORDER granting 593 Motion to Correct Exhibit D to the Joint Final Pre-trial Order. Signed by Judge David Folsom on 3/28/06. (mrm,) (Entered: 03/28/2006)

03/28/2006 -- NOTICE OF DOCKET CORRECTION: Exhibit D to Document # 579 , Final Pre-trial Order, substituted as per order # 607 . (mrm,) (Entered: 03/28/2006)

03/28/2006 608 Proposed Jury Instructions by TIVO Inc. (Byrd, Christine) (Entered: 03/28/2006)

03/28/2006 609 SEALED PATENT DOCUMENT EchoStar's Reply Brief In Support of its Motion for Reconsideration by the District Judge of the Magistrate Judge's Order of March 17, 2006. (Kramer, Karl) Certificate of Authorization to File Sealed Document added on 3/31/2006 (mpv,). Modified on 3/31/2006 (mpv,). (Entered: 03/28/2006)

03/28/2006 610 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 553 MOTION for Reconsideration of Magistrate Judge's Ruling on Admissibility of Exhibits on TiVo's Products Reply in Support of Motion filed by TIVO Inc. (Byrd, Christine) Certificate of Authorization to File Sealed Document added on 3/30/2006 (mpv,). Modified on 3/30/2006 (mpv,). (Entered: 03/28/2006)

03/28/2006 611 Consent MOTION to Amend/Correct 579 Pretrial Order,, Exhibit H by "EchoStar defendants". (Attachments: # 1 Exhibit H# 2 Text of Proposed Order)(Kramer, Karl) (Entered: 03/28/2006)

03/28/2006 612 ORDER re: Preliminary Jury Instructions. Signed by Judge David Folsom on 3/28/06. (Attachments: # 1 Exhibit A)(mrm,) (Entered: 03/28/2006)

03/28/2006 613 ORDER granting 611 Motion to Correct Exhibit H to the Joint Final Pre-trial Order. Signed by Judge David Folsom on 3/28/06. (mrm,) (Entered: 03/28/2006)

03/28/2006 -- NOTICE OF DOCKET CORRECTION: Exhibit H of Document # 579 , Joint Final Pre-trial Order substituted per order # 613 (mrm,) (Entered: 03/28/2006)

03/28/2006 614 SEALED PATENT DOCUMENT TiVo's Sur-Reply to EchoStar's Motion to Exclude "Undisclosed Expert Opinion Testimony by Lay Witnesses And Expert Testimony Based Thereon". (Armond, Michelle) (Entered: 03/28/2006)

03/28/2006 615 SEALED PATENT MOTION TiVo's Motion to Preclude any Testimony or Argument that EchoStar's 7100 and 7200 Products and EchoStar's '000 Patent are Prior Art by TIVO Inc. (Attachments: # 1 Declaration# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Text of Proposed Order)(Armond, Michelle) (Entered: 03/28/2006)

03/29/2006 616 SEALED PATENT DOCUMENT TiVo's Brief in Support of Its Objections to EchoStar's New Exhibits and In Opposition to EchoStar's New Objections to TiVo's Exhibits. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3

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Exhibit 3564# 4 Exhibit 3567# 5 Exhibit 2110# 6 Exhibit 2111# 7 Exhibit 2112# 8 Exhibit 2113# 9 Exhibit 2114# 10 Exhibit 2115# 11 Exhibit 2116# 12 Exhibit 2117# 13 Exhibit 2118# 14 Exhibit 2120# 15 Exhibit 2121# 16 Exhibit 2122# 17 Exhibit 2123# 18 Exhibit 2124# 19 Exhibit 2125# 20 Exhibit 2125# 21 Exhibit 2127# 22 Exhibit 1899# 23 Exhibit 2105# 24 Exhibit 2106# 25 Exhibit 2107)(Hoffman, Adam) (Entered: 03/29/2006)

- 03/29/2006 617 MOTION for Reconsideration of Magistrate Judge's Rulings by TIVO Inc. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Byrd, Christine) Proposed Order added on 3/30/2006 (mpv,). Modified on 3/30/2006 (mpv,). (Entered: 03/29/2006)
- 03/29/2006 618 NOTICE by "EchoStar defendants" EchoStar's Submission of "Agreed Upon" EchoStar Trial Exhibits (Attachments: # 1 Exhibit A)(Kramer, Karl) (Entered: 03/29/2006)
- 03/29/2006 619 ORDER re 615 SEALED PATENT MOTION TiVo's Motion to Preclude any Testimony or Argument that EchoStar's 7100 and 7200 Products and EchoStar's '000 Patent are Prior Art filed by TIVO Inc; ORDERED: RESPONSE is due on Friday, 3/31/06 at 1pm and REPLY is due on Monday, 4/3/06 at 10:00 am . Signed by Judge David Folsom on 3/29/06. (mrm,) (Entered: 03/29/2006)
- 03/29/2006 620 ORDER re 616 Sealed Patent Document, TiVo's Brief in Support of its Objections to New EchoStar Exhibits and in Opposition to EchoStar's New objections to TiVo's Trial Exhibits; ORDERED: RESPONSE is due on Friday, 3/31/06 at 1pm and REPLY is due on Monday, 4/3/06 at 10:00 am . Signed by Judge David Folsom on 3/29/06. (mrm,) (Entered: 03/29/2006)
- 03/29/2006 621 ORDER re 617 MOTION for Reconsideration of Magistrate Judge's Rulings filed by TIVO Inc; ORDERED: RESPONSE is due on Friday, 3/31/06 at 1pm and REPLY is due on Monday, 4/3/06 at 10:00 am. Signed by Judge David Folsom on 3/29/06. (mrm,) (Entered: 03/29/2006)
- 03/30/2006 622 Proposed Jury Instructions by "EchoStar defendants". (Kramer, Karl) (Entered: 03/30/2006)
- 03/30/2006 623 NOTICE by TIVO Inc Response to EchoStar's Request for A Limiting Jury Instruction Regarding Copying (Attachments: # 1 Exhibit A# 2 Exhibit B)(Armond, Michelle) (Entered: 03/30/2006)
- 03/30/2006 624 MOTION for a Limiting Jury Instruction Regarding Copying by "EchoStar defendants". (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Text of Proposed Order)(Kramer, Karl) (Entered: 03/30/2006)
- 03/30/2006 625 ***FILED IN ERROR; PLEASE IGNORE; NO SIGNATURE ON DECLARATION: REPLACED BY # 626 *** SEALED PATENT RESPONSE to SEALED PATENT MOTION re 615 SEALED PATENT MOTION TiVo's Motion to Preclude any Testimony or Argument that EchoStar's 7100 and 7200 Products and EchoStar's '000 Patent are Prior Art filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Exhibit A# 3 Exhibit B)(Kramer, Karl) Modified on 3/31/2006 (mpv,). (Entered: 03/30/2006)
- 03/30/2006 626 ***CORRECTS DEFICIENT DOCUMENT #625*** SEALED PATENT RESPONSE to SEALED PATENT MOTION re 615 SEALED PATENT MOTION TiVo's Motion to Preclude any Testimony or Argument that EchoStar's 7100 and 7200 Products and EchoStar's '000 Patent are Prior Art filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Exhibit A# 3 Exhibit B)(Kramer, Karl) Modified on 3/31/2006 (mpv,). (Entered: 03/30/2006)
- 03/30/2006 627 MOTION to Preclude Introduction of Exhibits to Dr. Gibson's Expert Report by "EchoStar defendants". (Kramer, Karl) Certificate of Conference (Inadvertently omitted per atty) added on 3/31/2006 (mpv,). Modified on 3/31/2006 (mpv,). Proposed Order added on 3/31/2006 (mpv,). Modified on 3/31/2006 (mpv,). (Entered: 03/30/2006)
- 03/30/2006 628 RESPONSE in Opposition re 617 MOTION for Reconsideration of Magistrate Judge's Rulings filed by "EchoStar defendants". (Kramer, Karl) (Entered: 03/30/2006)
- 03/30/2006 -- NOTICE of Deficiency regarding the SEALED PATENT RESPONSE to SEALED PATENT MOTION re 615 SEALED PATENT MOTION TiVo's Motion to Preclude any Testimony or Argument that EchoStar's 7100 and 7200 Products and EchoStar's '000 Patent are Prior Art #625 submitted Declaration not signed. Corrected by #626. (mpv,) (Entered: 03/31/2006)
- 03/31/2006 629 RESPONSE in Opposition re 627 MOTION to Preclude Introduction of Exhibits to Dr. Gibson's Expert Report TiVo's Opposition to EchoStar's Motion to Preclude Introduction of Exhibits to Dr. Gibson's Expert Report filed by TIVO Inc. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F) (Hoffman, Adam) (Entered: 03/31/2006)
- 03/31/2006 630 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 586 MOTION to Exclude Testimony of V. Thomas Rhyne Regarding Claims 5 and 36 filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Exhibit A-D)(Kramer, Karl) (Entered: 03/31/2006)
- 03/31/2006 631 SEALED PATENT RESPONSE by "EchoStar defendants" to 616 Sealed Patent Document,, EchoStar's Response to TiVo's Brief In Support of its Objections to New EchoStar Exhibits and In Opposition to EchoStar's New Objections to TiVo's Trial Exhibits. (Kramer, Karl) (Entered: 03/31/2006)
- 03/31/2006 632 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 615 SEALED PATENT MOTION TiVo's Motion to Preclude any Testimony or Argument that EchoStar's 7100 and 7200 Products and EchoStar's '000 Patent are Prior Art filed by TIVO Inc. (Armond, Michelle) (Entered: 03/31/2006)
- 03/31/2006 633 ORDER; Both parties are hereby ORDERED to submit to the Court their proposed final jury instructions and their proposed final jury verdict form saved as an electronic file formatted in WordPerfect. The electronic copies shall be submitted no later than MONDAY, 4/3/06 at 1pm . Signed by Judge David Folsom on 3/31/06. (mrm,) (Entered: 03/31/2006)
- 03/31/2006 634 NOTICE by TIVO Inc Response to EchoStar's Objections Re Demonstrative Exhibits to be Used with Dr. Ugone (Attachments: # 1)(Armond, Michelle) (Entered: 03/31/2006)

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04/02/2006 635 NOTICE by "EchoStar defendants" re 634 Notice (Other) EchoStar's Reply to TiVo's Response to EchoStar's Objections Re Demonstrative Exhibits to be Used with Dr. Ugone (Kramer, Karl) (Entered: 04/02/2006)

04/02/2006 636 SEALED PATENT DOCUMENT Notice of Response to TiVo's Objection to EchoStar's Trial Exhibit Nos. 1282 and 2449 and To EchoStar's Written Opinions of Counsel. (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G# 9 Exhibit H)(Kramer, Karl) (Entered: 04/02/2006)

04/02/2006 637 MOTION to Seal Specified Portions of the Trial Transcripts of March 29, 2006 by TIVO Inc. (Attachments: # 1 Text of Proposed Order Proposed Order)(Byrd, Christine) (Entered: 04/02/2006)

04/03/2006 638 RESPONSE in Support re 586 MOTION to Exclude Testimony of V. Thomas Rhyne Regarding Claims 5 and 36 filed by TIVO Inc. (Armond, Michelle) (Entered: 04/03/2006)

04/03/2006 639 NOTICE by TIVO Inc re 634 Notice (Other) SURREPLY IN OPPOSITION TO ECHOSTAR'S OBJECTIONS RE DEMONSTRATIVE EXHIBITS TO BE USED WITH DR. UGONE (Byrd, Christine) (Entered: 04/03/2006)

04/03/2006 640 NOTICE by TIVO Inc Proposed Verdict Form (Byrd, Christine) (Entered: 04/03/2006)

04/03/2006 641 Proposed Jury Instructions by TIVO Inc. (Byrd, Christine) (Entered: 04/03/2006)

04/03/2006 642 SEALED PATENT DOCUMENT TiVo's Reply Brief in Further Support of Its Objections to New EchoStar Exhibits and In Further Opposition to EchoStar's New Objections to TiVo's Trial Exhibits (docket #616). (Byrd, Christine) (Entered: 04/03/2006)

04/03/2006 643 RESPONSE in Support re 617 MOTION for Reconsideration of Magistrate Judge's Rulings filed by TIVO Inc. (Byrd, Christine) (Entered: 04/03/2006)

04/03/2006 644 SEALED PATENT DOCUMENT TIVO'S REPLY IN SUPPORT OF TIVO'S OBJECTION TO ECHOSTAR'S TRIAL EXHIBIT NOS. 1282 AND 2449 AND TO ECHOSTAR'S WRITTEN OPINIONS OF COUNSEL. (Hoffman, Adam) (Entered: 04/03/2006)

04/03/2006 645 Proposed Jury Instructions by "EchoStar defendants". (Attachments: # 1 Part 2 of Jury Instruction# 2 part 3 of Jury Instruction)(Kramer, Karl) (Entered: 04/03/2006)

04/03/2006 646 NOTICE by "EchoStar defendants" EchoStar's Second Amended Proposed Verdict Form (Kramer, Karl) (Entered: 04/03/2006)

04/03/2006 647 ORDER granting 637 Motion to Seal Specified Portions of the Trial Transcripts of March 29, 2006. Signed by Judge David Folsom on 4/3/06. (mrm,) (Entered: 04/03/2006)

04/03/2006 648 ORDER; The Court hereby DENIES TiVo's motion to present a product demonstration under Federal Rule of Evidence 403 . Signed by Judge David Folsom on 4/3/06. (mrm,) (Entered: 04/03/2006)

04/03/2006 649 ORDER; re: 525 Motion to Exclude or Strike Dr. Ugone's New Market Share Analysis; ORDERED that, pursuant to Rule 37 (c), paragraph 4.c and exhibits 35 through 38 of Dr. Ugone's March 10, 2006 expert report is hereby EXCLUDED. Signed by Judge David Folsom on 4/3/06. (mrm,) (Entered: 04/03/2006)

04/03/2006 650 NOTICE by "EchoStar defendants" of Filing of Letter Brief (McElhinny, Harold) (Entered: 04/03/2006)

04/03/2006 651 SEALED PATENT DOCUMENT EchoStar's Surreply In Opposition to TiVo's Brief Regarding New Objections [Docket No. 616]. (Kramer, Karl) (Entered: 04/03/2006)

04/03/2006 652 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 615 SEALED PATENT MOTION TiVo's Motion to Preclude any Testimony or Argument that EchoStar's 7100 and 7200 Products and EchoStar's '000 Patent are Prior Art (EchoStar's Surreply) filed by "EchoStar defendants". (Kramer, Karl) (Entered: 04/03/2006)

04/03/2006 653 NOTICE by "EchoStar defendants" Offer of Proof Related to Claim Construction Order (Krevans, Rachel) (Entered: 04/03/2006)

04/04/2006 654 SEALED PATENT MOTION TiVo's Motion to Exclude Improper Supplemental Expert Report of Nathaniel Polish Served March 17, 2006 by TIVO Inc. (Attachments: # 1 Declaration# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Text of Proposed Order)(Armond, Michelle) (Entered: 04/04/2006)

04/05/2006 655 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 654 SEALED PATENT MOTION TiVo's Motion to Exclude Improper Supplemental Expert Report of Nathaniel Polish Served March 17, 2006 (EchoStar's Opposition) filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D)(Kramer, Karl) (Entered: 04/05/2006)

04/05/2006 656 SEALED PATENT DOCUMENT Tivo's Offer of Proof Regarding Excluded Summary Charts from Dr. Jerry Gibson. (Attachments: # 1 Declaration# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G# 9 Exhibit H# 10 Exhibit I# 11 Exhibit J# 12 Exhibit K# 13 Exhibit L)(Armond, Michelle) (Entered: 04/05/2006)

04/05/2006 657 NOTICE by TIVO Inc TiVo's Offer of Proof Regarding Excluded TiVo Product Demonstration (Armond, Michelle) (Entered: 04/05/2006)

04/06/2006 658 MOTION to Preclude Any Further Evidence or Argument Regarding EchoStar's Patent Applications And '000 Patent by TIVO Inc. (Attachments: # 1 Declaration# 2 Exhibit A# 3 Proposed Jury Instruction)(Armond, Michelle) Additional attachment(s) added on 4/6/2006 (ehs,). (Entered: 04/06/2006)

04/06/2006 659 NOTICE by TIVO Inc of Filing of Proposed Limiting Instruction Regarding the 7100/7200 Products and EchoStar's Patent Application (Armond, Michelle) (Entered: 04/06/2006)

04/06/2006 660 NOTICE by "EchoStar defendants" of Filing of Proposed Limiting Instruction Regarding the 7100/7200 Products and EchoStar's Patent Application (Kramer, Karl) (Entered: 04/06/2006)

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04/07/2006	661	SEALED PATENT RESPONSE to SEALED PATENT MOTION re 654 SEALED PATENT MOTION TiVo's Motion to Exclude Improper Supplemental Expert Report of Nathaniel Polish Served March 17, 2006 filed by TIVO Inc. (Attachments: # 1 Reply Declaration# 2 Exhibit E)(Armond, Michelle) (Entered: 04/07/2006)
04/07/2006	662	TRIAL BRIEF re REQUEST FOR A CURATIVE INSTRUCTION REGARDING IMPROPER CLAIM CONSTRUCTION TESTIMONY by TIVO Inc. (Byrd, Christine) (Entered: 04/07/2006)
04/07/2006	663	NOTICE by "EchoStar defendants" of Deposition Testimony Played on April 7, 2006 (Attachments: # 1 Exhibit A)(Kramer, Karl) (Entered: 04/07/2006)
04/07/2006	664	NOTICE by "EchoStar defendants" of Filing of Exhibit and Deposition Excerpts (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Kramer, Karl) (Entered: 04/07/2006)
04/08/2006	665	SEALED PATENT DOCUMENT EchoStar's Objections to Storer Testimony. (Attachments: # 1 Affidavit of Karl J. Kramer# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D)(Kramer, Karl) (Entered: 04/08/2006)
04/08/2006	666	Proposed Jury Instructions by "EchoStar defendants". (Attachments: # 1 Exhibit A)(Kramer, Karl) (Entered: 04/08/2006)
04/09/2006	667	NOTICE by TIVO Inc re 666 Proposed Jury Instructions TiVo's Brief and Objection To EchoStar's Newly-Proposed Jury Instruction on Non-Infringing Alternatives (Byrd, Christine) (Entered: 04/09/2006)
04/09/2006	668	NOTICE by TIVO Inc re 666 Proposed Jury Instructions TiVo's Brief and Objection Re EchoStar's Newly-Proposed Jury Instruction on Reasonable Royalty (Byrd, Christine) (Entered: 04/09/2006)
04/09/2006	669	TRIAL BRIEF re EchoStar's Response in Opposition to TiVo's Request for a Curative Instruction Regarding Improper Claim Construction Testimony by "EchoStar defendants". (Kramer, Karl) (Entered: 04/09/2006)
04/10/2006	670	NOTICE by "EchoStar defendants" EchoStar's Offer of Proof Regarding Testimony of Homer Knearl, Kerry Miller, and James Gambrell (Kramer, Karl) (Entered: 04/10/2006)
04/10/2006	671	SEALED PATENT DOCUMENT Notice of EchoStar's Objections to TiVo's Proposed Rebuttal Witnesses and Evidence. (Attachments: # 1 Affidavit of Alison M. Tucher# 2 Exhibit A# 3 Exhibit B)(Tucher, Alison) (Entered: 04/10/2006)
04/10/2006	672	NOTICE by "EchoStar defendants" EchoStar's Offer of Proof Regarding EchoStar Exhibit 3519 (U.S. Patent 6,490,000 Prosecution History) (Kramer, Karl) (Entered: 04/10/2006)
04/10/2006	673	NOTICE by "EchoStar defendants" re 667 Notice (Other) EchoStar's Opposition to TiVo's Brief Re: EchoStar's Newly-Proposed Jury Instruction on Non-Infringing Alternatives (Kramer, Karl) (Entered: 04/10/2006)
04/10/2006	674	NOTICE by "EchoStar defendants" EchoStar's Offer of Proof Regarding Excluded Testimony of Dr. Nathaniel Polish, Ph.D. (Kramer, Karl) (Entered: 04/10/2006)
04/10/2006	675	NOTICE by "EchoStar defendants" EchoStar's Offer of Proof Regarding EchoStar Exhibits 3554 and 3562 (Request for Reexamination and PTO Order Granting) (Kramer, Karl) (Entered: 04/10/2006)
04/10/2006	676	NOTICE by TIVO Inc TIVO'S BRIEF ON DEMONSTRATIVES RE: CLAIMS 5 AND 36 (Attachments: # 1 Exhibit) (Baxter, Samuel) (Entered: 04/10/2006)
04/11/2006	677	NOTICE by "EchoStar defendants" EchoStar's Amended Offer of Proof Regarding Excluded Testimony of Dr. Nathaniel Polish, Ph.D. (Kramer, Karl) (Entered: 04/11/2006)
04/11/2006	678	SEALED PATENT DOCUMENT Offer of Proof re: Preamble. (Attachments: # 1 Affidavit Armond Declaration ISO Offer of Proof re Preamble# 2 Exhibit A to Armond Decl)(Armond, Michelle) (Entered: 04/11/2006)
04/11/2006	679	APPLICATION to Appear Pro Hac Vice by Attorney Brian Jones for TIVO Inc. (ch,) (Entered: 04/11/2006)
04/11/2006	--	Pro Hac Vice Filing fee paid by Jones; Fee: \$25, receipt number: 2-1-1349 (ch,) (Entered: 04/11/2006)
04/11/2006	680	NOTICE by "EchoStar defendants" EchoStar's Supplemental Submission Regarding Verdict Form (Kramer, Karl) (Entered: 04/11/2006)
04/11/2006	681	MOTION for Judgment as a Matter of Law by "EchoStar defendants". (Kramer, Karl) (Entered: 04/11/2006)
04/12/2006	682	NOTICE by "EchoStar defendants" EchoStar's Proposed Modifications to Verdict Form (Attachments: # 1 Exhibit A (Redline Verdict Form))(Kramer, Karl) (Entered: 04/12/2006)
04/12/2006	683	Proposed Jury Instructions by "EchoStar defendants". (Attachments: # 1 Exhibit A (Redline Jury Instructions)) (Kramer, Karl) (Entered: 04/12/2006)
04/12/2006	684	Proposed Jury Instructions by TIVO Inc. (Byrd, Christine) (Entered: 04/12/2006)
04/12/2006	685	NOTICE by TIVO Inc Proposed Modifications to Verdict Form (redline format) (Byrd, Christine) (Entered: 04/12/2006)
04/12/2006	686	RESPONSE to Motion re 681 MOTION for Judgment as a Matter of Law filed by TIVO Inc. (Byrd, Christine) (Entered: 04/12/2006)
04/12/2006	687	NOTICE by TIVO Inc, Echostar Satellite LLC, Echostar Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company Joint Report on TiVo Trial Exhibits and EchoStar Objections Thereto (Byrd, Christine) (Entered: 04/12/2006)
04/12/2006	688	MOTION to Seal Confidential Trial Exhibits by TIVO Inc. (Attachments: # 1 Exhibit Attachment A)(Hoffman, Adam) (Entered: 04/12/2006)
04/13/2006	689	ORDER; After both parties were fully heard in a trial by jury, each moved the Court for Judgment as a Matter of Law pursuant to Rule 50 of the Federal Rules of Civil Procedure. The Court, having considered these motions

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and the arguments from counsel, finds the parties' motions are not well taken. Accordingly, it is hereby ORDERED that the parties' respective motions are DENIED on all counts. Signed by Judge David Folsom on 4/13/06. (mrm,) (Entered: 04/13/2006)

04/13/2006 690 JURY VERDICT. (mrm,) (Entered: 04/13/2006)

04/13/2006 691 Jury Instructions. (mrm,) (Entered: 04/13/2006)

04/13/2006 692 Minute Entry for proceedings held before Judge David Folsom : Jury Trial held on 3/29/2006 thru 4/13/2006. (Court Reporter Judy Werlinger.) (mrm,) (Entered: 04/18/2006)

04/13/2006 693 Jury Trial Witness List. (mrm,) (Entered: 04/18/2006)

04/13/2006 694 Jury Trial Exhibit List. (Attachments: # 1 TiVo's Agreed Exhibit List# 2 EchoStar's Agreed Exhibit List)(mrm,) (Entered: 04/18/2006)

04/13/2006 695 SEALED Jury Notes. (1 note, in Texarkana Vault)(mrm,) (Entered: 04/18/2006)

04/18/2006 697 TRANSCRIPT of Trial Proceedings held on March 29, 2006 at 9:00 am before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 04/19/2006)

04/18/2006 698 SEALED PORTION OF TRANSCRIPT of Trial Proceedings held on March 29, 2006 at 9:00 am before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 04/19/2006)

04/18/2006 699 TRANSCRIPT of Trial Proceedings held on March 29, 2006 1:30 pm before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 04/19/2006)

04/18/2006 700 SEALED PORTION OF TRANSCRIPT of Trial Proceedings held on March 29, 2006 at 1:30 pm before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 04/19/2006)

04/18/2006 701 TRANSCRIPT of Trial Proceedings held on March 30, 2006 at 9:15 am before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 04/19/2006)

04/18/2006 702 TRANSCRIPT of Proceedings held on March 30, 2006 at 1:45 pm before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 04/19/2006)

04/18/2006 703 SEALED PORTION OF TRANSCRIPT of Trial Proceedings held on March 30, 2006 at 1:45 pm before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 04/19/2006)

04/18/2006 704 TRANSCRIPT of Trial Proceedings held on March 31, 2006 at 8:30 am before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 04/19/2006)

04/18/2006 705 SEALED PORTION OF TRANSCRIPT of Trial Proceedings held on March 31, 2006 at 8:30 am before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 04/19/2006)

04/18/2006 706 TRANSCRIPT of Trial Proceedings held on March 31, 2006 at 1:30 pm before Judge David Folsom. Court Reporter: Susan Simmons. (ehs,) (Entered: 04/19/2006)

04/19/2006 696 NOTICE by TIVO Inc of Letter to the U.S. Court of Appeals for the Federal Circuit (Armond, Michelle) (Entered: 04/19/2006)

04/20/2006 707 TRANSCRIPT of Trial Proceedings held on 4/4/06 @ 10:00 a.m. in Marshall, Tx before Honorable Judge David Folsom and a Jury. Court Reporter: Susan Simmons & Judith Werlinger. (106 pages) (ch,) (Entered: 04/20/2006)

04/20/2006 708 SEALED PORTION OF TRANSCRIPT of Trial Proceedings held on 4/4/06 @ 10:00 a.m. in Marshall, Tx before Honorable Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (ch,) (Entered: 04/20/2006)

04/20/2006 709 TRANSCRIPT of Trial Proceedings held on 4/4/06 @ 1:30 p.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (152 pages) (ch,) (Entered: 04/20/2006)

04/20/2006 710 SEALED PORTION OF TRANSCRIPT of Trial Proceedings held on 4/4/06 @ 1:30 p.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (ch,) (Entered: 04/20/2006)

04/20/2006 711 TRANSCRIPT of Trial Proceedings held on 4/5/06 @ 9:00 a.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (130 pages) (ch,) (Entered: 04/20/2006)

04/20/2006 712 TRANSCRIPT of Trial Proceedings held on 4/5/06 @ 1:30 p.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (149 pages) (ch,) (Entered: 04/20/2006)

04/20/2006 713 TRANSCRIPT of Trial Proceedings held on 4/6/06 @ 9:00 a.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (141 pages) (ch,) (Entered: 04/20/2006)

04/20/2006 714 TRANSCRIPT of Trial Proceedings held on 4/6/06 @ 1:30 p.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (160 pages) (ch,) (Entered: 04/20/2006)

04/20/2006 715 NOTICE by "EchoStar defendants" EchoStar's Offer of Proof Regarding Cross-Examination of Dr. Storer (Kramer, Karl) (Entered: 04/20/2006)

04/21/2006 716 TRANSCRIPT of Trial Proceedings held on 4/7/06 @ 9:00 a.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (149 pages) (ch,) (Entered: 04/21/2006)

04/21/2006 717 TRANSCRIPT of Trial Proceedings held on 4/7/06 @ 1:45 p.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (84 pages) (ch,) (Entered: 04/21/2006)

04/21/2006 718 SEALED PORTION OF TRANSCRIPT of Trial Proceedings held on 4/7/06 @ 1:45 p.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (ch,) (Entered: 04/21/2006)

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- 04/21/2006 719 TRANSCRIPT of Trial Proceedings held on 4/10/06 @ 9:00 a.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (120 pages) (ch,) (Entered: 04/21/2006)
- 04/21/2006 720 TRANSCRIPT of Trial Proceedings held on 4/10/06 @ 1:30 p.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (176 pages) (ch,) (Entered: 04/21/2006)
- 04/21/2006 721 SEALED TRANSCRIPT OF IN-CHAMBERS CONFERENCE Proceedings held on 4/10/06 @ 5:30 p.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (ch,) (Entered: 04/21/2006)
- 04/21/2006 722 TRANSCRIPT of Trial Proceedings held on 4/11/06 @ 9:00 a.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (136 pages) (ch,) (Entered: 04/21/2006)
- 04/21/2006 723 TRANSCRIPT of Trial Proceedings held on 4/11/06 @ 1:30 p.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (87 pages) (ch,) (Entered: 04/21/2006)
- 04/21/2006 724 TRANSCRIPT of Trial Proceedings held on 4/13/06 @ 9:00 a.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (191 pages) (ch,) (Entered: 04/21/2006)
- 04/21/2006 725 SEALED PORTION OF TRANSCRIPT of Trial Proceedings held on 4/13/06 @ 9:00 a.m. in Marshall, Tx before Judge David Folsom. Court Reporter: Susan Simmons & Judith Werlinger. (ch,) (Entered: 04/21/2006)
- 05/01/2006 726 APPLICATION to Appear Pro Hac Vice by Attorney Scott F Llewellyn for "EchoStar defendants". (rml,) (Entered: 05/01/2006)
- 05/01/2006 -- Pro Hac Vice Filing fee paid by Scott Llewellyn; Fee: \$25, receipt number: 5-1-563 (rml,) (Entered: 05/01/2006)
- 05/01/2006 727 TRANSCRIPT of Proceedings (Jury Charge Conference) held on April 12, 2006 before Judge David Folsom. Court Reporter: Libby Crawford. (sm,) (Entered: 05/02/2006)
- 05/05/2006 728 ORDER Telephonic Status Conference set for 5/16/2006 01:30 PM in Ctrm 319 (Texarkana) before Judge David Folsom, for the purposes of determining whether any post-trial briefing will be submitted and the schedule therefore. In advance of this conference, by way of letter, the parties should inform the Court of any outstanding issues which they contend need to be addressed before entry of a final judgment. The telephonic conference call shall be initiated by Plfs counsel. Signed by Judge David Folsom on 5/4/06. (mrm,) (Entered: 05/05/2006)
- 05/16/2006 729 ORDER; ORDERS EchoStar to produce all documents created by the Merchant & Gould law firm that relate to any infringement or validity analysis of the '389 patent where said documents (1) were communicated to EchoStar or (2) reflect a communication to EchoStar. EchoStar may redact any information that it considers unrelated to infringement or validity or that it considers primarily related to trial strategy. These documents shall be produced no later than 5/19/06; vacating 380 Order, vacating 357 Order, vacating 386 Order on Motion to Stay. Signed by Judge David Folsom on 5/16/06. (mrm,) (Entered: 05/16/2006)
- 05/16/2006 730 ORDER Bench Trial set for 6/26-27/2006 10:00 AM in Ctrm 319 (Texarkana) before Judge David Folsom. Motion Hearing set for 6/28/06 10:00 AM. Proposed Findings of Fact due by 7/7/2006. Pretrial briefing no later than 6/13/06. Each pty is limited to 5hrs for trial presentation. Each pty is limited to 2.5 hrs for motion argument. ORDERED that, absent advance leave of Court for good cause, the pty's are limited to 30pgs for any brief, motion, or response and are limited to 15pgs for any reply. Absent advance leave of Court for good cause, no sur-reply or supplemental briefing shall be filed. Signed by Judge David Folsom on 5/16/06. (mrm,) (Entered: 05/16/2006)
- 05/16/2006 731 Minute Entry for proceedings held before Judge David Folsom : Telephone Conference held on 5/16/2006. (Court Reporter non.) (mrm,) (Entered: 05/17/2006)
- 05/22/2006 732 SEALED PATENT MOTION For Prejudgment Interest and Supplemental Damages by TIVO Inc. (Attachments: # 1 Exhibit Exhibit 1# 2 Exhibit Exhibit 2# 3 Exhibit Exhibit 3# 4 Affidavit Declaration of Dr. Keith R. Ugone in support of Motion for Prejudgment Interest and Supplemental Damages# 5 Exhibit Exhibit A to Ugone Declaration# 6 Exhibit Exhibit B to Ugone Declaration# 7 Exhibit Exhibit C to Ugone Declaration# 8 Exhibit Exhibit D to Ugone Declaration# 9 Exhibit Exhibit E to Ugone Declaration# 10 Exhibit Exhibit F to Ugone Declaration# 11 Exhibit Exhibit G to Ugone Declaration# 12 Exhibit Exhibit H to Ugone Declaration# 13 Text of Proposed Order Proposed Order on TiVo's Motion for Prejudgment Interest and Supplemental Damages)(Byrd, Christine) (Entered: 05/22/2006)
- 05/25/2006 734 NOTICE by TIVO Inc of Motion to Treble Damages and for a Determination that this Case is "Exceptional" Entitling TiVo's to Attorneys' Fees (Attachments: # 1 Affidavit Declaration of Adam Hoffman In Support of TiVo's Motion for Enhanced Damages and a Determination the this Case is Exceptional# 2 Exhibit 1# 3 Exhibit 2# 4 Exhibit 3# 5 Exhibit 4# 6 Exhibit 5# 7 Exhibit 6# 8 Exhibit 7# 9 Exhibit 8# 10 Exhibit 9# 11 Exhibit 10# 12 Exhibit 11# 13 Exhibit 12# 14 Errata 13# 15 Exhibit 14# 16 Exhibit 15# 17 Exhibit 15# 18 Exhibit 17# 19 Exhibit 18# 20 Exhibit 19# 21 Exhibit 20# 22 Exhibit 21# 23 Exhibit 22# Exhibit 23# 25 Exhibit 24# 26 Exhibit 25# 27 Exhibit 26# 28 Exhibit 27# 29 Exhibit 28# 30 Exhibit 29# 31 Exhibit 30# 32 Exhibit 31# 33 Exhibit 32# 34 Exhibit 33# 35 Exhibit 34# 36 Exhibit 35# 37 Exhibit 36# 38 Exhibit 37# 39 Exhibit 38# 40 Exhibit 39# 41 Exhibit 40# 42 Exhibit 41# 43 Exhibit 42# 44 Exhibit 43# 45 Exhibit 44# 46 Exhibit 45# 47 Text of Proposed Order)(Hoffman, Adam) Additional attachment(s) added on 5/26/2006 (sm,). (Entered: 05/26/2006)
- 05/26/2006 735 ORDER re 733 SEALED PATENT MOTION for Injunction filed by TIVO Inc, & ORDER RE: ECHOSTAR'S MOTION FOR STAY PENDING APPEAL. Pursuant to the agreement of the parties and for good cause shown, the Court hereby ORDERS that (i) EchoStar shall combine its motion for stay pending appeal with its response to TiVo's motion for an injunction (due 6/6/06); (ii) EchoStar shall have a total of 40 pages for its combined response and motion for stay; (iii) TiVo shall combine its response to EchoStar's motion for stay with its reply in support

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of its motion for an injunction (due 6/13/06); and (iv) EchoStar's reply in support of its motion for stay shall be due 6/20/06. Signed by Judge David Folsom on 6/5/06. (mpv,) (Entered: 06/05/2006)

- 06/06/2006 736 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 732 SEALED PATENT MOTION For Prejudgment Interest and Supplemental Damages filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Matthew R. Lynde# 2 Exhibit A-K to Lynde Decl.# 3 Affidavit of Karl Kramer# 4 Exhibit A-J to Kramer Decl.)(Kramer, Karl) (Entered: 06/06/2006)
- 06/06/2006 737 SEALED PATENT MOTION EchoStar's (1) Opposition to TiVo's Motion for Entry of Judgment and Permanent Injunction and (2) Cross-Motion to Stay Any Injunction Pending Appeal by "EchoStar defendants". (Attachments: # 1 Affidavit of Erik Carlson# 2 Affidavit of Jody Martin# 3 Affidavit of Dan Minnick# 4 Affidavit of John J. Yodzis# 5 Affidavit of Robert Harkins# 6 Exhibit 1-17 of Harkins Decl.# 7 Exhibit 18-22 of Harkins Decl.# 8 Text of Proposed Order)(Harkins, Robert) (Entered: 06/06/2006)
- 06/09/2006 738 ORDER RE: TIVO'S BRIEF (i) IN FURTHER SUPPORT OF ITS MOTION FOR PERMANENT INJUNCTION AND (ii) IN RESPONSE TO ECHOSTAR'S MOTION FOR STAY PENDING APPEAL; the Court hereby ORDERS that (i) TiVO shall have a total of 25 pgs for its combined reply in support of its motion for an injunction and response in opposition to EchoStar's motion for stay pending appeal, (ii) TiVo's combined brief shall be due 6/14/06 and (iii) EchoStar's reply in support of its motion for stay shall be due 6/21/06. All other dates remain unchanged. Signed by Judge David Folsom on 6/9/06. (mrm,) (Entered: 06/09/2006)
- 06/09/2006 739 SEALED PATENT DOCUMENT EchoStar's Opposition to TiVo's Motion for Enhanced Damages and Attorneys' Fees. (Attachments: # 1 Affidavit of Rachel Krevans# 2 Exhibit 1-4# 3 Exhibit 5 part 1# 4 Exhibit 5 part 2# 5 Exhibit 6 part 1# 6 Exhibit 6 part 2# 7 Exhibit 7-12# 8 Exhibit 13-22# 9 Exhibit 23# 10 Exhibit 24-28) (Krevans, Rachel) (Entered: 06/09/2006)
- 06/09/2006 740 SEALED PATENT ADDITIONAL ATTACHMENTS to Main Document: 739 Sealed Patent Document,. (Attachments: # 1 Exhibit 29 part 2# 2 Exhibit 29 part 3# 3 Exhibit 29 part 4# 4 Exhibit 29 part 5# 5 Exhibit 29 part 6# 6 Exhibit 29 part 7# 7 Exhibit 29 part 8)(Krevans, Rachel) (Entered: 06/09/2006)
- 06/09/2006 741 SEALED PATENT ADDITIONAL ATTACHMENTS to Main Document: 739 Sealed Patent Document,. (Attachments: # 1 Exhibit 30 part 2# 2 Exhibit 30 part 3# 3 Exhibit 30 part 4# 4 Exhibit 30 part 5# 5 Exhibit 30 part 6# 6 Exhibit 30 part 7# 7 Exhibit 30 part 8# 8 Exhibit 31-32)(Krevans, Rachel) (Entered: 06/09/2006)
- 06/09/2006 742 SEALED PATENT ADDITIONAL ATTACHMENTS to Main Document: 739 Sealed Patent Document,. (Attachments: # 1 Exhibit 33 part 2# 2 Exhibit 33 part 3# 3 Exhibit 33 part 4# 4 Exhibit 33 part 5# 5 Exhibit 33 part 6# 6 Exhibit 33 part 7# 7 Exhibit 33 part 8)(Krevans, Rachel) (Entered: 06/09/2006)
- 06/09/2006 743 SEALED PATENT ADDITIONAL ATTACHMENTS to Main Document: 739 Sealed Patent Document,. (Attachments: # 1 Exhibit 39 part 1# 2 Exhibit 39 part 2# 3 Exhibit 39 part 3# 4 Exhibit 39 part 4)(Krevans, Rachel) (Entered: 06/09/2006)
- 06/13/2006 744 SEALED PATENT REPLY to Response to PATENT Motion re 732 SEALED PATENT MOTION For Prejudgment Interest and Supplemental Damages filed by TIVO Inc. (Attachments: # 1 Affidavit Declaration of Christine Byrd# 2 Exhibit Exhibit A# 3 Exhibit Exhibit B# 4 Exhibit Exhibit C# 5 Exhibit Exhibit D)(Byrd, Christine) (Entered: 06/13/2006)
- 06/13/2006 745 SEALED PATENT DOCUMENT EchoStar's Pretrial Brief on Equitable Estoppel, Laches, and Inequitable Conduct. (Kramer, Karl) (Entered: 06/13/2006)
- 06/14/2006 746 SEALED PATENT DOCUMENT TIVO'S TRIAL BRIEF ON THIS COURT'S PERSONAL JURISDICTION OVER ECC AND EDBS. (Byrd, Christine) (Entered: 06/14/2006)
- 06/16/2006 749 ORDER RE: (1) TIVO'S REPLY IN SUPPORT OF ITS MOTION FOR TREBLE DAMAGES AND A DETERMINATION THAT THIS IS AN "EXCEPTIONAL CASE" (2) ECHOSTAR'S RESPONSE TO TRIAL BRIEF ON THIS COURT'S PERSONAL JURISDICTION OVER ECC AND EDBS; ORDERS that (i) TiVo's Reply Brief of its Motion for Treble Damages and a Determination that this case is an "Exceptional Case" is due 6/19/06; (ii) EchoStar's Response to TiVo's Trial Brief on this Court's Personal Jurisdiction over ECC and EDBS is due 6/22/06. Signed by Judge David Folsom on 6/16/06. (mrm,) (Entered: 06/16/2006)
- 06/17/2006 750 Bench Trial Witness List by TIVO Inc. (Byrd, Christine) (Entered: 06/17/2006)
- 06/19/2006 751 NOTICE by "EchoStar defendants" of Withdrawal of Personal Jurisdiction Affirmative Defense (Krevans, Rachel) (Entered: 06/19/2006)
- 06/20/2006 752 SEALED PATENT DOCUMENT TIVO'S REPLY IN SUPPORT OF ITS MOTION FOR TREBLE DAMAGES AND THE DESIGNATION OF THIS CASE AS 'EXCEPTIONAL'. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 # 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I)(Hoffman, Adam) (Entered: 06/20/2006)
- 06/20/2006 753 SEALED PATENT DOCUMENT TiVo's Trial Brief on Equitable Estoppel, Laches, and Inequitable Conduct. (Attachments: # 1 Jones Declaration# 2 Exhibit 1# 3 Exhibit 2# 4 Exhibit 3# 5 Exhibit 4)(Armond, Michelle) (Entered: 06/21/2006)
- 06/21/2006 754 SEALED PATENT REPLY to Response to PATENT Motion re 737 SEALED PATENT MOTION EchoStar's (1) Opposition to TiVo's Motion for Entry of Judgment and Permanent Injunction and (2) Cross-Motion to Stay Any Injunction Pending Appeal filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Rachel Krevans# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D)(Krevans, Rachel) Modified on 6/22/2006 (mpv,). (Entered: 06/21/2006)
- 06/26/2006 755 Minute Entry for proceedings held before Judge David Folsom : Bench Trial held on 6/26/2006 - 6/27/06. (Court Reporter Keith Johnson.) (mrm,) (Entered: 06/29/2006)
- 06/26/2006 757 Bench Trial Witness List. (mrm,) (Entered: 06/29/2006)

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06/26/2006	758	Bench Trial Exhibit List. (Attachments: # 1 Additional Exhibit Lists)(mrm,) Modified on 6/29/2006 (mrm,). (BT exhibits in Texarkana vault some exhibits are SEALED) (Entered: 06/29/2006)
06/28/2006	756	Minute Entry for proceedings held before Judge David Folsom : Motion Hearing held on 6/28/2006 re 737 SEALED PATENT MOTION EchoStar's (1) Opposition to TiVo's Motion for Entry of Judgment and Permanent Injunction and (2) Cross-Motion to Stay Any Injunction Pending Appeal filed by "EchoStar defendants",, 732 SEALED PATENT MOTION For Prejudgment Interest and Supplemental Damages filed by TIVO Inc., 733 SEALED PATENT MOTION for Injunction filed by TIVO Inc.. (Court Reporter Keith Johnson.) (mrm,) (Entered: 06/29/2006)
07/06/2006	759	SEALED PATENT RESPONSE by "EchoStar defendants" to 753 Sealed Patent Document EchoStar's Opposition to TiVo's Arguments Regarding Timeliness and Unclean Hands. (Attachments: # 1 Affidavit of Rachel Krevans# 2 Exhibit A-G to Krevans Declaration)(Krevans, Rachel) (Entered: 07/06/2006)
07/07/2006	760	Proposed Findings of Fact by TIVO Inc. (Armond, Michelle) (Entered: 07/07/2006)
07/07/2006	761	SEALED PATENT DOCUMENT EchoStar's Proposed Findings of Fact and Conclusions of Law on Equitable Estoppel, Laches, and Inequitable Conduct. (Krevans, Rachel) (Entered: 07/07/2006)
07/07/2006	762	SEALED PATENT RESPONSE by TIVO Inc to 759 Sealed Patent Response to Non-Motion, EchoStar's Opposition Re: Timeliness and Unclean Hands. (Jones, Brian) (Entered: 07/07/2006)
07/20/2006	763	NOTICE by TIVO Inc regarding letter brief submitted July 20, 2006 (Jones, Brian) (Entered: 07/20/2006)
07/24/2006	764	SEALED PATENT MOTION EchoStar's Rule 50(b) Renewed Motion for Judgment as a Matter of Law by "EchoStar defendants". (Attachments: # 1 Affidavit of Rachel Krevans# 2 Exhibit A-B to Krevans Decl.# 3 Text of Proposed Order)(Krevans, Rachel) (Entered: 07/24/2006)
07/24/2006	765	SEALED PATENT MOTION EchoStar's Rule 59 Motion for New Trial and/or Remittitur by "EchoStar defendants". (Attachments: # 1 Affidavit of Rachel Krevans# 2 Exhibit 1 - 9 of Krevans Decl.# 3 Affidavit of Matthew R. Lynde# 4 Exhibit 1 of Lynde Exhibit# 5 Text of Proposed Order First Alternative Proposed Order# 6 Text of Proposed Order Second Alternative Proposed Order# 7 Text of Proposed Order Third Alternative Proposed Order)(Krevans, Rachel) (Entered: 07/24/2006)
07/25/2006	766	NOTICE by "EchoStar defendants" re 763 Notice (Other) Notice of Filing of Letter Brief (McElhinny, Harold) (Entered: 07/25/2006)
08/01/2006	--	Sealed Order #767 sent via US Mail to all party attys of record 8/1/06. (mpv,) (Entered: 08/01/2006)
08/01/2006	768	Joint MOTION re: Briefing Schedule On (1) EchoStar's Rule 50(b) Renewed Motion for Judgment as a Matter of Law and (2) EchoStar's Rule 59 Motion for New Trial and/or Remittitur by TIVO Inc. (Attachments: # 1 Text of Proposed Order Joint Proposed Order Re: Briefing Schedule)(Byrd, Christine) (Entered: 08/01/2006)
08/03/2006	769	ORDER; re: 768 Joint MOTION re: Briefing Schedule On (1) EchoStar's Rule 50(b) Renewed Motion for Judgment as a Matter of Law and (2) EchoStar's Rule 59 Motion for New Trial and/or Remittitur by TIVO Inc; TiVo shall file its opposition brief on or before 8/21/06 and EchoStar shall file its reply brief on or before 8/31/06 . Signed by Judge David Folsom on 8/3/06. (mrm,) (Entered: 08/03/2006)
08/07/2006	770	NOTICE by TIVO Inc re 766 Notice (Other) Notice of Letter Brief (Byrd, Christine) (Entered: 08/07/2006)
08/11/2006	771	NOTICE by TIVO Inc of Letter to Court (Jones, Brian) (Entered: 08/11/2006)
08/17/2006	772	FINDINGS OF FACT AND CONCLUSIONS OF LAW. Signed by Judge David Folsom on 8/17/06. (mrm,) (Entered: 08/17/2006)
08/17/2006	773	ORDER granting 733 Sealed Patent Motion for Entry of Judgment and Permanent Injunction, denying 737 Sealed Patent Motion to Stay Any Injunction Pending Appeal. Signed by Judge David Folsom on 8/17/06. (mrm,) (Entered: 08/17/2006)
08/17/2006	774	ORDER granting 732 Sealed Patent Motion for Prejudgment Interest and Supplemental Damages. Signed by Judge David Folsom on 8/17/06. (mrm,) (Entered: 08/17/2006)
08/17/2006	775	ORDER denying 734 Motion for Treble Damages and for a Determination that this Case is "Exceptional" Entitling TiVo's to Attorneys' Fees filed by TIVO Inc, . Signed by Judge David Folsom on 8/17/06. (mrm,) (Entered: 08/17/2006)
08/17/2006	776	FINAL JUDGMENT AND PERMANENT INJUNCTION. Signed by Judge David Folsom on 8/17/06. (mrm,) (Entered: 08/17/2006)
08/17/2006	777	***FILED IN ERROR; DOCKETED INCORRECTLY; PLEASE IGNORE*** NOTICE by "EchoStar defendants" Notice of Appeal (Krevans, Rachel) Modified on 8/18/2006 (mpv,). (Entered: 08/17/2006)
08/17/2006	778	***FILED IN ERROR; DOCKETED INCORRECTLY; PLEASE IGNORE*** NOTICE by "EchoStar defendants" Corrected Notice of Appeal (Krevans, Rachel) Modified on 8/18/2006 (mpv,). (Entered: 08/17/2006)
08/17/2006	--	NOTICE of Deficiency regarding the Notice of Appeal and Corrected Notice of Appeal #777 & 778 submitted Docketed Incorrectly. Correction should be made by one business day (mpv,) (Entered: 08/18/2006)
08/17/2006	779	NOTICE OF APPEAL as to 776 Judgment, Permanent Injunction by "EchoStar defendants". Filing fee \$ 455, receipt number 5-1-671. (mpv,) (Entered: 08/18/2006)
08/18/2006	--	USCA Appeal Fees received \$ 455 receipt number 5-1-671 re 779 Notice of Appeal filed by "EchoStar defendants", (mpv,) (Entered: 08/18/2006)
08/18/2006	--	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals for the Federal Circuit Court re 779 Notice of Appeal (ehs,) (Entered: 08/18/2006)

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08/18/2006 -- Appeal Remark re 779 Notice of Appeal: transcript order forms for the Federal Circuit Court of Appeal sent to cnsf for the defendants (ehs,) (Entered: 08/18/2006)

08/21/2006 780 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 764 SEALED PATENT MOTION EchoStar's Rule 50 (b) Renewed Motion for Judgment as a Matter of Law filed by TIVO Inc. (Giza, Alexander) (Entered: 08/21/2006)

08/21/2006 781 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 765 SEALED PATENT MOTION EchoStar's Rule 59 Motion for New Trial and/or Remittitur filed by TIVO Inc. (Attachments: # 1 Affidavit Hoffman Declaration In Support Of TiVo's Opposition to EchoStar's Renewed JMOL and TiVo's Opposition to EchoStar's Motion for a New Trial and/or Remittitur# 2 Exhibit A# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I# 10 Exhibit J# 11 Exhibit K# 12 Exhibit L# 13 Exhibit M# 14 Exhibit N)(Hoffman, Adam) (Entered: 08/21/2006)

08/22/2006 782 SEALED PATENT ADDITIONAL ATTACHMENTS to Main Document: 781 Sealed Patent Response to Sealed Patent Motion,,. (Attachments: # 1 Exhibit Corrected Exhibit F# 2 Exhibit Correcte4d Exhibit G# 3 Exhibit Corrected Exhibit H# 4 Exhibit Corrected Exhibit M# 5 Exhibit O# 6 Exhibit P# 7 Exhibit Q# 8 Exhibit R# 9 Exhibit S# 10 Exhibit T# 11 Exhibit U# 12 Exhibit V# 13 Exhibit W# 14 Exhibit X# 15 Exhibit Y# 16 Exhibit Z# 17 Exhibit AA# 18 Exhibit BB# 19 Exhibit DD# 20 Exhibit EE# 21 Exhibit FF)(Hoffman, Adam) (Entered: 08/22/2006)

08/22/2006 783 SEALED PATENT ADDITIONAL ATTACHMENTS to Main Document: 781 Sealed Patent Response to Sealed Patent Motion,,. (Attachments: # 1 Exhibit B Part 1# 2 Exhibit B Part 2# 3 Exhibit B Part 3# 4 Exhibit B Part 4# 5 Exhibit B Part 5# 6 Exhibit B Part 6# 7 Exhibit B Part 7# 8 Exhibit CC Part 1# 9 Exhibit CC Part 2) (Hoffman, Adam) (Entered: 08/22/2006)

08/22/2006 784 SEALED PATENT RESPONSE to SEALED PATENT MOTION re 765 SEALED PATENT MOTION EchoStar's Rule 59 Motion for New Trial and/or Remittitur Amended Opposition (identical to Opposition filed under docket no. 781 except footer and table of authorities corrected; supporting Hoffman Declaration and exhibits still under docket nos. 781, 782, and 783) filed by TIVO Inc. (Hoffman, Adam) (Entered: 08/22/2006)

08/22/2006 786 USCA for the Federal Circuit Court - Case Number 2006-1574 for 779 Notice of Appeal filed by "EchoStar defendants",. (ehs,) (Entered: 08/29/2006)

08/28/2006 785 US Federal Circuit Court of Appeals Case Number 2006-1574 for 779 Notice of Appeal filed by "EchoStar defendants". (ehs,) (Entered: 08/28/2006)

08/29/2006 787 SEALED PATENT REPLY to Response to PATENT Motion re 764 SEALED PATENT MOTION EchoStar's Rule 50(b) Renewed Motion for Judgment as a Matter of Law filed by "EchoStar defendants". (Krevans, Rachel) (Entered: 08/29/2006)

08/29/2006 788 SEALED PATENT REPLY to Response to PATENT Motion re 765 SEALED PATENT MOTION EchoStar's Rule 59 Motion for New Trial and/or Remittitur filed by "EchoStar defendants". (Krevans, Rachel) (Entered: 08/29/2006)

08/29/2006 789 TRANSCRIPT of Proceedings/Hearing on Tivo's Objections to Defendants' Trial Exhibits and Defendants' Evidentiary Objections held on 2/1/06 before Judge Caroline Craven. Court Reporter: Leslie P Bates. (mpv,) (Entered: 08/29/2006)

08/29/2006 790 TRANSCRIPT of Proceedings/Hearing on Tivo's Objections to Defendants' Trial Exhibits and Defendants' Evidentiary Objections held on 2/27/06 before Judge Caroline Craven. Court Reporter: Leslie P Bates. (mpv,) (Entered: 08/29/2006)

08/29/2006 791 ***FILED IN ERROR; DEFICIENT DOCUMENT; PLEASE IGNORE*** SEALED PATENT DOCUMENT Supplemental Declaration of Dr. Keith Ugone re Prejudgment Interest and Supplemental Damages for July 31 - August 17, 2006. (Attachments: # 1 Affidavit Supplemental Declaration of Dr. Keith Ugone)(Byrd, Christine) Modified on 8/30/2006 (mpv,). (Entered: 08/29/2006)

08/29/2006 792 NOTICE of Deficiency regarding the SEALED PATENT DOCUMENT Supplemental Declaration of Dr. Keith Ugone re Prejudgment Interest and Supplemental Damages for July 31 - August 17, 2006. #791 submitted No Certificate of Authorization to file sealed document included in pleading. Correction should be made by one business day. (mpv,) (Entered: 08/30/2006)

08/30/2006 793 TRANSCRIPT of Proceedings held on 6/26/06 before Judge David Folsom. Court Reporters: Kimberly Julian and D. Keith Smith. (mpv,) (Entered: 08/30/2006)

08/30/2006 794 TRANSCRIPT of Proceedings held on 6/27/06 before Judge David Folsom. Court Reporters: Kimberly Julian and D Keith Johnson. (mpv,) (Entered: 08/30/2006)

08/30/2006 795 TRANSCRIPT of Proceedings held on 6/28/06 before Judge David Folsom. Court Reporters: Kimberly Julian and D Keith Johnson. (mpv,) (Entered: 08/30/2006)

08/30/2006 796 ***REPLACES #791*** SEALED PATENT DOCUMENT Supplemental Declaration of Dr. Keith Ugone re Prejudgment Interest and Supplemental Damages for July 31 - August 17, 2006. (Attachments: # 1 Exhibit Ex. 1 - Declaration of Dr. Keith Ugone)(Giza, Alexander) Modified on 8/30/2006 (mpv,). (Entered: 08/30/2006)

08/30/2006 797 BILL OF COSTS by TIVO Inc. (Attachments: # 1 Affidavit Brief summarizing costs# 2 Exhibit Ex. A to Brief summarizing costs# 3 Exhibit Ex. B (part 1) to Brief summarizing costs# 4 Exhibit Ex. B (part 2) to Brief summarizing costs# 5 Exhibit Ex. B (part 3) to Brief summarizing costs# 6 Exhibit Ex. B (part 4) to Brief summarizing costs# 7 Exhibit Ex. C to Brief summarizing costs# 8 Exhibit Ex. D to Brief summarizing costs) (Giza, Alexander) (Entered: 08/30/2006)

08/31/2006 798 Joint MOTION to Amend/Correct /Extend 10-Day Period Provided For In Federal Rule of Civil Procedure 62(a)

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by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Krevans, Rachel) (Entered: 08/31/2006)

08/31/2006 799 TRANSCRIPT REQUEST by "EchoStar defendants" for all proceedings held Transcripts already on file before Judge David Folsom.. (mpv,) (Entered: 08/31/2006)

08/31/2006 800 Joint MOTION to Amend/Correct Final Judgment and Permanent Injunction by TIVO Inc. (Attachments: # 1 Exhibit Ex. A (TiVo proposed order)# 2 Exhibit Ex. B (EchoStar proposed order))(Giza, Alexander) (Entered: 08/31/2006)

09/01/2006 801 ORDER granting 798 Motion to Amend/Correct 10-Day period provided for In FRCP 62(a). IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the period provided for in Rule 62(a) is hereby extended, through 9/5/06. Accordingly, no execution shall issue upon the money judgment nor shall proceedings be taken for its enforcement until after 9/5/06 . Signed by Judge David Folsom on 9/1/06. (mpv,) (Entered: 09/01/2006)

09/05/2006 802 Joint MOTION to Extend 10-Day Period Provided For In Federal Rule of Civil Procedure 62(a) by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Krevans, Rachel) (Entered: 09/05/2006)

09/08/2006 803 ORDER granting 802 Motion to extend 10 day period provided in federal rules of civil procedure and the period provided for in Rule 62 is hereby extended, through September 11, 2006 . Signed by Judge David Folsom on 9/8/2006. (sm,) Modified on 9/8/2006 (sm,). (Entered: 09/08/2006)

09/08/2006 804 NOTICE OF APPEAL by "EchoStar defendants". Filing fee \$ 455, receipt number 869142. (Krevans, Rachel) (Entered: 09/08/2006)

09/08/2006 805 Joint SEALED PATENT MOTION for Approval of Alternate Security Under Rule 62(d) and for Stay of Enforcement of Money Judgment by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order) (Krevans, Rachel) Revised Proposed Order added on 9/11/2006 (mpv,). Modified on 9/11/2006 (mpv,). (Entered: 09/08/2006)

09/08/2006 806 AMENDED FINAL JUDGMENT AND PERMANENT INJUNCTION. Signed by Judge David Folsom on 9/8/06. (mpv,) (Entered: 09/11/2006)

09/11/2006 807 RESPONSE to 797 Bill of Costs, EchoStar's Objection to TiVo's Bill of Costs by "EchoStar defendants". (Krevans, Rachel) (Entered: 09/11/2006)

09/12/2006 808 ORDER granting 805 Sealed Patent Motion . Signed by Judge David Folsom on 9/12/06. (mpv,) (Entered: 09/12/2006)

09/21/2006 809 NOTICE OF CROSS APPEAL by TIVO Inc. Filing fee \$ 455, receipt number 881854. (Giza, Alexander) (Entered: 09/21/2006)

09/22/2006 810 Amended BILL OF COSTS by TIVO Inc. (Attachments: # 1 Affidavit Amended Bill of Costs Brief# 2 Exhibit Ex. A to Amended Bill of Costs Brief# 3 Exhibit Ex. B1 to Amended Bill of Costs Brief# 4 Exhibit Ex. B2 to Amended Bill of Costs Brief# 5 Exhibit Ex. B3 to Amended Bill of Costs Brief# 6 Exhibit Ex. B4 to Amended Bill of Costs Brief# 7 Exhibit Ex. C to Amended Bill of Costs Brief# 8 Exhibit Ex. D to Amended Bill of Costs Brief) (Giza, Alexander) (Entered: 09/22/2006)

09/27/2006 811 RESPONSE to 810 Bill of Costs, EchoStar's Objection to TiVo's Amended Bill of Costs by "EchoStar defendants". (Krevans, Rachel) (Entered: 09/27/2006)

10/04/2006 812 NOTICE by "EchoStar defendants" of Order (Attachments: # 1 Exhibit A)(McElhinny, Harold) (Entered: 10/04/2006)

10/04/2006 813 RESPONSE to 811 Response to Non-Motion EchoStar's Objection to TiVo's Amended Bill of Costs by TIVO Inc. (Giza, Alexander) (Entered: 10/04/2006)

10/09/2006 814 RESPONSE to 813 Response to Non-Motion EchoStar's Objection to TiVo's Amended Bill of Costs by "EchoStar defendants". (Krevans, Rachel) (Entered: 10/09/2006)

10/27/2006 815 USCA Federal Circuit Case Number 2007-1022 for 809 Notice of Cross Appeal filed by TIVO Inc. (ehs,) (Entered: 10/27/2006)

11/27/2006 816 ORDER denying 764 Sealed Patent Motion EchoStar's Rule 50(b) Renewed Motion for Judgment as a Matter of Law, denying 765 Sealed Patent Motion EchoStar's Rule 59 Motion for New Trial and/or Remittitur by "EchoStar defendants". Signed by Judge David Folsom on 11/27/06. (mrm,) (Entered: 11/27/2006)

01/03/2007 817 Sealed Document. (Attachments: # 1 Exhibit Exhibits)(Byrd, Christine) (Entered: 01/03/2007)

01/03/2007 818 STIPULATION JOINT STIPULATION RE SUPPLEMENTAL DAMAGES AND PREJUDGMENT INTEREST FOR THE PERIOD OF AUGUST 1, 2006 TO SEPTEMBER 8, 2006 by TIVO Inc. (Attachments: # 1 Text of Proposed Order Proposed Order)(Byrd, Christine) (Entered: 01/03/2007)

01/23/2007 819 ORDER RE: SUPPLEMENTAL DAMAGES AND PREJUDGMENT INTEREST FOR THE PERIOD OF AUGUST 1, 2006 TO SEPTEMBER 8, 2006; re 818 Stipulation filed by TIVO Inc, . Signed by Judge David Folsom on 1/23/07. (mrm,) (Entered: 01/23/2007)

02/04/2008 820 USCA JUDGMENT as to 779 Notice of Appeal filed by "EchoStar defendants", 804 Notice of Appeal filed by "EchoStar defendants". Received Opinion announcing judgment of the Court. Parties shall bear its own costs. Affirmed in part, reversed in part and remanded. (ehs,) (Entered: 02/04/2008)

04/21/2008 821 MANDATE of USCA as to 809 Notice of Cross Appeal filed by TIVO Inc, 779 Notice of Appeal filed by "EchoStar defendants", 804 Notice of Appeal filed by "EchoStar defendants" JUDGMENT ON APPEAL. This CAUSE having been heard and considered, it is ORDERED and ADJUDGED: AFFIRMED IN PART, REVERSED IN PART, and REMANDED. Signed by Jan Horbaly, Clerk for Federal Circuit on 4/18/08. ISSUED AS MANDATE: (mpv,) Modified on 4/21/2008 (mpv,). (Entered: 04/21/2008)

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04/23/2008 822 ORDER Status Conference set for 5/30/2008 10:00 AM in Ctrm 319 (Texarkana) before Judge David Folsom. Plaintiff shall submit to the Court by letter, the topics of discussion for the status conference and the relief sought by May 16, 2008. Defendant shall by letter, respond and advise on any additional matters by May 23, 2008. Signed by Judge David Folsom on 4/23/08. (mrm,) (Entered: 04/23/2008)

05/12/2008 823 CORPORATE DISCLOSURE STATEMENT (no parent corporation) filed by "EchoStar defendants" (Krevans, Rachel) Modified on 5/12/2008 (sm,). (Entered: 05/12/2008)

05/16/2008 824 NOTICE by TIVO Inc re 822 Order,, Set Hearings, Letter to Judge Folsom (Attachments: # 1 Exhibit Ex A to Letter# 2 Exhibit Ex. B to Letter# 3 Exhibit Ex. C to Letter# 4 Exhibit Certificate of Service)(Giza, Alexander) (Entered: 05/16/2008)

05/17/2008 825 NOTICE by TIVO Inc re 824 Notice (Other) Corrected Letter to Judge Folsom [Replaces Dkt No 824] (Attachments: # 1 Exhibit Ex A to Letter, # 2 Exhibit Ex B to Letter, # 3 Exhibit Ex C to Letter, # 4 Exhibit Certificate of service)(Giza, Alexander) Modified on 5/19/2008 (mpv,). (Entered: 05/17/2008)

05/23/2008 826 RESPONSE to 822 Order,, Set Hearings, 825 Notice (Other), Notice (Other), 824 Notice (Other) LETTER by "EchoStar defendants". (Attachments: # 1 Exhibit 1, # 2 Exhibit 2a, # 3 Exhibit 2b, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9)(McElhinny, Harold) (Additional attachment(s) added on 5/27/2008: # 11 Certificate of Service) (mpv,). (Entered: 05/23/2008)

05/23/2008 827 ***FILED IN ERROR; PLEASE IGNORE; NOW ATTACHED TO # 826 by CLERK*** NOTICE by "EchoStar defendants" CERTIFICATE OF SERVICE (McElhinny, Harold) Modified on 5/27/2008 (mpv,). (Entered: 05/23/2008)

05/27/2008 -- ***FILED IN ERROR. Document # 827, NOTICE by "EchoStar defendants" CERTIFICATE OF SERVICE. PLEASE IGNORE. Document now attached to # 826 by clerk.*** (mpv,) (Entered: 05/27/2008)

05/30/2008 828 Minute Entry for proceedings held before Judge David Folsom: Status Conference held on 5/30/2008. (Court Reporter Libby Crawford.) (mrm,) (Entered: 05/30/2008)

06/05/2008 829 ORDER The Court has set for hearing September 4, 2008 the first issue of whether EchoStar has disabled the DVR functionality with respect to the Infringing Products as required by the Courts Permanent Injunction. The second issue outlined above, namely TiVos request to take limited discovery regarding EchoStars allegedly new software, is denied at this time. In the interest of judicial economy, the Court will determine first whether EchoStar should be held in contempt for its failure to disable the DVR functionality in the Infringing Products and for its placement of new infringing DVRs as urged by TiVo or whether, as urged by EchoStar, the language of the Courts Permanent Injunction allows EchoStar to comply with the spirit of the injunction by changing the software so that the products no longer infringe. TiVo may renew its request to serve limited discovery regarding EchoStars modified software after the Courts decision on the first issue. Signed by Judge David Folsom on 6/5/08. (mpv,) (Entered: 06/05/2008)

06/06/2008 830 TRANSCRIPT of Proceedings held on 5-30-08 before Judge David Folsom. Court Reporter/Transcriber: Libby Crawford, Telephone number: 903.794.4067 Ext. 237. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 6/27/2008. Redacted Transcript Deadline set for 7/7/2008. Release of Transcript Restriction set for 9/4/2008. (aec,) (Entered: 06/06/2008)

06/13/2008 831 ***WITHDRAWN PER ORDER #847*** MOTION for Interpretation of the Permanent Injunction by "EchoStar defendants". (Attachments: # 1 Affidavit of Jim Larocque, # 2 Affidavit of Rachel Krevans, # 3 Exhibit 1 to Krevans Declaration, # 4 Exhibit 2 to Krevans Declaration, # 5 Exhibit 3 to Krevans Declaration, # 6 Text of Proposed Order)(Krevans, Rachel) Modified on 7/22/2008 (mpv,). (Entered: 06/13/2008)

06/13/2008 832 MOTION FOR ECHOSTAR TO BE HELD IN CONTEMPT FOR VIOLATION OF THIS COURT'S PERMANENT INJUNCTION by TIVO Inc. (Attachments: # 1 Affidavit Declaration of Alexander Giza, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Text of Proposed Order)(Baxter, Samuel) (Entered: 06/13/2008)

06/13/2008 833 ***FILED IN ERROR; PLEASE IGNORE*** NOTICE by TIVO Inc Joint [Proposed] Interim Docket Control Order (Giza, Alexander) Modified on 6/16/2008 (mpv,). (Entered: 06/13/2008)

06/16/2008 -- NOTICE of Deficiency regarding #833 the NOTICE by TIVO Inc Joint [Proposed] Interim Docket Control Order submitted Proposed Orders not filed as a separate document, must be filed with a motion for entry. Correction should be made by one business day. (mpv,) (Entered: 06/16/2008)

06/16/2008 834 NOTICE by "EchoStar defendants" Submission Regarding Proposed Docket Control Order (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Krevans, Rachel) (Entered: 06/16/2008)

06/16/2008 835 MOTION to Amend/Correct Submission re Proposed Docket Control Order by TIVO Inc. (Attachments: # 1 Exhibit Ex A - Paice Order, # 2 Exhibit Ex B - Damages discovery, # 3 Text of Proposed Order Proposed Order) (Byrd, Christine) (Entered: 06/16/2008)

06/17/2008 836 SCHEDULING ORDER:, granting 835 MOTION to Amend/Correct Submission re Proposed Docket Control Order filed by TIVO Inc.. Signed by Judge David Folsom on 6/17/08. (mrm,) (Entered: 06/17/2008)

06/18/2008 837 SCHEDULING ORDER:Hearing set for 9/4/2008 AM in Ctrm 319 (Texarkana) before Judge David Folsom.. Each side shall have 30 minutes. Signed by Judge David Folsom on 6/18/08. (mrm,) (Entered: 06/18/2008)

06/25/2008 838 STIPULATION Joint Stipulation and Order Re TiVo's Bill of Costs by TIVO Inc, Echostar Satellite LLC, Echostar

Best Available Copy

Communications Corporation, Echostar DBS Corporation, EchoStar Technologies Corporation, Echosphere Limited Liability Company. (Byrd, Christine) (Entered: 06/25/2008)

- 06/30/2008 839 SEALED RESPONSE to Motion re 832 MOTION FOR ECHOSTAR TO BE HELD IN CONTEMPT FOR VIOLATION OF THIS COURT'S PERMANENT INJUNCTION filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Dan Minnick, # 2 Exhibit A-1 to Minnick Decl., # 3 Exhibit A-2 to Minnick Decl., # 4 Exhibit B-D to Minnick Decl., # 5 Affidavit of Rachel Krevans, # 6 Exhibit A-L to Krevans Decl.)(Krevans, Rachel) (Additional attachment(s) added on 7/1/2008: # 7 Text of Proposed Order) (mpv,). (Entered: 06/30/2008)
- 06/30/2008 840 RESPONSE in Opposition re 831 MOTION for Interpretation of the Permanent Injunction filed by TIVO Inc. (Attachments: # 1 Affidavit Giza Decl. ISO Opposition, # 2 Exhibit Ex. A to Giza Decl., # 3 Exhibit Ex. B to Giza Decl., # 4 Exhibit Ex. C to Giza Decl., # 5 Exhibit Ex. D to Giza Decl., # 6 Text of Proposed Order Proposed Order)(Giza, Alexander) (Entered: 06/30/2008)
- 07/10/2008 841 Joint MOTION for Extension of Time to File Response/Reply as to 832 MOTION FOR ECHOSTAR TO BE HELD IN CONTEMPT FOR VIOLATION OF THIS COURT'S PERMANENT INJUNCTION, 831 MOTION for Interpretation of the Permanent Injunction by TIVO Inc, "EchoStar defendants". (Attachments: # 1 Text of Proposed Order) (Chambers, Garret) (Additional attachment(s) added on 7/11/2008: # 2 REVISED ORDER) (sm,). (Entered: 07/10/2008)
- 07/11/2008 842 ORDER granting 841 Motion for Extension of Time to File Response/Reply re 832 MOTION FOR ECHOSTAR TO BE HELD IN CONTEMPT FOR VIOLATION OF THIS COURT'S PERMANENT INJUNCTION, 831 MOTION for Interpretation of the Permanent Injunction Replies due by 7/18/2008.. Signed by Judge David Folsom on 7/11/08. (ch,) (Entered: 07/11/2008)
- 07/18/2008 843 ***FILED IN ERROR; PLEASE IGNORE*** NOTICE by "EchoStar defendants" re 831 MOTION for Interpretation of the Permanent Injunction EchoStar Defendants' Withdrawal of their Motion for Interpretation of the Permanent Injunction (Krevans, Rachel) Modified on 7/18/2008 (mpv,). (Entered: 07/18/2008)
- 07/18/2008 -- ***FILED IN ERROR. Document # 843, NOTICE by "EchoStar defendants" re 831 MOTION for Interpretation of the Permanent Injunction EchoStar Defendants' Withdrawal of their Motion for Interpretation of the Permanent Injunction. PLEASE IGNORE. Attorney to file a motion to withdraw.*** (mpv,) (Entered: 07/18/2008)
- 07/18/2008 844 REPLY to Response to Motion re 832 MOTION FOR ECHOSTAR TO BE HELD IN CONTEMPT FOR VIOLATION OF THIS COURT'S PERMANENT INJUNCTION filed by TIVO Inc. (Attachments: # 1 Affidavit Declaration of Christine Byrd, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit K, # 12 Exhibit L)(Byrd, Christine) (Entered: 07/18/2008)
- 07/18/2008 845 SEALED PATENT ADDITIONAL ATTACHMENTS to Main Document: 844 Reply to Response to Motion, Supplemental Declaration of Christine Byrd. (Attachments: # 1 Exhibit J)(Byrd, Christine) (Entered: 07/18/2008)
- 07/18/2008 846 ***REPLACES #843*** MOTION to Withdraw 831 MOTION for Interpretation of the Permanent Injunction (Unopposed) by "EchoStar defendants". (Attachments: # 1 Text of Proposed Order)(Krevans, Rachel) Modified on 7/21/2008 (mpv,). (Entered: 07/18/2008)
- 07/21/2008 -- NOTICE of Hearing: Injunction Hearing set for 9/4/2008 10:00 AM in Ctrm 319 (Texarkana) before Judge David Folsom. (mrm,) (Entered: 07/21/2008)
- 07/22/2008 847 ORDER granting 846 Motion to Withdraw 831 MOTION for Interpretation of the Permanent Injunction. IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the EchoStarDefendants Unopposed Motion for Withdrawal of their Motion for Interpretation of thePermanent Injunction (Docket No. 831) is GRANTED. Signed by Judge David Folsom on 7/22/08. (mpv,) (Entered: 07/22/2008)
- 08/04/2008 848 ***FILED IN ERROR; PLEASE IGNORE; REPLACED BY #851*** SEALED PATENT MOTION Motion on Remand for Damages During the Stay of the Permanent Injunction by TIVO Inc. (Attachments: # 1 Text of Proposed Order Proposed Order)(Byrd, Christine) Modified on 8/4/2008 (mpv,). (Entered: 08/04/2008)
- 08/04/2008 849 ***FILED IN ERROR; PLEASE IGNORE: REPLACED BY #853*** SEALED PATENT ADDITIONAL ATTACHMENTS to Main Document: 851 Declaration of Keith R. Ugone In Support of SEALED PATENT MOTION Motion on Remand for Damages During the Stay of the Permanent Injunction. (Attachments: # 1 Exhibit Exhibit 1, # 2 Exhibit Exhibit 2, # 3 Exhibit Exhibit 3, # 4 Exhibit Exhibit 4, # 5 Exhibit Exhibit 5, # 6 Exhibit Exhibit 6, # 7 Exhibit Exhibit 7, # 8 Exhibit Exhibit 8, # 9 Exhibit Exhibit 9, # 10 Exhibit Exhibit 10, # 11 Exhibit Exhibit 11, # 12 Exhibit Exhibit 12, # 13 Exhibit Exhibit 13, # 14 Exhibit Exhibit 14, # 15 Exhibit Exhibit 14, # 16 Exhibit Exhibit 16, # 17 Exhibit Exhibit 17, # 18 Exhibit Exhibit 18, # 19 Exhibit Exhibit 19, # 20 Exhibit Exhibit 20, # 21 Exhibit Exhibit 21, # 22 Exhibit Exhibit 22, # 23 Exhibit Exhibit 23, # 24 Exhibit Exhibit 24, # 25 Exhibit Exhibit 25, # 26 Exhibit Exhibit 26, # 27 Exhibit Exhibit 27, # 28 Exhibit Exhibit 28)(Byrd, Christine) Modified on 8/4/2008 (mpv,). Modified on 8/12/2008 (mpv,). (Entered: 08/04/2008)
- 08/04/2008 850 SEALED PATENT ADDITIONAL ATTACHMENTS to Main Document: 852 SEALED PATENT MOTION REVISED/CORRECTED Motion on Remand for Damages During the Stay of the Permanent Injunction;Appendix to Declaration of Keith R. Ugone In Support of Motion on Remand for Damages During the Stay of the Permanent Injunction (Attachments: # 1 Exhibit App. Ex. 1, # 2 Exhibit App. Ex. 2, # 3 Exhibit App. Ex. 3, # 4 Exhibit App. Ex. 4, # 5 Exhibit App. Ex. 5, # 6 Exhibit App. Ex. 6, # 7 Exhibit App. Ex. 7, # 8 Exhibit App. Ex. 8, # 9 Exhibit App. Ex. 9, # 10 Exhibit App. Ex. 10, # 11 Exhibit App. Ex. 11, # 12 Exhibit App. Ex. 12, # 13 Exhibit App. Ex. 13, # 14 Exhibit App. Ex. 14, # 15 Exhibit App. Ex. 15, # 16 Exhibit App. Ex. 16, # 17 Exhibit App. Ex. 17, # 18 Exhibit App. Ex. 18, # 19 Exhibit App. Ex. 19, # 20 Exhibit App. Ex. 20, # 21 Exhibit App. Ex. 21, # 22 Exhibit App. Ex. 22, # 23 Exhibit App. Ex. 23, # 24 Exhibit App. Ex. 24, # 25 Exhibit Exhibit 25, # 26 Exhibit App. Ex. 26, # 27 Exhibit App. Ex. 27, # 28 Exhibit App. Ex. 28, # 29 Exhibit App. Ex. 29, # 30 Exhibit App. Ex. 30, # 31 Exhibit App. Ex. 31, # 32 Exhibit App. Ex. 32, # 33 Exhibit App. Ex. 33, # 34 Exhibit App. Ex. 34, # 35 Exhibit App. Ex. 35, # 36 Exhibit App. Ex. 36, # 37 Exhibit App. Ex. 37, # 38 Exhibit

App. Ex. 38, # 39 Exhibit App. Ex. 39, # 40 Exhibit App. Ex. 40, # 41 Exhibit App. Ex. 41, # 42 Exhibit App. Ex. 42, # 43 Exhibit App. Ex. 43, # 44 Exhibit App. Ex. 44, # 45 Exhibit App. Ex. 45)(Byrd, Christine) Modified on 8/4/2008 (mpv,). Modified on 8/12/2008 (mpv,). (Entered: 08/04/2008)

- 08/04/2008 851 ***FILED IN ERROR; PLEASE IGNORE***REPLACES #848; NOW REPLACED BY #852*** SEALED PATENT MOTION CORRECTED Motion on Remand for Damages During the Stay of the Permanent Injunction by TIVO Inc. (Attachments: # 1 Text of Proposed Order Proposed Order)(Byrd, Christine) Modified on 8/4/2008 (mpv,). Modified on 8/12/2008 (mpv,). (Entered: 08/04/2008)
- 08/04/2008 -- ***FILED IN ERROR. Document # 848, SEALED PATENT MOTION Motion on Remand for Damages During the Stay of the Permanent Injunction by TIVO Inc. PLEASE IGNORE. REPLACED BY # 851 SEALED PATENT MOTION CORRECTED Motion on Remand for Damages During the Stay of the Permanent Injunction by TIVO Inc; Documents # 849 and 850 have now been correctly linked by clerk to the Corrected Motion #851.*** (mpv,) (Entered: 08/04/2008)
- 08/12/2008 852 ***REPLACES #851*** SEALED PATENT MOTION REVISED/CORRECTED on Remand for Damages During the Stay of the Permanent Injunction by TIVO Inc. (Attachments: # 1 Text of Proposed Order Revised Proposed Order)(Byrd, Christine) Modified on 8/12/2008 (mpv,). (Entered: 08/12/2008)
- 08/12/2008 -- ***FILED IN ERROR. Document # 851, SEALED PATENT MOTION CORRECTED Motion on Remand for Damages During the Stay of the Permanent Injunction by TIVO Inc. PLEASE IGNORE. REPLACED BY # 852 Per Atty*** (mpv,) (Entered: 08/12/2008)
- 08/12/2008 -- NOTICE re 850 Sealed Patent Additional Attachments to Main Document, now correctly linked by clerk to new revised/corrected Motion # 852 . (mpv,) (Entered: 08/12/2008)
- 08/12/2008 853 ***REPLACES #849*** SEALED PATENT ADDITIONAL ATTACHMENTS to Main Document: 852 SEALED PATENT MOTION on Remand for Damages During the Stay of the Permanent Injunction. (Attachments: # 1 Affidavit Revised Declaration of Keith R. Ugone in Support of TIVO's Motion on Remand for Damages, # 2 Exhibit Declaration Exhibit 1, # 3 Exhibit Declaration Ex. 2, # 4 Exhibit Declaration Ex. 3, # 5 Exhibit Declaration Ex. 4, # 6 Exhibit Declaration Ex. 5, # 7 Exhibit Declaration Ex. 6, # 8 Exhibit Declaration Ex. 7, # 9 Exhibit Declaration Ex. 8, # 10 Exhibit Declaration Ex. 9, # 11 Exhibit Declaration Ex. 10, # 12 Exhibit Declaration Ex. 11, # 13 Exhibit Declaration Ex. 12, # 14 Exhibit Declaration Ex. 13, # 15 Exhibit Declaration Ex. 14, # 16 Exhibit Declaration Ex. 15, # 17 Exhibit Declaration Ex. 16, # 18 Exhibit Declaration Ex. 17, # 19 Exhibit Declaration Ex. 18, # 20 Exhibit Declaration Ex. 19, # 21 Exhibit Declaration Ex. 20, # 22 Exhibit Declaration Ex. 21, # 23 Exhibit Declaration Ex. 22, # 24 Exhibit Declaration Ex. 23, # 25 Exhibit Declaration Ex. 24, # 26 Exhibit Declaration Ex. 25, # 27 Exhibit Declaration Ex. 26, # 28 Exhibit Declaration Ex. 27, # 29 Exhibit Declaration Ex. 28)(Byrd, Christine) Modified on 8/12/2008 (mpv,). (Entered: 08/12/2008)
- 08/18/2008 854 SEALED RESPONSE to Motion re 852 SEALED PATENT MOTION on Remand for Damages During the Stay of the Permanent Injunction filed by "EchoStar defendants". (Attachments: # 1 Affidavit of Rachel Krevans, # 2 Exhibit A-E to Krevans Decl., # 3 Exhibit F-H to Krevans Decl., # 4 Exhibit I-M to Krevans Decl., # 5 Exhibit N-P to Krevans Decl.)(Krevans, Rachel) (Entered: 08/18/2008)
- 08/18/2008 855 SEALED ADDITIONAL ATTACHMENTS to Main Document: 854 Sealed Response to Motion on Remand for Damages During the Stay of the Permanent Injunction; Declaration of Paul K. Meyer and Attachments A-H (Attachments: # 1 Appendix to Meyer Declaration, # 2 Exhibit A-D to Meyer Appendix, # 3 Exhibit E-I to Meyer Appendix, # 4 Exhibit J, Part 1 to Meyer Appendix, # 5 Exhibit J, Part 2 to Meyer Appendix, # 6 Exhibit J1, Part 1 to Meyer Appendix, # 7 Exhibit J1, Part 2 to Meyer Appendix, # 8 Exhibit J1, Part 3 to Meyer Appendix, # 9 Exhibit K-L to Meyer Appendix, # 10 Exhibit M, Part 1 to Meyer Appendix, # 11 Exhibit M, Part 2 to Meyer Appendix, # 12 Exhibit N-R to Meyer Appendix, # 13 Exhibit S-W to Meyer Appendix)(Krevans, Rachel) (Entered: 08/18/2008)
- 08/29/2008 856 MOTION for Leave to File Excess Pages : Unopposed Motion for Leave to File Reply Brief in Excess of Page Limit by TIVO Inc. (Attachments: # 1 Text of Proposed Order Proposed Order)(Byrd, Christine) (Entered: 08/29/2008)
- 08/29/2008 857 SEALED PATENT REPLY to Response to PATENT Motion re 852 SEALED PATENT MOTION on Remand for Damages During the Stay of the Permanent Injunction filed by TIVO Inc. (Attachments: # 1 Exhibit Reply Ex. 1, # 2 Exhibit Reply Ex. 2, # 3 Exhibit Reply Ex. 3, # 4 Affidavit Reply Declaration of Keith R. Ugone, Ph.D.) (Byrd, Christine) (Entered: 08/29/2008)
- 09/03/2008 858 ORDER granting 856 Motion for Leave to File Excess Pages. Signed by Judge David Folsom on 9/3/08. (ehs,) (Entered: 09/03/2008)
- 09/04/2008 859 Minute Entry for proceedings held before Judge David Folsom: Motion Hearing held on 9/4/2008 re 832 MOTION FOR ECHOSTAR TO BE HELD IN CONTEMPT FOR VIOLATION OF THIS COURT'S PERMANENT INJUNCTION filed by TIVO Inc. (Court Reporter Libby Crawford.) (mrm,) (Entered: 09/04/2008)
- 09/16/2008 860 TRANSCRIPT of Proceedings held on 9-4-08, Motion Hearing, 40 pages before Judge David Folsom. Court Reporter/Transcriber: Libby Crawford, Telephone number: 903.794.4067 Ext. 237. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 10/7/2008. Redacted Transcript Deadline set for 10/17/2008. Release of Transcript Restriction set for 12/15/2008. (aec,) (Entered: 09/16/2008)
- 10/01/2008 861 ***FILED IN ERROR; PLEASE IGNORE*** STIPULATION Joint Stipulation Re: Substitution and Joinder of Parties by TIVO Inc, "EchoStar defendants". (Byrd, Christine) Modified on 10/2/2008 (mpv,). (Entered: 10/01/2008)

10/02/2008 -- NOTICE of Deficiency regarding 861 the STIPULATION Joint Stipulation Re: Substitution and Joinder of Parties by TIVO Inc, "EchoStar defendants". submitted Attorney must file a motion to join additional parties. Correction should be made by one business day. (mpv,) (Entered: 10/02/2008)

10/08/2008 862 Unopposed MOTION for Joinder and Substitution of Parties by TIVO Inc. (Attachments: # 1 Exhibit Ex. A, # 2 Exhibit Ex. B, # 3 Text of Proposed Order Proposed Order)(Hoffman, Adam) (Entered: 10/08/2008)

10/09/2008 863 ORDER granting 862 Motion for substitution and joinder of parties. Signed by Judge David Folsom on 10/9/2008. (sm,) (Entered: 10/09/2008)

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US District Court Civil Docket

**U.S. District - California Northern
(San Francisco)**

3:02cv365

Tivo Inc, v. Sonicblue Incorporated et al

This case was retrieved from the court on Thursday, April 18, 2002

Date Filed: 01/23/2002	Class Code:
Assigned To: Honorable D Lowell Jensen	Closed: No
Referred To:	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

Litigants

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Defendant

Replaytv, Inc, A Delaware Corporation
Defendant

Replaytv, Inc, A Delaware Corporation
Counter-Claimant

Sonicblue Incorporated, A Delaware Corporation
Counter-Claimant

Tivo Inc, , A Delaware Corporation
Counter-Defendant

Date	#	Proceeding Text
01/23/2002	1	COMPLAINT for Patent Infringement against Replaytv, Inc., Sonicblue Incorporated (Filing fee $150 receipt number 5504550). Filed by Tivo Inc., (hdj,) (Entered: 01/30/2002)
01/23/2002	2	ADR SCHEDULING ORDER: Case Management Statement due by 5/16/2002. Case Management Conference set for 5/23/2002 at 10:00 AM. (hdj,) (Entered: 01/30/2002)
01/23/2002	--	Summons Issued as to Replaytv, Inc. ; Sonicblue Incorporated (hdj,) (Entered: 01/30/2002)
01/29/2002	3	SUMMONS Returned Executed, by Tivo Inc., Replaytv, Inc. ; Sonicblue Incorporated (hdj,) (Entered: 01/31/2002)

02/11/2002	4	NOTICE of Related Case 01-4865-RMW by Replaytv, Inc., Sonicblue Incorporated. (hdj,) (Entered: 02/12/2002)
02/11/2002	5	ANSWER to Complaint, COUNTERCLAIM against Tivo Inc., by Replaytv, Inc., Sonicblue Incorporated. (hdj,) (Entered: 02/12/2002)
02/11/2002	6	Certificate of Interested Entities by Replaytv, Inc., Sonicblue Incorporated. (hdj,) (Entered: 02/12/2002)
02/19/2002	7	Declination to Proceed Before a U.S. Magistrate Judge by Replaytv, Inc., Sonicblue Incorporated. (hdj,) (Entered: 02/20/2002)
02/26/2002	8	NOTICE re 4 Opposition to Defendants' Notice of Related Cases by Tivo Inc., (hdj,) (Entered: 02/27/2002)
03/01/2002	9	Reply ANSWER to Counterclaim by Tivo Inc., (hdj,) (Entered: 03/04/2002)
03/11/2002	10	Reply to Opposition re 8 filed by Replaytv, Inc., Sonicblue Incorporated. (hdj,) (Entered: 03/13/2002)
03/13/2002	11	ORDER Impending Reassignment to a United States District Court Judge. Signed by Judge Maria-Elena James on 3/13/02. (hdj,) (Entered: 03/14/2002)
03/13/2002	12	ORDER REASSIGNING CASE. Case reassigned to Judge D. Lowell Jensen for all further proceedings. Judge Maria-Elena James no longer assigned to case. Signed by Judge Executive Committee on 3/13/02, (hdj,) (Entered: 03/15/2002)
03/20/2002	13	CLERK'S NOTICE Case Management Conference set for 6/7/2002 at 01:30 PM. Case Management Statement due by 5/28/2002. (kc,) (Entered: 03/25/2002)
04/09/2002	14	ORDER NOT RELATING CASE to C-01-21198-RMW. Signed by Judge Ronald M. Whyte on 4/9/02. (jv,) Additional attachment(s) added on 4/17/2002 (jv,). Modified on 4/17/2002 to reflect that Judge Jensen is assigned to C-02-365 (jv,). (Entered: 04/09/2002)

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US District Court Civil Docket

**U.S. District - California Northern
(Oakland)**

4:02cv365

Tivo Inc, v. Sonicblue Incorporated et al

This case was retrieved from the court on Friday, August 22, 2003

Date Filed: 01/23/2002	Class Code: ADRMOP, CLOSED
Assigned To: Honorable D Lowell Jensen	Closed: Yes
Referred To:	Statute: 35:271
Nature of suit: Patent (830)	Jury Demand: Both
Cause: Patent Infringement	Demand Amount: \$0
Lead Docket: None	NOS Description: Patent
Other Docket: None	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text
01/23/2002	1	COMPLAINT for Patent Infringement against Replaytv, Inc., Sonicblue Incorporated (Filing fee \$150 receipt number 5504550). Filed by Tivo Inc., (hdj,) (Entered: 01/30/2002)
01/23/2002	2	ADR SCHEDULING ORDER: Case Management Statement due by 5/16/2002. Case Management Conference set for 5/23/2002 at 10:00 AM. (hdj,) (Entered: 01/30/2002)
01/23/2002	--	Summons Issued as to Replaytv, Inc. ; Sonicblue Incorporated (hdj,) (Entered: 01/30/2002)
01/29/2002	3	SUMMONS Returned Executed, by Tivo Inc., Replaytv, Inc. ; Sonicblue Incorporated (hdj,) (Entered: 01/31/2002)
02/11/2002	4	NOTICE of Related Case 01-4865-RMW by Replaytv, Inc., Sonicblue Incorporated. (hdj,) (Entered: 02/12/2002)
02/11/2002	5	ANSWER to Complaint, COUNTERCLAIM against Tivo Inc., by Replaytv, Inc., Sonicblue Incorporated. (hdj,) (Entered: 02/12/2002)
02/11/2002	6	Certificate of Interested Entities by Replaytv, Inc., Sonicblue Incorporated. (hdj,) (Entered: 02/12/2002)
02/19/2002	7	Declination to Proceed Before a U.S. Magistrate Judge by Replaytv, Inc., Sonicblue Incorporated. (hdj,) (Entered: 02/20/2002)
02/26/2002	8	NOTICE re 4 Opposition to Defendants' Notice of Related Cases by Tivo Inc., (hdj,) (Entered: 02/27/2002)
03/01/2002	9	Reply ANSWER to Counterclaim by Tivo Inc., (hdj,) (Entered: 03/04/2002)
03/11/2002	10	Reply to Opposition re 8 filed by Replaytv, Inc., Sonicblue Incorporated. (hdj,) (Entered: 03/13/2002)
03/13/2002	11	ORDER Impending Reassignment to a United States District Court Judge. Signed by Judge Maria-Elena James on 3/13/02. (hdj,) (Entered: 03/14/2002)
03/13/2002	12	ORDER REASSIGNING CASE. Case reassigned to Judge D. Lowell Jensen for all further proceedings. Judge Maria-Elena James no longer assigned to case. Signed by Judge Executive Committee on 3/13/02. (hdj,) (Entered: 03/15/2002)
3/20/2002	13	CLERK'S NOTICE Case Management Conference set for 6/7/2002 at 01:30 PM. Case Management Statement due by 5/28/2002. (kc,) (Entered: 03/25/2002)
04/09/2002	14	ORDER NOT RELATING CASE to C-01-21198-RMW. Signed by Judge Ronald M. Whyte on 4/9/02. (jv,) Additional attachment(s) added on 4/17/2002 (jv,). Modified on 4/17/2002 to reflect that Judge Jensen is assigned to C-02-365 (jv,). (Entered: 04/09/2002)

04/17/2002	15	AMENDED ORDER: deeming C01-21198RMW and C02-365DLJ NOT RELATED . Signed by Judge Ronald M. Whyte on 4/9/02. (kk,) (Entered: 05/02/2002)
05/10/2002	16	STIPULATION selecting Mediation by Replaytv, Inc., Sonicblue Incorporated, Tivo Inc., (kc,) (Entered: 05/10/2002)
05/21/2002	--	Received Document stipulation & proposed order resetting initial case management conference by Tivo Inc., (kk,) (Entered: 06/24/2002)
06/27/2002	17	STIPULATION AND ORDER resetting Case Management Conference for 10/18/2002 at 01:30 PM. Signed by Judge D. Lowell Jensen on 6/27/02. (kc,) (Entered: 06/28/2002)
11/12/2002	18	Stipulation and ORDER DISMISSING CASE without prejudice, each party to bear its own costs. Signed by Judge D. Lowell Jensen on 11/12/02. (kc,) (Entered: 11/14/2002)
12/13/2002	19	NOTICE re 18 by Replaytv, Inc., Sonicblue Incorporated. (kk,) (Entered: 12/16/2002)

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UNITED STATES PATENT AND TRADEMARK OFFICE GRANTED PATENT

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May 15, 2001

Multimedia time warping system

REEXAM-LITIGATE: October 17, 2005 - Reexamination requested October 17, 2005 by Echostar Communications Corporation, Englewood, CO, (Attny. Is: David L. Fehrman, Morrison & Foerster, LLP, Los Angeles, CA), Reexamination No. 90/007,750 (O.G. January 31, 2006) Ex. Gp.: 3992

NOTICE OF LITIGATION

Tivo Inc. v. Sonicblue Incorporated, et al, Filed Jan. 23, 2002, D.C. N.D. California, Doc. No. C-02-365

NOTICE OF LITIGATION

Tivo, Inc v. Echostar Communications Corporation et al, Filed October 28, 2005, D.C. N.D. Georgia, Doc. No. 1:05cv2799

11/3/2005

NOTICE OF LITIGATION

Tivo, Inc v. Echostar Communications Corporation et al, Filed July 21, 2005, D.C. N.D. Georgia, Doc. No. 1:05mi208

7/25/2005

NOTICE OF LITIGATION

Tivo, Inc v. Echostar Communications Corporation et al, Filed July 7, 2005, D.C. N.D. Georgia, Doc. No. 1:05mi190

7/18/2005

NOTICE OF LITIGATION

Tivo Inc v. Echostar Comm, et al, Filed January 5, 2004, D.C. E.D. Texas, Doc. No. 2:04cv1

NOTICE OF LITIGATION

Dish Network Corporation et al v. Tivo Inc, Filed May 30, 2008, D.C. Delaware, Doc. No. 1:08cv327

INVENTOR: Barton, James M. - Los Gatos, California, United States (US); McInnis, Roderick James - Milpitas, California, United States (US); Moskowitz, Alan S. - San Francisco, California, United States (US); Goodman, Andrew Martin - Menlo Park, California, United States (US); Chow, Ching Tong - Fremont, California, United States (US); Kao, Jean Swey - Cupertino, California, United States (US)

APPL-NO: 126071 (09)

FILED-DATE: July 30, 1998

GRANTED-DATE: May 15, 2001

ASSIGNEE-PRE-ISSUE: July 30, 1998 - ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS)., TIVO, INC. SUITE 100 894 ROSS DRIVESUNNYVALE, CALIFORNIA, 94089, Reel and Frame Number: 009377/0779

ASSIGNEE-AT-ISSUE: TiVo, Inc., Alviso, California, United States (US), United States company or corporation (02)

ASSIGNEE-AFTER-ISSUE: February 8, 2007 - SECURITY AGREEMENT, CITYGROUP GLOBAL MARKETS REALTY CORP. 390 GREENWICH STREET NEW YORK NEW YORK 10013, Reel and Frame Number: 018866/0510

February 12, 2007 - CORRECTIVE ASSIGNMENT TO CORRECT THE NAME OF RECEIVING PARTY PREVIOUSLY RECORDED ON REEL 018866 FRAME 0510. ASSIGNOR(S) HEREBY CONFIRMS THE SECURITY AGREEMENT., CITIGROUP GLOBAL MARKETS REALTY CORP. 390 GREENWICH STREET NEW YORK NEW YORK 10013, Reel and Frame Number: 018875/0933

LEGAL-REP: Glenn, Michael A.; Wong, Kirk

PUB-TYPE: May 15, 2001 - Utility Patent having no previously published pre-grant publication (B1)

PUB-COUNTRY: United States (US)

US-MAIN-CL: 386#46

US-ADDL-CL: 348#E05.007, 348#E05.108, 386#68, 386#E05.043, 386#E05.07

CL: 386, 348, 386

IPC-MAIN-CL: [7] H04N 005#92

PRIM-EXMR: Tran, Thai

REF-CITED:

RE 33535, February, 1991, Cooper, United States (US), 358#149
4313135, January, 1982, Cooper, United States (US), 358#149
4665431, May, 1987, Cooper, United States (US), 358#145
5202761, April, 1993, Cooper, United States (US), 358#149
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0726574, August, 1996, G11B 27034, European Patent Office (EP), G11#B 2.7034

NON-PATENT LITERATURE: ASTARTE DVDirector[TM] Beta Testing Program.

CORE TERMS: buffer, stream, video, audio, input, segment, decoder, user, fast, storage, transform,

pipeline, stored, sink, parser, forward, analog, sequence, switch, engine, viewer, pause, broadcast, extracted, logical, capture, slow, multimedia, recorded, circular

ENGLISH-ABST:

A multimedia time warping system. The invention allows the user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program. A preferred embodiment of the invention accepts television (TV) input streams in a multitude of forms, for example, National Television Standards Committee (NTSC) or PAL

broadcast, and digital forms such as Digital Satellite System (DSS), Digital Broadcast Services (DBS), or Advanced Television Standards Committee (ATSC). The TV streams are converted to an Moving Pictures Experts Group (MPEG) formatted stream for internal transfer and manipulation and are parsed and separated it into video and audio components. The components are stored in temporary buffers. Events are recorded that indicate the type of component that has been found, where it is located, and when it occurred. The program logic is notified that an event has occurred and the data is extracted from the buffers. The parser and event buffer decouple the CPU from having to parse the MPEG stream and from the real time nature of the data streams which allows for slower CPU and bus speeds and translate to lower system costs. The video and audio components are stored on a storage device and when the program is requested for display, the video and audio components are extracted from the storage device and reassembled into an MPEG stream which is sent to a decoder. The decoder converts the MPEG stream into TV output signals and delivers the TV output signals to a TV receiver. User control commands are accepted and sent through the system. These commands affect the flow of said MPEG stream and allow the user to view stored programs with at least the following functions: reverse, fast forward, play, pause, index, fast/slow reverse play, and fast/slow play.

NO-OF-CLAIMS: 61

EXMPL-CLAIM: 1

NO-OF-FIGURES: 13

NO-DRWNG-PP: 12

SUMMARY:

BACKGROUND OF THE INVENTION

1. Technical Field

The invention relates to the time shifting of television broadcast signals. More particularly, the invention relates to the real time capture, storage, and display of television broadcast signals.

2. Description of the Prior Art

The Video Cassette Recorder (VCR) has changed the lives of television (TV) viewers throughout the world. The VCR has offered viewers the flexibility to time-shift TV programs to match their lifestyles.

The viewer stores TV programs onto magnetic tape using the VCR. The VCR gives the viewer the ability to play, rewind, fast forward and pause the stored program material. These functions enable the viewer to pause the program playback whenever he desires, fast forward through unwanted program material or commercials, and to replay favorite scenes. However, a VCR cannot both capture and play back information at the same time.

One approach to solving this problem is to use several VCRs. For example, if two video tape recorders are available, it might be possible to Ping-Pong between the two. In this case, the first recorder is started at the beginning of the program of interest. If the viewer wishes to rewind the broadcast, the second recorder begins recording, while the first recorder is halted, rewound to the appropriate place, and playback initiated. However, at least a third video tape recorder is required if the viewer wishes to fast forward to some point in time after the initial rewind was requested. In this case, the third recorder starts recording

the broadcast stream while the second is halted and rewound to the appropriate position. Continuing this exercise, one can quickly see that the equipment becomes unwieldy, unreliable, expensive, and hard to operate, while never supporting all desired functions. In addition, tapes are of finite length, and may potentially end at inconvenient times, drastically lowering the value of the solution.

The use of digital computer systems to solve this problem has been suggested. U.S. Pat. No. 5,371,551 issued to Logan et al., on Dec. 6, 1994, teaches a method for concurrent video recording and playback. It presents a microprocessor controlled broadcast and playback device. Said device compresses and stores video data onto a hard disk. However, this approach is difficult to implement because the processor requirements for keeping up with the high video rates makes the device expensive and problematic. The microprocessor must be extremely fast to keep up with the incoming and outgoing video data.

It would be advantageous to provide a multimedia time warping system that gives the user the ability to simultaneously record and play back TV broadcast programs. It would further be advantageous to provide a multimedia time warping system that utilizes an approach that decouples the microprocessor from the high video data rates, thereby reducing the microprocessor and system requirements which are at a premium.

SUMMARY OF THE INVENTION

The invention provides a multimedia time warping system. The invention utilizes an easily manipulated, low cost multimedia storage and display system that allows the user to view a television broadcast program with the option of instantly reviewing previous scenes within the program. In addition, the invention allows the user to store selected television broadcast programs while the user is simultaneously watching or reviewing another program.

A preferred embodiment of the invention accepts television (TV) input streams in a multitude of forms, for example, analog forms such as National Television Standards Committee (NTSC) or PAL broadcast, and digital forms such as Digital Satellite System (DSS), Digital Broadcast Services (DBS), or Advanced Television Standards Committee (ATSC). Analog TV streams are converted to an Moving Pictures Experts Group (MPEG) formatted stream for internal transfer and manipulation, while pre-formatted MPEG streams are extracted from the digital TV signal and presented in a similar format to encoded analog streams.

The invention parses the resulting MPEG stream and separates it into its video and audio components. It then stores the components into temporary buffers. Events are recorded that indicate the type of component that has been found, where it is located, and when it occurred. The program logic is notified that an event has occurred and the data is extracted from the buffers.

The parser and event buffer decouple the CPU from having to parse the MPEG stream and from the real time nature of the data streams. This decoupling allows for slower CPU and bus speeds which translate to lower system costs. The video and audio components are stored on a storage device. When the program is requested for display, the video and audio components are extracted from the storage device and reassembled into an MPEG stream. The MPEG stream is sent to a decoder. The decoder converts the MPEG stream into TV output signals and delivers the TV output signals to a TV receiver.

User control commands are accepted and sent through the system. These commands affect the flow of said MPEG stream and allow the user to view stored programs with at least the following functions: reverse, fast forward, play, pause, index, fast/slow reverse play, and fast/slow play.

Other aspects and advantages of the invention will become apparent from the following detailed description in combination with the accompanying drawings, illustrating, by way of example, the principles of the invention.

DRWDESC:

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a block schematic diagram of a high level view of a preferred embodiment of the invention according to the invention;

FIG. 2 is a block schematic diagram of a preferred embodiment of the invention using multiple input and output modules according to the invention;

FIG. 3 is a schematic diagram of an Moving Pictures Experts Group (MPEG) data stream and its video and audio components according to the invention;

FIG. 4 is a block schematic diagram of a parser and four direct memory access (DMA) input engines contained in the Media Switch according to the invention;

FIG. 5 is a schematic diagram of the components of a packetized elementary stream (PES) buffer according to the invention;

FIG. 6 is a schematic diagram of the construction of a PES buffer from the parsed components in the Media Switch output circular buffers;

FIG. 7 is a block schematic diagram of the Media Switch and the various components that it communicates with according to the invention;

FIG. 8 is a block schematic diagram of a high level view of the program logic according to the invention;

FIG. 9 is a block schematic diagram of a class hierarchy of the program logic according to the invention;

FIG. 10 is a block schematic diagram of a preferred embodiment of the clip cache component of the invention according to the invention;

FIG. 11 is a block schematic diagram of a preferred embodiment of the invention that emulates a broadcast studio video mixer according to the invention;

FIG. 12 is a block schematic diagram of a closed caption parser according to the invention; and

FIG. 13 is a block schematic diagram of a high level view of a preferred embodiment of the invention utilizing a VCR as an integral component of the invention according to the invention.

DETDESC:

DETAILED DESCRIPTION OF THE INVENTION

The invention is embodied in a multimedia time warping system. A system according to the invention provides a multimedia storage and display system that allows the user to view a television broadcast program with the option of instantly reviewing previous scenes within the program. The invention additionally provides the user with the ability to store selected television broadcast programs while simultaneously watching or reviewing another program and to view stored programs with at least the following functions: reverse, fast forward, play, pause, index, fast/slow reverse play, and fast/slow play.

Referring to FIG. 1, a preferred embodiment of the invention has an Input Section 101, Media Switch 102, and an Output Section 103. The Input Section 101 takes television (TV) input streams in a multitude of forms, for example, National Television Standards Committee (NTSC) or PAL broadcast, and digital forms such as Digital Satellite System (DSS), Digital Broadcast Services (DBS), or Advanced Television Standards Committee (ATSC). DBS, DSS and ATSC are based on standards called Moving Pictures Experts Group 2 (MPEG2) and MPEG2 Transport. MPEG2 Transport is a standard for formatting the digital data stream from the TV source transmitter so that a TV receiver can disassemble the input stream to find programs in the multiplexed signal. The Input Section 101 produces MPEG streams. An MPEG2 transport multiplex supports multiple programs in the same broadcast channel, with multiple video and audio feeds and private data. The Input Section 101 tunes the channel to a particular program, extracts a specific MPEG program out of it, and feeds it to the rest of the system. Analog TV signals are encoded into a similar MPEG format using separate video and audio encoders, such that the remainder of the system is unaware of how the signal was obtained. Information may be modulated into the Vertical Blanking Interval (VBI) of the analog TV signal in a number of standard ways; for example, the North American Broadcast Teletext Standard (NABTS) may be used to modulate information onto lines 10 through 20 of an NTSC signal, while the FCC mandates the use of line 21 for Closed Caption (CC) and Extended Data Services (EDS). Such signals are

decoded by the input section and passed to the other sections as if they were delivered via an MPEG2 private data channel.

The Media Switch 102 mediates between a microprocessor CPU 106, hard disk or storage device 105, and memory 104. Input streams are converted to an MPEG stream and sent to the Media Switch 102. The Media Switch 102 buffers the MPEG stream into memory. It then performs two operations if the user is watching real time TV: the stream is sent to the Output Section 103 and it is written simultaneously to the hard disk or storage device 105.

The Output Section 103 takes MPEG streams as input and produces an analog TV signal according to the NTSC, PAL, or other required TV standards. The Output Section 103 contains an MPEG decoder, On-Screen Display (OSD) generator, analog TV encoder and audio logic. The OSD generator allows the program logic to supply images which will be overlaid on top of the resulting analog TV signal. Additionally, the Output Section can modulate information supplied by the program logic onto the VBI of the output signal in a number of standard formats, including NABTS, CC and EDS.

With respect to FIG. 2, the invention easily expands to accommodate multiple Input Sections (tuners) 201, 202, 203, 204, each can be tuned to different types of input. Multiple Output Modules (decoders) 206, 207, 208, 209 are added as well. Special effects such as picture in a picture can be implemented with multiple decoders. The Media Switch 205 records one program while the user is watching another. This means that a stream can be extracted off the disk while another stream is being stored onto the disk.

Referring to FIG. 3, the incoming MPEG stream 301 has interleaved video 302, 305, 306 and audio 303, 304, 307 segments. These elements must be separated and recombined to create separate video 308 and audio 309 streams or buffers. This is necessary because separate decoders are used to convert MPEG elements back into audio or video analog components. Such separate delivery requires that time sequence information be generated so that the decoders may be properly synchronized for accurate playback of the signal.

The Media Switch enables the program logic to associate proper time sequence information with each segment, possibly embedding it directly into the stream. The time sequence information for each segment is called a time stamp. These time stamps are monotonically increasing and start at zero each time the system boots up. This allows the invention to find any particular spot in any particular video segment. For example, if the system needs to read five seconds into an incoming contiguous video stream that is being cached, the system simply has to start reading forward into the stream and look for the appropriate time stamp.

A binary search can be performed on a stored file to index into a stream. Each stream is stored as a sequence of fixed-size segments enabling fast binary searches because of the uniform time stamping. If the user wants to start in the middle of the program, the system performs a binary search of the stored segments until it finds the appropriate spot, obtaining the desired results with a minimal amount of information. If the signal were instead stored as an MPEG stream, it would be necessary to linearly parse the stream from the beginning to find the desired location.

With respect to FIG. 4, the Media Switch contains four input Direct Memory Access (DMA) engines 402, 403, 404, 405 each DMA engine has an associated buffer 410, 411, 412, 413. Conceptually, each DMA engine has a pointer 406, a limit for that pointer 407, a next pointer 408, and a limit for the next pointer 409. Each DMA engine is dedicated to a particular type of information, for example, video 402, audio 403, and parsed events 405. The buffers 410, 411, 412, 413 are circular and collect the specific information. The DMA engine increments the pointer 406 into the associated buffer until it reaches the limit 407 and then loads the next pointer 408 and limit 409. Setting the pointer 406 and next pointer 408 to the same value, along with the corresponding limit value creates a circular buffer. The next pointer 408 can be set to a different address to provide vector DMA.

The input stream flows through a parser 401. The parser 401 parses the stream looking for MPEG distinguished events indicating the start of video, audio or private data segments. For example, when the parser 401 finds a video event, it directs the stream to the video DMA engine 402. The parser 401 buffers up data and DMAs it into the video buffer 410 through the video DMA engine 402. At the same time, the parser 401 directs an event to the event DMA engine 405 which generates an event into the event buffer 413. When the parser 401 sees an audio event, it redirects the byte stream to the audio DMA engine 403 and generates an event into the event buffer 413. Similarly, when the parser 401 sees a private data event, it directs the byte stream to the private data DMA engine 404 and directs an event to the event

buffer 413. The Media Switch notifies the program logic via an interrupt mechanism when events are placed in the event buffer.

Referring to FIGS. 4 and 5, the event buffer 413 is filled by the parser 401 with events. Each event 501 in the event buffer has an offset 502, event type 503, and time stamp field 504. The parser 401 provides the type and offset of each event as it is placed into the buffer. For example, when an audio event occurs, the event type field is set to an audio event and the offset indicates the location in the audio buffer 411. The program logic knows where the audio buffer 411 starts and adds the offset to find the event in the stream. The address offset 502 tells the program logic where the next event occurred, but not where it ended. The previous event is cached so the end of the current event can be found as well as the length of the segment.

With respect to FIGS. 5 and 6, the program logic reads accumulated events in the event buffer 602 when it is interrupted by the Media Switch 601. From these events the program logic generates a sequence of logical segments 603 which correspond to the parsed MPEG segments 615. The program logic converts the offset 502 into the actual address 610 of each segment, and records the event length 609 using the last cached event. If the stream was produced by encoding an analog signal, it will not contain Program Time Stamp (PTS) values, which are used by the decoders to properly present the resulting output. Thus, the program logic uses the generated time stamp 504 to calculate a simulated PTS for each segment and places that into the logical segment time stamp 607. In the case of a digital TV stream, PTS values are already encoded in the stream. The program logic extracts this information and places it in the logical segment time stamp 607.

The program logic continues collecting logical segments 603 until it reaches the fixed buffer size. When this occurs, the program logic generates a new buffer, called a Packetized Elementary Stream (PES) 605 buffer containing these logical segments 603 in order, plus ancillary control information. Each logical segment points 604 directly to the circular buffer, e.g., the video buffer 613, filled by the Media Switch 601. This new buffer is then passed to other logic components, which may further process the stream in the buffer in some way, such as presenting it for decoding or writing it to the storage media. Thus, the MPEG data is not copied from one location in memory to another by the processor. This results in a more cost effective design since lower memory bandwidth and processor bandwidth is required.

A unique feature of the MPEG stream transformation into PES buffers is that the data associated with logical segments need not be present in the buffer itself, as presented above. When a PES buffer is written to storage, these logical segments are written to the storage medium in the logical order in which they appear. This has the effect of gathering components of the stream, whether they be in the video, audio or private data circular buffers, into a single linear buffer of stream data on the storage medium. The buffer is read back from the storage medium with a single transfer from the storage media, and the logical segment information is updated to correspond with the actual locations in the buffer 606. Higher level program logic is unaware of this transformation, since it handles only the logical segments, thus stream data is easily managed without requiring that the data ever be copied between locations in DRAM by the CPU.

A unique aspect of the Media Switch is the ability to handle high data rates effectively and inexpensively. It performs the functions of taking video and audio data in, sending video and audio data out, sending video and audio data to disk, and extracting video and audio data from the disk on a low cost platform. Generally, the Media Switch runs asynchronously and autonomously with the microprocessor CPU, using its DMA capabilities to move large quantities of information with minimal intervention by the CPU.

Referring to FIG. 7, the input side of the Media Switch 701 is connected to an MPEG encoder 703. There are also circuits specific to MPEG audio 704 and vertical blanking interval (VBI) data 702 feeding into the Media Switch 701. If a digital TV signal is being processed instead, the MPEG encoder 703 is replaced with an MPEG2 Transport Demultiplexor, and the MPEG audio encoder 704 and VBI decoder 702 are deleted. The demultiplexor multiplexes the extracted audio, video and private data channel streams through the video input Media Switch port.

The parser 705 parses the input data stream from the MPEG encoder 703, audio encoder 704 and VBI decoder 702, or from the transport demultiplexor in the case of a digital TV stream. The parser 705 detects the beginning of all of the important events in a video or audio stream, the start of all of the frames, the start of sequence headers—all of the pieces of information that the program logic needs to know about in order to both properly play back and perform special effects on the stream, e.g. fast forward, reverse, play, pause, fast/slow play, indexing, and fast/slow reverse play.

The parser 705 places tags 707 into the FIFO 706 when it identifies video or audio segments, or is given

private data. The DMA 709 controls when these tags are taken out. The tags 707 and the DMA addresses of the segments are placed into the event queue 708. The frame type information, whether it is a start of a video I-frame, video B-frame, video P-frame, video PES, audio PES, a sequence header, an audio frame, or private data packet, is placed into the event queue 708 along with the offset in the related circular buffer where the piece of information was placed. The program logic operating in the CPU 713 examines events in the circular buffer after it is transferred to the DRAM 714.

The Media Switch 701 has a data bus 711 that connects to the CPU 713 and DRAM 714. An address bus 712 is also shared between the Media Switch 701, CPU 713, and DRAM 714. A hard disk or storage device 710 is connected to one of the ports of the Media Switch 701. The Media Switch 701 outputs streams to an MPEG video decoder 715 and a separate audio decoder 717. The audio decoder 717 signals contain audio cues generated by the system in response to the user's commands on a remote control or other internal events. The decoded audio output from the MPEG decoder is digitally mixed 718 with the separate audio signal. The resulting signals contain video, audio, and on-screen displays and are sent to the TV 716.

The Media Switch 701 takes in 8-bit data and sends it to the disk, while at the same time extracts another stream of data off of the disk and sends it to the MPEG decoder 715. All of the DMA engines described above can be working at the same time. The Media Switch 701 can be implemented in hardware using a Field Programmable Gate Array (FPGA), ASIC, or discrete logic.

Rather than having to parse through an immense data stream looking for the start of where each frame would be, the program logic only has to look at the circular event buffer in DRAM 714 and it can tell where the start of each frame is and the frame type. This approach saves a large amount of CPU power, keeping the real time requirements of the CPU 713 small. The CPU 713 does not have to be very fast at any point in time. The Media Switch 701 gives the CPU 713 as much time as possible to complete tasks. The parsing mechanism 705 and event queue 708 decouple the CPU 713 from parsing the audio, video, and buffers and the real time nature of the streams, which allows for lower costs. It also allows the use of a bus structure in a CPU environment that operates at a much lower clock rate with much cheaper memory than would be required otherwise.

The CPU 713 has the ability to queue up one DMA transfer and can set up the next DMA transfer at its leisure. This gives the CPU 713 large time intervals within which it can service the DMA controller 709. The CPU 713 may respond to a DMA interrupt within a larger time window because of the large latency allowed. MPEG streams, whether extracted from an MPEG2 Transport or encoded from an analog TV signal, are typically encoded using a technique called Variable Bit Rate encoding (VBR). This technique varies the amount of data required to represent a sequence of images by the amount of movement between those images. This technique can greatly reduce the required bandwidth for a signal, however sequences with rapid movement (such as a basketball game) may be encoded with much greater bandwidth requirements. For example, the Hughes DirecTV satellite system encodes signals with anywhere from 1 to 10 Mb/s of required bandwidth, varying from frame to frame. It would be difficult for any computer system to keep up with such rapidly varying data rates without this structure.

With respect to FIG. 8, the program logic within the CPU has three conceptual components: sources 801, transforms 802, and sinks 803. The sources 801 produce buffers of data. Transforms 802 process buffers of data and sinks 803 consume buffers of data. A transform is responsible for allocating and queuing the buffers of data on which it will operate. Buffers are allocated as if "empty" to sources of data, which give them back "full". The buffers are then queued and given to sinks as "full", and the sink will return the buffer "empty".

A source 801 accepts data from encoders, e.g., a digital satellite receiver. It acquires buffers for this data from the downstream transform, packages the data into a buffer, then pushes the buffer down the pipeline as described above. The source object 801 does not know anything about the rest of the system. The sink 803 consumes buffers, taking a buffer from the upstream transform, sending the data to the decoder, and then releasing the buffer for reuse.

There are two types of transforms 802 used: spatial and temporal. Spatial transforms are transforms that perform, for example, an image convolution or compression/decompression on the buffered data that is passing through. Temporal transforms are used when there is no time relation that is expressible between buffers going in and buffers coming out of a system. Such a transform writes the buffer to a file 804 on the storage medium. The buffer is pulled out at a later time, sent down the pipeline, and properly sequenced within the stream.

Referring to FIG. 9, a C[plus][plus] class hierarchy derivation of the program logic is shown. The TiVo Media Kernel (Tmk) 904, 908, 913 mediates with the operating system kernel. The kernel provides operations such as: memory allocation, synchronization, and threading. The TmkCore 904, 908, 913 structures memory taken from the media kernel as an object. It provides operators, new and delete, for constructing and deconstructing the object. Each object (source 901, transform 902, and sink 903) is multi-threaded by definition and can run in parallel.

The TmkPipeline class 905, 909, 914 is responsible for flow control through the system. The pipelines point to the next pipeline in the flow from source 901 to sink 903. To pause the pipeline, for example, an event called "pause" is sent to the first object in the pipeline. The event is relayed on to the next object and so on down the pipeline. This all happens asynchronously to the data going through the pipeline. Thus, similar to applications such as telephony, control of the flow of MPEG streams is asynchronous and separate from the streams themselves. This allows for a simple logic design that is at the same time powerful enough to support the features described previously, including pause, rewind, fast forward and others. In addition, this structure allows fast and efficient switching between stream sources, since buffered data can be simply discarded and decoders reset using a single event, after which data from the new stream will pass down the pipeline. Such a capability is needed, for example, when switching the channel being captured by the input section, or when switching between a live signal from the input section and a stored stream.

The source object 901 is a TmkSource 906 and the transform object 902 is a TmkXfrm 910. These are intermediate classes that define standard behaviors for the classes in the pipeline. Conceptually, they handshake buffers down the pipeline. The source object 901 takes data out of a physical data source, such as the Media Switch, and places it into a PES buffer. To obtain the buffer, the source object 901 asks the down stream object in his pipeline for a buffer (allocEmptyBuf). The source object 901 is blocked until there is sufficient memory. This means that the pipeline is self-regulating; it has automatic flow control. When the source object 901 has filled up the buffer, it hands it back to the transform 902 through the pushFullBuf function.

The sink 903 is flow controlled as well. It calls nextFullBuf which tells the transform 902 that it is ready for the next filled buffer. This operation can block the sink 903 until a buffer is ready. When the sink 903 is finished with a buffer (i.e., it has consumed the data in the buffer) it calls releaseEmptyBuf. ReleaseEmptyBuf gives the buffer back to the transform 902. The transform 902 can then hand that buffer, for example, back to the source object 901 to fill up again. In addition to the automatic flow-control benefit of this method, it also provides for limiting the amount of memory dedicated to buffers by allowing enforcement of a fixed allocation of buffers by a transform. This is an important feature in achieving a cost-effective limited DRAM environment.

The MediaSwitch class 909 calls the allocEmptyBuf method of the TmkClipCache 912 object and receives a PES buffer from it. It then goes out to the circular buffers in the Media Switch hardware and generates PES buffers. The MediaSwitch class 909 fills the buffer up and pushes it back to the TmkClipCache 912 object.

The TmkClipCache 912 maintains a cache file 918 on a storage medium. It also maintains two pointers into this cache: a push pointer 919 that shows where the next buffer coming from the source 901 is inserted; and a current pointer 920 which points to the current buffer used.

The buffer that is pointed to by the current pointer is handed to the Vela decoder class 916. The Vela decoder class 916 talks to the decoder 921 in the hardware. The decoder 921 produces a decoded TV signal that is subsequently encoded into an analog TV signal in NTSC, PAL or other analog format. When the Vela decoder class 916 is finished with the buffer it calls releaseEmptyBuf.

The structure of the classes makes the system easy to test and debug. Each level can be tested separately to make sure it performs in the appropriate manner, and the classes may be gradually aggregated to achieve the desired functionality while retaining the ability to effectively test each object.

The control object 917 accepts commands from the user and sends events into the pipeline to control what the pipeline is doing. For example, if the user has a remote control and is watching TV, the user presses pause and the control object 917 sends an event to the sink 903, that tells it pause. The sink 903 stops asking for new buffers. The current pointer 920 stays where it is at. The sink 903 starts taking buffers out again when it receives another event that tells it to play. The system is in perfect synchronization; it starts from the frame that it stopped at.

The remote control may also have a fast forward key. When the fast forward key is pressed, the control

object 917 sends an event to the transform 902, that tells it to move forward two seconds. The transform 902 finds that the two second time span requires it to move forward three buffers. It then issues a reset event to the downstream pipeline, so that any queued data or state that may be present in the hardware decoders is flushed. This is a critical step, since the structure of MPEG streams requires maintenance of state across multiple frames of data, and that state will be rendered invalid by repositioning the pointer. It then moves the current pointer 920 forward three buffers. The next time the sink 903 calls nextFullBuf it gets the new current buffer. The same method works for fast reverse in that the transform 902 moves the current pointer 920 backwards.

A system clock reference resides in the decoder. The system clock reference is sped up for fast play or slowed down for slow play. The sink simply asks for full buffers faster or slower, depending on the clock speed.

With respect to FIG. 10, two other objects derived from the TmkXfrm class are placed in the pipeline for disk access. One is called TmkClipReader 1003 and the other is called TmkClipWriter 1001. Buffers come into the TmkClipWriter 1001 and are pushed to a file on a storage medium 1004. TmkClipReader 1003 asks for buffers which are taken off of a file on a storage medium 1005. A TmkClipReader 1003 provides only the allocEmptyBuf and pushFullBuf methods, while a TmkClipWriter 1001 provides only the nextFullBuf and releaseEmptyBuf methods. A TmkClipReader 1003 therefore performs the same function as the input, or "push" side of a TmkClipCache 1002, while a TmkClipWriter 1001 therefore performs the same function as the output, or "pull" side of a TmkClipCache 1002.

Referring to FIG. 11, a preferred embodiment that accomplishes multiple functions is shown. A source 1101 has a TV signal input. The source sends data to a PushSwitch 1102 which is a transform derived from TmkXfrm. The PushSwitch 1102 has multiple outputs that can be switched by the control object 1114. This means that one part of the pipeline can be stopped and another can be started at the users whim. The user can switch to different storage devices. The PushSwitch 1102 could output to a TmkClipWriter 1106, which goes onto a storage device 1107 or write to the cache transform 1103.

An important feature of this apparatus is the ease with which it can selectively capture portions of an incoming signal under the control of program logic. Based on information such as the current time, or perhaps a specific time span, or perhaps via a remote control button press by the viewer, a TmkClipWriter 1106 may be switched on to record a portion of the signal, and switched off at some later time. This switching is typically caused by sending a "switch" event to the PushSwitch 1102 object.

An additional method for triggering selective capture is through information modulated into the VBI or placed into an MPEG private data channel. Data decoded from the VBI or private data channel is passed to the program logic. The program logic examines this data to determine if the data indicates that capture of the TV signal into which it was modulated should begin. Similarly, this information may also indicate when recording should end, or another data item may be modulated into the signal indicating when the capture should end. The starting and ending indicators may be explicitly modulated into the signal or other information that is placed into the signal in a standard fashion may be used to encode this information.

With respect to FIG. 12, an example is shown which demonstrates how the program logic scans the words contained within the closed caption (CC) fields to determine starting and ending times, using particular words or phrases to trigger the capture. A stream of NTSC or PAL fields 1201 is presented. CC bytes are extracted from each odd field 1202, and entered in a circular buffer 1203 for processing by the Word Parser 1204. The Word Parser 1204 collects characters until it encounters a word boundary, usually a space, period or other delineating character. Recall from above, that the MPEG audio and video segments are collected into a series of fixed-size PES buffers. A special segment is added to each PES buffer to hold the words extracted from the CC field 1205. Thus, the CC information is preserved in time synchronization with the audio and video, and can be correctly presented to the viewer when the stream is displayed. This also allows the stored stream to be processed for CC information at the leisure of the program logic, which spreads out load, reducing cost and improving efficiency. In such a case, the words stored in the special segment are simply passed to the state table logic 1206.

During stream capture, each word is looked up in a table 1206 which indicates the action to take on recognizing that word. This action may simply change the state of the recognizer state machine 1207, or may cause the state machine 1207 to issue an action request, such as "start capture", "stop capture", "phrase seen", or other similar requests. Indeed, a recognized word or phrase may cause the pipeline to be switched; for example, to overlay a different audio track if undesirable language is used in the program.

Note that the parsing state table 1206 and recognizer state machine 1207 may be modified or changed at any time. For example, a different table and state machine may be provided for each input channel. Alternatively, these elements may be switched depending on the time of day, or because of other events.

Referring to FIG. 11, a PullSwitch is added 1104 which outputs to the sink 1105.

The sink 1105 calls nextFullBuf and releaseEmptyBuf to get or return buffers from the PullSwitch 1104. The PullSwitch 1104 can have any number of inputs. One input could be an ActionClip 1113. The remote control can switch between input sources. The control object 1114 sends an event to the PullSwitch 1104, telling it to switch. It will switch from the current input source to whatever input source the control object selects.

An ActionClip class provides for sequencing a number of different stored signals in a predictable and controllable manner, possibly with the added control of viewer selection via a remote control. Thus, it appears as a derivative of a TmkXfrm object that accepts a "switch" event for switching to the next stored signal.

This allows the program logic or user to create custom sequences of video output. Any number of video segments can be lined up and combined as if the program logic or user were using a broadcast studio video mixer. TmkClipReaders 1108, 1109, 1110 are allocated and each is hooked into the PullSwitch 1104. The PullSwitch 1104 switches between the TmkClipReaders 1108, 1109, 1110 to combine video and audio clips. Flow control is automatic because of the way the pipeline is constructed. The Push and Pull Switches are the same as video switches in a broadcast studio.

The derived class and resulting objects described here may be combined in an arbitrary way to create a number of different useful configurations for storing, retrieving, switching and viewing of TV streams. For example, if multiple input and output sections are available, one input is viewed while another is stored, and a picture-in-picture window generated by the second output is used to preview previously stored streams. Such configurations represent a unique and novel application of software transformations to achieve the functionality expected of expensive, sophisticated hardware solutions within a single cost-effective device.

With respect to FIG. 13, a high-level system view is shown which implements a VCR backup. The Output Module 1303 sends TV signals to the VCR 1307. This allows the user to record TV programs directly on to video tape. The invention allows the user to queue up programs from disk to be recorded on to video tape and to schedule the time that the programs are sent to the VCR 1307. Title pages (EPG data) can be sent to the VCR 1307 before a program is sent. Longer programs can be scaled to fit onto smaller video tapes by speeding up the play speed or dropping frames.

The VCR 1307 output can also be routed back into the Input Module 1301. In this configuration the VCR acts as a backup system for the Media Switch 1302. Any overflow storage or lower priority programming is sent to the VCR 1307 for later retrieval.

The Input Module 1301 can decode and pass to the remainder of the system information encoded on the Vertical Blanking Interval (VBI). The Output Module 1303 can encode into the output VBI data provided by the remainder of the system. The program logic may arrange to encode identifying information of various kinds into the output signal, which will be recorded onto tape using the VCR 1307. Playing this tape back into the input allows the program logic to read back this identifying information, such that the TV signal recorded on the tape is properly handled. For example, a particular program may be recorded to tape along with information about when it was recorded, the source network, etc. When this program is played back into the Input Module, this information can be used to control storage of the signal, presentation to the viewer, etc.

One skilled in the art will readily appreciate that such a mechanism may be used to introduce various data items to the program logic which are not properly conceived of as television signals. For instance, software updates or other data may be passed to the system. The program logic receiving this data from the television stream may impose controls on how the data is handled, such as requiring certain authentication sequences and/or decrypting the embedded information according to some previously acquired key. Such a method works for normal broadcast signals as well, leading to an efficient means of providing non-TV control information and data to the program logic.

Additionally, one skilled in the art will readily appreciate that although a VCR is specifically mentioned above, any multimedia recording device (e.g., a Digital Video Disk-Random Access Memory (DVD-RAM)

recorder) is easily substituted in its place.

Although the invention is described herein with reference to the preferred embodiment, one skilled in the art will readily appreciate that other applications may be substituted for those set forth herein without departing from the spirit and scope of the present invention. For example, the invention can be used in the detection of gambling casino crime. The input section of the invention is connected to the casino's video surveillance system. Recorded video is cached and simultaneously output to external VCRs. The user can switch to any video feed and examine (i.e., rewind, play, slow play, fast forward, etc.) a specific segment of the recorded video while the external VCRs are being loaded with the real-time input video. Accordingly, the invention should only be limited by the claims included below.

ENGLISH-CLAIMS:

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What is claimed is:

1. A process for the simultaneous storage and play back of multimedia data, comprising the steps of:

accepting television (TV) broadcast signals, wherein said TV signals are based on a multitude of standards, including, but not limited to, National Television Standards Committee (NTSC) broadcast, PAL broadcast, satellite transmission, DSS, DBS, or ATSC;

tuning said TV signals to a specific program;

providing at least one Input Section, wherein said Input Section converts said specific program to an Moving Pictures Experts Group (MPEG) formatted stream for internal transfer and manipulation;

providing a Media Switch, wherein said Media Switch parses said MPEG stream, said MPEG stream is separated into its video and audio components;

storing said video and audio components on a storage device;

providing at least one Output Section, wherein said Output Section extracts said video and audio components from said storage device;

wherein said Output Section assembles said video and audio components into an MPEG stream;

wherein said Output Section sends said MPEG stream to a decoder;

wherein said decoder converts said MPEG stream into TV output signals;

wherein said decoder delivers said TV output signals to a TV receiver; and

accepting control commands from a user, wherein said control commands are sent through the system and affect the flow of said MPEG stream.

2. The process of claim 1, wherein said Input Section directs said MPEG stream to the destination indicated by said control commands.

3. The process of claim 1, wherein said Output Section extracts said video and audio components from the storage device indicated by said control commands.

4. The process of claim 1, further comprising the step of:

creating custom video output sequences, wherein said sequences are specified by a user or program control.

5. The process of claim 1, wherein the storing and extracting of said video and audio components from said storage device are performed simultaneously.

6. The process of claim 1, wherein said Media Switch calculates and logically associates a time stamp to

said video and audio components.

7. The process of claim 1, wherein said Media Switch extracts time stamp values from a digital TV stream and logically associates said time stamp values to said video and audio components.

8. The process of claim 1, further comprising the steps of:

placing said video component into a circular video buffer;

posting an event in a circular event buffer, wherein said event contains an indication that a video component was found and the location of said video component in said circular video buffer; and

sending notice of said event posting.

9. The process of claim 1, further comprising the steps of:

placing said audio component into a circular audio buffer;

posting an event in a circular event buffer, wherein said event contains an indication that an audio component was found and the location of said audio component in said circular audio buffer; and

sending notice of said event posting.

10. The process of claims 8 or 9, further comprising the steps of:

receiving said notice;

retrieving said event posting from said event buffer; and

indexing into the appropriate buffer indicated by the type and location information in said event buffer.

11. The process of claim 10, further comprising the steps of:

generating a buffer containing the logical audio or video segments in order, including ancillary information, wherein each of said logical segments points to the appropriate circular buffer location where corresponding audio or video components have been placed.

12. The process of claim 1, further comprising the step of:

increasing the decoder system clock rate for fast playback or fast reverse playback.

13. The process of claim 1, further comprising the step of:

decreasing the decoder system clock rate for slow playback or slow reverse playback.

14. The process of claim 1, further comprising the step of:

combining system audio cues and on-screen displays with said TV output signals.

15. The process of claim 1, further comprising the steps of:

decoding the Vertical Blanking Interval (VBI) data or private data channel information from said TV signal; and

examining said data to determine the starting or ending indicators of a specific program.

16. The process of claim 1, further comprising the step of:

scanning the words contained within the closed caption (CC) fields to determine program starting and ending times, wherein particular words or phrases are used to trigger the recording of a specific program and wherein the CC information is preserved in time synchronization with the audio and video, and can be correctly presented to the viewer when the stream is displayed.

17. The process of claim 16, further comprising the step of:
performing a specific action when a specific word is found in said CC information.
18. The process of claim 1, wherein said Media Switch has a data bus connecting it to a CPU and DRAM.
19. The process of claim 1, wherein said Media Switch shares an address bus with a CPU and DRAM.
20. The process of claim 1, wherein said Media Switch operates asynchronously and autonomously with a CPU.
21. The process of claim 1, wherein said storage device is connected to said Media Switch.
22. The process of claim 1, wherein said Media Switch allows the CPU to queue up Direct Memory Access (DMA) transfers.
23. The process of claim 1, wherein said Media Switch is implemented in hardware.
24. The process of claim 1, further comprising the step of:
providing a multimedia recording device, including, but not limited to, a Video Cassette Recorder (VCR) or a Digital Video Disk-Random Access Memory (DVD-RAM) device, wherein said recording device is attached to the output side of said decoder, allowing said user to record said TV output signals.
25. The process of claim 24, wherein said user queues up programs from said storage device to be stored on said recording device.
26. The process of claim 24, wherein said user sets time schedules for said programs to be sent to said recording device.
27. The process of claim 24, wherein title pages may be sent to said recording device before sending a program to be stored on said recording device.
28. The process of claim 24, wherein a program that is longer in duration than a magnetic tape in said recording device allows, is sped up to fit within the desired time limit.
29. The process of claim 24, wherein a program that is longer in duration than a magnetic tape in said recording device allows, has frames dropped from it to fit within the desired time limit.
30. The process of claim 24, wherein the output of said recording device is routed to said Input Section, allowing said recording device to act as a storage back up system, said recording device accepts overflow storage, TV programs, software updates, or other data that are later retrieved and sent to said Input Section.
31. A process for the simultaneous storage and play back of multimedia data, comprising the steps of:
providing a physical data source, wherein said physical data source accepts broadcast data from an input device, parses video and audio data from said broadcast data, and temporarily stores said video and audio data;
providing a source object, wherein said source object extracts video and audio data from said physical data source;
providing a transform object, wherein said transform object stores and retrieves data streams onto a storage device;
wherein said source object obtains a buffer from said transform object, said source object converts video data into data streams and fills said buffer with said streams;
wherein said source object is automatically flow controlled by said transform object;

providing a sink object, wherein said sink object obtains data stream buffers from said transform object and outputs said streams to a video and audio decoder;

wherein said decoder converts said streams into display signals and sends said signals to a display;

wherein said sink object is automatically flow controlled by said transform object;

providing a control object, wherein said control object receives commands from a user, said commands control the flow of the broadcast data through the system; and

wherein said control object sends flow command events to said source, transform, and sink objects.

32. An apparatus for the simultaneous storage and play back of multimedia data, comprising:

a module for accepting television (TV) broadcast signals, wherein said TV signals are based on a multitude of standards, including, but not limited to, National Television Standards Committee (NTSC) broadcast, PAL broadcast, satellite transmission, DSS, DBS, or ATSC;

a module for tuning said TV signals to a specific program;

at least one Input Section, wherein said Input Section converts said specific program to an Moving Pictures Experts Group (MPEG) formatted stream for internal transfer and manipulation;

a Media Switch, wherein said Media Switch parses said MPEG stream, said MPEG stream is separated into its video and audio components;

a module for storing said video and audio components on a storage device;

at least one Output Section, wherein said Output Section extracts said video and audio components from said storage device;

wherein said Output Section assembles said video and audio components into an MPEG stream;

wherein said Output Section sends said MPEG stream to a decoder;

wherein said decoder converts said MPEG stream into TV output signals;

wherein said decoder delivers said TV output signals to a TV receiver; and

accepting control commands from a user, wherein said control commands are sent through the system and affect the flow of said MPEG stream.

33. The apparatus of claim 32, wherein said Input Section directs said MPEG stream to the destination indicated by said control commands.

34. The apparatus of claim 32, wherein said Output Section extracts said video and audio components from the storage device indicated by said control commands.

35. The apparatus of claim 32, further comprising:

a module for creating custom video output sequences, wherein said sequences are specified by a user or program control.

36. The apparatus of claim 32, wherein the storing and extracting of said video and audio components from said storage device are performed simultaneously.

37. The apparatus of claim 32, wherein said Media Switch calculates and logically associates a time stamp to said video and audio components.

38. The apparatus of claim 32, wherein said Media Switch extracts time stamp values from a digital TV stream and logically associates said time stamp values to said video and audio components.

39. The apparatus of claim 32, further comprising:

a module for placing said video component into a circular video buffer;

a module for posting an event in a circular event buffer, wherein said event contains an indication that a video component was found and the location of said video component in said circular video buffer; and

a module for sending notice of said event posting.

40. The apparatus of claim 32, further comprising:

a module for placing said audio component into a circular audio buffer;

a module for posting an event in a circular event buffer, wherein said event contains an indication that an audio component was found and the location of said audio component in said circular audio buffer; and

a module for sending notice of said event posting.

41. The apparatus of claims 39 or 40, further comprising:

a module for receiving said notice;

a module for retrieving said event posting from said event buffer; and

a module for indexing into the appropriate buffer indicated by the type and location information in said event buffer.

42. The apparatus of claim 41, further comprising:

a module for generating a buffer containing the logical audio or video segments in order, including ancillary information, wherein each of said logical segments points to the appropriate circular buffer location where corresponding audio or video components have been placed.

43. The apparatus of claim 32, further comprising:

a module for increasing the decoder system clock rate for fast playback or fast reverse playback.

44. The apparatus of claim 32, further comprising:

a module for decreasing the decoder system clock rate for slow playback or slow reverse playback.

45. The apparatus of claim 32, further comprising:

a module for combining system audio cues and on-screen displays with said TV output signals.

46. The apparatus of claim 32, further comprising:

a module for decoding the Vertical Blanking Interval (VBI) data or private data channel information from said TV signal; and

a module for examining said data to determine the starting or ending indicators of a specific program.

47. The apparatus of claim 32, further comprising:

a module for scanning the words contained within the closed caption (CC) fields to determine program starting and ending times, wherein particular words or phrases are used to trigger the recording of a specific program and wherein the CC information is preserved in time synchronization with the audio and video, and can be correctly presented to the viewer when the stream is displayed.

48. The apparatus of claim 47, further comprising:

a module for performing a specific action when a specific word is found in said CC information.

49. The apparatus of claim 32, wherein said Media Switch has a data bus connecting it to a CPU and DRAM.
50. The apparatus of claim 32, wherein said Media Switch shares an address bus with a CPU and DRAM.
51. The apparatus of claim 32, wherein said Media Switch operates asynchronously and autonomously with a CPU.
52. The apparatus of claim 32, wherein said storage device is connected to said Media Switch.
53. The apparatus of claim 32, wherein said Media Switch allows the CPU to queue up Direct Memory Access (DMA) transfers.
54. The apparatus of claim 32, further comprising:
a multimedia recording device, including, but not limited to, a Video Cassette Recorder (VCR) or a Digital Video Disk-Random Access Memory (DVD-RAM) device, wherein said recording device is attached to the output side of said decoder, allowing said user to record said TV output signals.
55. The apparatus of claim 54, wherein said user queues up programs from said storage device to be stored on said recording device.
56. The apparatus of claim 54, wherein said user sets time schedules for said programs to be sent to said recording device.
57. The apparatus of claim 54, wherein title pages may be sent to said recording device before sending a program to be stored on said recording device.
58. The apparatus of claim 54, wherein a program that is longer in duration than a magnetic tape in said recording device allows, is sped up to fit within the desired time limit.
59. The apparatus of claim 54, wherein a program that is longer in duration than a magnetic tape in said recording device allows, has frames dropped from it to fit within the desired time limit.
60. The apparatus of claim 54, wherein the output of said recording device is routed to said Input Section, allowing said recording device to act as a storage back up system, said recording device accepts overflow storage, TV programs, software updates, or other data that are later retrieved and sent to said Input Section.
61. An apparatus for the simultaneous storage and play back of multimedia data, comprising:
a physical data source, wherein said physical data source accepts broadcast data from an input device, parses video and audio data from said broadcast data, and temporarily stores said video and audio data;
a source object, wherein said source object extracts video and audio data from said physical data source;
a transform object, wherein said transform object stores and retrieves data streams onto a storage device;
wherein said source object obtains a buffer from said transform object, said source object converts video data into data streams and fills said buffer with said streams;
wherein said source object is automatically flow controlled by said transform object;
a sink object, wherein said sink object obtains data stream buffers from said transform object and outputs said streams to a video and audio decoder;
wherein said decoder converts said streams into display signals and sends said signals to a display;
wherein said sink object is automatically flow controlled by said transform object;
a control object, wherein said control object receives commands from a user, said commands control the flow of the broadcast data through the system; and

wherein said control object sends flow command events to said source, transform, and sink objects.

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- A** 1. [TiVo, Inc. v. Echostar Communs. Corp.](#), 2006-1574, UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, 516 F.3d 1290; 2008 U.S. App. LEXIS 2073; 85 U.S.P.Q.2D (BNA) 1801, January 31, 2008, Decided, Rehearing denied by, Rehearing, en banc, denied by Tivo, Inc. v. Echostar Communs. Corp., 2008 U.S. App. LEXIS 10555 (Fed. Cir., Apr. 11, 2008)US Supreme Court certiorari denied by Echostar Communs. Corp. v. TiVo, Inc., 2008 U.S. LEXIS 5480 (U.S., Oct. 6, 2008)

OVERVIEW: Defendants' digital video recorders did not infringe the hardware claims of U.S. Patent No. 6,233,389 but they did infringe the software claims. The phrase "tuning" included tuning to a specified frequency range that contained the program in question and the term "object" in claims 31 and 61 was not limited to the use of object-oriented software.

CORE TERMS: stream, signal, video, audio, buffer, specification, digital, television, hardware, software ...

- A** 2. [In re EchoStar Communs. Corp.](#), MISCELLANEOUS DOCKET NOS. 803, 805 , UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT, 448 F.3d 1294; 2006 U.S. App. LEXIS 11162; 78 U.S.P.Q.2D (BNA) 1676, May 1, 2006, Decided , Writ of mandamus granted In re Knearl, 184 Fed. Appx. 955, 2006 U.S. App. LEXIS 14772 (Fed. Cir., 2006)Rehearing denied by, Rehearing, en banc, denied by In re Echostar Communs. Corp., 2006 U.S. App. LEXIS 17511 (Fed. Cir., July 5, 2006)US Supreme Court certiorari denied by TiVo, Inc. v. EchoStar Communs. Corp., 127 S. Ct. 846, 166 L. Ed. 2d 665, 2006 U.S. LEXIS 9478 (U.S., 2006)

OVERVIEW: Court granted a writ of mandamus to require district court to vacate order compelling blanket production of records from in-house and outside counsel advising defendants who were relying on advice-of-counsel defense to willful patent infringement because production of legal documents that were not communicated to defendants was abuse of discretion.

CORE TERMS: work product, attorney-client, work-product, advice, infringement, communicated, infringer, in-house, subject matter, immunity ...

- A** 3. [Static Control Components, Inc. v. Lexmark Int'l](#), CIVIL ACTION NO. 04-84-GFVT , UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY, CENTRAL DIVISION, 2007 U.S. Dist. LEXIS 20579, March 22, 2007, Decided , Motion granted by Static Control Components, Inc. v. Lexmark Int'l, Inc., 2007 U.S. Dist. LEXIS 22128 (E.D. Ky., Mar. 26, 2007)

CORE TERMS: advice, trial counsel, work product, attorney-client, work-product, protective order, patent, infringement, subject matter, immunity ...

- B** 4. [TiVo Inc. v. EchoStar Communs. Corp.](#), 2:04-CV-1-DF , UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, MARSHALL DIVISION, 2006 U.S. Dist. LEXIS 64293, August 17, 2006, Decided , August 17, 2006, Filed , Injunction granted at TiVo Inc. v. EchoStar Communs. Corp., 446 F. Supp. 2d 664, 2006 U.S. Dist. LEXIS 64290 (E.D. Tex., Aug. 17, 2006)

OVERVIEW: Patentee's request for treble damages under 35 U.S.C.S. § 284 was denied because its competitors did not act in bad faith, and jury's willfulness finding was not same as finding of bad faith. Exceptional case designation and attorneys' fees under 35 U.S.C.S. § 285 were not warranted because competitors' actions were not egregious and reckless.

CORE TERMS: willfulness, infringement, attorneys' fees, exceptional case, vexatious, infringe, infringing, bad faith, enhancement, discovery ...

- 5. TiVo Inc. v. Echostar Communs. Corp., 2:04-CV-1-DF , UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, MARSHALL DIVISION, 2006 U.S. Dist. LEXIS 64291, August 17, 2006, Decided , August 17, 2006, Filed , Costs and fees proceeding at, Motion denied by TiVo Inc. v. EchoStar Communs. Corp., 2006 U.S. Dist. LEXIS 64293 (E.D. Tex., Aug. 17, 2006)

OVERVIEW: Patentee was entitled under 35 U.S.C.S. § 284 to prejudgment interest at prime rate and supplemental damages for ongoing infringement not covered by jury's award after finding that defendants' digital recorders willfully infringed on patentee's products and patents. Supplemental damages were compensatory; thus, patentee did not waive right to them.

CORE TERMS: supplemental, prejudgment interest, calculation, prime rate, infringement, royalty, infringing, interest rate, patentee, compensatory ...

- 6. TiVo Inc. v. EchoStar Communs. Corp., 2:04-CV-1-DF , UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, MARSHALL DIVISION, 446 F. Supp. 2d 664; 2006 U.S. Dist. LEXIS 64290, August 17, 2006, Decided , August 17, 2006, Filed , Affirmed in part and reversed in part by, Remanded by Tivo, Inc. v. Echostar Communs. Corp., 2008 U.S. App. LEXIS 2073 (Fed. Cir., Jan. 31, 2008)

OVERVIEW: Corporation was entitled to permanent injunction prohibiting competitor from further infringing on patents held by corporation for digital video recorders (DVRs); corporation would suffer irreparable injury if infringement continued because DVR market was in its formative years and customers tended to stick with their first DVR services provider.

CORE TERMS: injunction, infringement, customer, infringing, public interest, irreparable harm, placements, patent, weigh, equitable ...

- 7. TIVO Inc. v. Echostar Communs. Corp., 2:04-CV-1-DF , UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, MARSHALL DIVISION, 2006 U.S. Dist. LEXIS 64292, August 17, 2006, Decided , August 17, 2006, Filed , Motion granted by TiVo Inc. v. Echostar Communs. Corp., 2006 U.S. Dist. LEXIS 64291 (E.D. Tex., Aug. 17, 2006)

OVERVIEW: After being found guilty of patent infringement, competitors' defense of inequitable conduct failed; although corporation's attorneys did not disclose two relevant patents during prosecution of infringed patent, there was no evidence of intent to deceive where they had not been aware of those patents and other patents were disclosed in application.

CORE TERMS: patent, inequitable conduct, prior art, equitable estoppel, convincing evidence, patentee's, laches, conclusions of law, headquartered, infringer's ...

- ▲ 8. Informatica Corp. v. Bus. Objects Data Integration, Inc., No. C 02-3378 JSW (JL) E-FILING , UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, 454 F. Supp. 2d 957; 2006 U.S. Dist. LEXIS 53429, July 14, 2006, Decided , July 14, 2006, Filed , Objection denied by, Affirmed by Informatica Corp. v. Bus. Objects Data Integration, 2006 U.S. Dist. LEXIS 58976 (N.D. Cal., Aug. 9, 2006)

OVERVIEW: By asserting advice of counsel defense to charge of willful patent infringement, defendant waived privilege for both pre-filing and post-filing pertinent attorney-client communications and work product under Fed. R. Civ. P. 26; attorney legal opinions, impressions and trial strategy unrelated to opinion on which defendant relief could be redacted.

CORE TERMS: work product, attorney-client, patent, communicated, trial counsel, infringement, work product doctrine, advice-of-counsel, infringer, advice ...

- 9. Ind. Mills & Mfg., Inc. v. Dorel Indus., 1:04-cv-01102-LJM-WTL , UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF INDIANA, INDIANAPOLIS DIVISION, 2006 U.S. Dist. LEXIS 34023, May 26, 2006, Decided , May 26, 2006, Filed , THIS OPINION WAS WITHDRAWN BY THE COURT , Opinion withdrawn by Ind. Mills & Mfg. v. Dorel Indus., 2006 U.S. Dist. LEXIS

47852 (S.D. Ind., July 14, 2006) Summary judgment granted by, Summary judgment denied by Ind. Mills & Mfg. v. Dorel Indus., 2006 U.S. Dist. LEXIS 60929 (S.D. Ind.; Aug. 25, 2006)

OVERVIEW: Due to recent precedent which clarified the scope of Fed. R. Civ. P. 26(b)(3) work-product immunity waiver law, court granted patent holder's motion for reconsideration and ordered discovery of documents of competitor's counsel that reflected conversations or communications with competitor that were never disclosed to competitor.

CORE TERMS: work-product, attorney-client, work product, infringement, discovery, subject matter, temporal, willful, advice, non-infringement ...

10. **TIVO Inc. v. EchoStar Comm. Corp.**, CIVIL ACTION NO. 2:04-CV-1 (DF) , UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, MARSHALL DIVISION, 2005 U.S. Dist. LEXIS 42481, September 26, 2005, Decided , September 26, 2005, Filed , Motions ruled upon by TiVo Inc. v. Echostar Communs. Corp., 2006 U.S. Dist. LEXIS 97123 (E.D. Tex., Jan. 26, 2006) Related proceeding at Echostar Techs. Corp. v. TiVo, Inc., 2006 U.S. Dist. LEXIS 48431 (E.D. Tex., July 14, 2006) Findings of fact/conclusions of law at TiVo Inc. v. Echostar Communs. Corp., 2006 U.S. Dist. LEXIS 64292 (E.D. Tex., Aug. 17, 2006)

CORE TERMS: infringement, advice of counsel, infringer's, advice, discovery, work product, patent, waived, subject matter, post-filing ...

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MORRISON & FOERSTER LLP
DAVID L. FEHRMAN
555 WEST FIFTH STREET
LOS ANGELES, CA 90013

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			Patent Number	6,233,389 B1	
			Issue Date	May 15, 2001	
			First Named Inventor	James BARTON	
			Art Unit	Not Yet Assigned	
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Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	[Signature]	Date Considered	1/6/08
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Reexamination 	Application/Control No. 90/009,329	Applicant(s)/Patent Under Reexamination 6233389
	Certificate Date	Certificate Number

Requester Correspondence Address: <input type="checkbox"/> Patent Owner <input checked="" type="checkbox"/> Third Party
MORRISON & FOERSTER LLP 555 West Fifth Street, Suite 3500 Los Angeles, California 90013

LITIGATION REVIEW <input checked="" type="checkbox"/>	FOF <small>(examiner initials)</small>	1/6/09 <small>(date)</small>
Case Name		Director Initials
Open: 1:08cv327 Dish Network Corporation et al v. Tivo Inc		<i>See Head for 0-7</i>
Closed: 1:05cv2799 Tivo, Inc v. Echostar Communications Corporation et al		↓
Closed: 1:05mi208 Tivo, Inc v. Echostar Communications Corporation et al		
Closed: 1:05mi190 Tivo, Inc v. Echostar Communications Corporation et al		
Open: 2:04cv1 Tivo Inc v. Echostar Comm, et al Open: 3:02cv365 Tivo Inc, v. Sonicblue Incorporated et al Closed: 4:02cv365		

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TYPE OF PROCEEDING	NUMBER
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/009,329	11/10/2008	6233389	454032800200	2859

29989 7590 01/07/2009

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/07/2009

Please find below and/or attached an Office communication concerning this application or proceeding.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/009,329.

PATENT NO. 6233389.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/009,329	Patent Under Reexamination 6233389	
	Examiner Fred Ferris	Art Unit 3992	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The request for *ex parte* reexamination filed 10 November 2008 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO/SB/08, c) Other: IDS

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
b) by credit to Deposit Account No. _____, or
c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

cc:Requester (if third party requester)

DETAILED ACTION

Decision on Request

A substantial new question of patentability affecting claims 31 and 61 of United States Patent Number 6,233,389 is raised by the request for *ex parte* reexamination.

The examiner considers a substantial new question of patentability has been raised by at least a combination of the following prior art references:

U.S. Patent 6,018,612 to Thomason et al. ("Thomason")

U.S. Patent 5,949,948 to Krause et al. ("Krause")

Issue(s) Raised by Request

Issue: The requester alleges (pp. 12-29) that the Thomason Patent in view of the Krause Patent raises a substantial new question of patentability regarding claims 31 and 61. The Thomason patent has an effective filing date of October 4, 1993, while the Krause Patent was filed November 20, 1995 both of which predate the filing of the '389 patent on July 30, 1998. The Thomason Patent was not before the Examiner at the time of original allowance but was made of record during the previous reexamination proceeding. The Krause Patent was also not before the Examiner at the time of original allowance but was also made of record during the previous reexamination proceeding. Accordingly, both Thomason and Krause are old art. However, neither Thomason nor Krause were previously applied against the claims at issue. Thomason and Krause are now being viewed in a new light since the combination of Thomason and Krause was never considered during either the original examination or the previous reexamination proceeding.

Background

Claims 31 and 61 are being requested in the instant request for reexamination. Claims 31 and 61 are current claims in the Barton et al patent that issued May 15, 2001 from application 09/126,071 filed on July 30, 1998.

The '389 Patent is drawn to a system and a method simultaneously storing and playing back multimedia data, such as a television broadcast program. The ability to simultaneously store and play back the program allows the user to rewind or fast forward through the program while viewing it. Fig. 1 illustrates the system. Input Module 101 receives a television input stream and outputs an MPEG formatted stream. For example, if the television input stream is an analog signal, Input Module 101 converts the signal into an MPEG format through the use of video and audio encoders. (Col. 2, lines 10-14 and Col. 3, lines 49-52.) The MPEG formatted stream is then sent to Media Switch 102. Media Switch 102 includes a "parser." The parser "parses the stream looking for MPEG distinguished events including the start of video, audio or private data segments." (Col. 5, lines 3-6.) When a video or audio segment is distinguished, the parser indexes the segment in an appropriate video or audio circular buffer represented by memory 104. (See also Fig. 4 at video buffer 410 and audio buffer 411 .)

Claims 31 and 61 are directed to the program logic within CPU 106 that controls the movement of data through the system. The program logic has three conceptual components as illustrated in Fig. 8 of the '389 Patent.

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The '389 patent also describes the use of object-oriented programming language, e.g., the C++ programming language, to implement the program logic illustrated conceptually in Fig. 8 above. Specifically, the '389 patent describes the use of a "source object" 901, a "transform object" 902 and a "sink object" 903 corresponding to sources 801, transforms 802 and sinks 803. (Col. 8, lines 9-18; Fig. 9.) A "control object" 917 is also employed to accept commands from the user. (Col. 9, lines 25-32.) However, these specific features in combination now appear to be revealed by newly uncovered prior art as set forth below. (See: Analysis)

During the original prosecution of the '389 patent, the examiner allowed claims 31 and 61 but rejected the remaining claims under 112(2). The examiner subsequently passed the case to allowance responsive Patent owner's amendment of 13 December 2000. Thomason and Krause were not considered by the examiner during the original prosecution. During the previous reexamination proceeding the examiner confirmed claims 31 and 61 based on the belief that "The prior art of record does not show or suggest an object-based method/apparatus that is recited in claims 31 and 61" (Office Action dated 28 November 2007)

During the previous reexamination proceeding, the requester had proposed rejections based on the Krause Patent. These rejections were not applied by the examiner against claims 31 and 61. The Thomason Patent was of record, but never considered in combination with Krause with regard to claims 31 and 61.

Scope of Reexamination

On November 2, 2002, Public Law 107-273 was enacted. Title III, Subtitle A, Section 13105, part (a) of the Act revised the reexamination statute by adding the following new last sentence to 35 U.S.C. 303(a) and 312(a):

The existence of a substantial new question of patentability is not precluded by the fact that a patent or printed publication was previously cited by or to the Office or considered by the Office.

For any reexamination ordered on or after November 2, 2002, the effective date of the statutory revision, reliance on previously cited/considered art, i.e., "old art," does not necessarily preclude the existence of a substantial new question of patentability (SNQ) that is based exclusively on that old art. Rather, determinations on whether a SNQ exists in such an instance shall be based upon a fact-specific inquiry done on a case-by-case basis.

In the present instance, there exists an SNQ based on the existence of old art being viewed in a new light as noted above.

Analysis

Thomason and Krause are both old art that is now being viewed in a new light by being in combination. Thomason describes, among other things, a system that simultaneously stores and plays back a television program. Thomason explains that the system allows for functions such as reverse and fast forward and conventionally employs a main memory, an input buffer memory and an output buffer memory.

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In order to enable an uninterrupted storage of a live television program in the main memory, and enable uninterrupted and simultaneous retrieval of the historical program from the main memory, an input buffer memory and an output buffer memory are present. Data arriving for storage in the main memory, while the main memory is temporarily busy for another operation, will be stored in the input buffer memory, and will be stored at a later moment in the main memory by retrieving the data from the input buffer memory. Data will also be requested regularly from the main memory to be displayed on a TV screen as a historical program. Again, the main memory may be temporarily busy for another operation, so data must be readily available in the output buffer memory, so as to provide continuity of viewing from the user. (Col. 2, lines 36-51.)

Thomason discloses DMA controller 31 that transfers data from buffer 4 to buffer memory 35.

DMA controller 31 is supervised by microprocessor-24 that accesses ROM 22 to run software:

The information contained in the buffers 4 will be transferred to the buffer memory 35 under supervision of a microprocessor 24 by a DMA (direct memory access) controller 31, and is identifiable as input destined for a main memory 36, which is in the form of a band disk arrangement. The microprocessor 24 initiates the data transfer from the buffer 4 to the buffer memory 35, and performs memory allocation in the buffer memory. The microprocessor 24 runs ROM-(read-only memory) 22 based software and makes use of a working RAM (random access memory) 23 for temporary variables, the administration of the buffer memory 35, storage of user commands and the user status, etc. (Col. 3, lines 53-64 (emphasis added).)

Thus, the operation of DMA controller 31 and microprocessor 24 through software discloses

source object step as the operation transfers video and audio data from the physical data

source, i.e., buffer 4, to buffer memory 35.

Thomason further explains that DMA controller 32 operates under the supervision of microprocessor 24 that runs software. DMA controller 32 stores and retrieves data from buffer memory 35 to a storage device, i.e., main memory 36:

Input data in the buffer memory 35 is transferred to the main memory 36 as soon as it is convenient under the supervision of the microprocessor 24 by another DMA controller 32. The stored data in main memory 36 is in due course

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transferred to the buffer memory 35 under supervision of the microprocessor 24 by DMA controller 32. (Col. 3, line 64 to Col. 4, line 3.)

The data stored and retrieved from main memory 36 is a data stream as Thomason discloses operating the system of Fig. 1 to simultaneously record and play a television program.

Thomason further discloses that data stored on the main memory can be retrieved at a later time, thereby creating a temporal transformation. (See, e.g., Thomason at Col. 1, lines 56-59 ("If the viewer is interrupted while watching a program, for example by a telephone call or a call at the door, he can resume watching the program from the point at which he was interrupted."); see also '389 patent, at Col. 8, lines 3-8 (describing temporal transformations in the context of transforms 802).) Thus, the operation of DMA controller 32 and microprocessor 24 through a transform object step as the operation stores and later retrieves data streams from a storage device (i.e., main memory 36)

Hence, Thomason is teaching a system and method that is object based.

Analogous art Krause discloses parsing video and audio data from broadcast data. Krause discloses an I-frame detector that detects I-frames in MPEG-formatted broadcast data and then generates a table or index of the storage locations of the detected I-frames. As the compressed program is received by a storage device, an I-frame detector notes the arrival of each I-frame and provides this information to a host system which may control the maintenance of a table which corresponds [sic] I-frames to particular blocks of memory in the storage device. In this way, efficient and rapid retrieval of I-frame data blocks may be provided by the storage controller for providing appropriate blocks of memory to the decoder for effecting various playback modes. (Col. 5, lines 35-44; see also Col. 6, lines 31-39 and Fig. 5.) That is, the detector in Krause "parses" the broadcast data by identifying a specific type of video frame from broadcast data

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Thomason and Krause teaches and parsing broadcast data by identifying a specific type of video frame.

In other words, the combination of Thomason and Krause appears to render obvious the very features that were believed to be lacking in prior art during the previous reexamination proceeding. Namely, an object-based method and apparatus for simultaneous playback and storage of media data as required by claims 31 and 61. Hence, an SNQ is raised when taking into account the features that were believed missing during the previous reexamination, and ultimately lead to the confirmation of claims 31 and 61.

Claim 61 is an apparatus claim that corresponds to method claim 31. Hence, the combination of Thomason and Krause raises an SNQ with regard to claim 61 for at least the same reasons as set forth for claim 31.

Since this teaching is directly related to subject matter considered as the basis for allowability of the patent claims, a reasonable examiner would consider evaluation of the Thomason in combination with Krause as important in determining the patentability of claims 31 and 61. As such, it is agreed that the Thomason and Krause patents in combination raise a substantial new question of patentability, with respect to at least claims 31 and 61 of the Barton et al patent.

Summary: In the present instance, there exists an SNQ with regard to claims 31 and 61 based on the relevance of references as disclosed above relative to United States Patent Number 6,233,389.

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Summary: In the present instance, there exists an SNQ with regard to claims 31 and 61 based on the relevance of references as disclosed above relative to United States Patent Number 6,233,389.

Conclusion

Extensions of Time

Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that *ex parte* reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extensions of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Waiver of Right to File Patent Owner Statement

In a reexamination proceeding, Patent Owner may waive the right under 37 C.F.R. 1.530 to file a Patent Owner Statement. The document needs to contain a statement that Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement and proof of service in the manner provided by 37 C.F.R. 1.248, if the request for reexamination was made by a third party requester, see 37 C.F.R. 1.550. The Patent Owner may consider using the following statement in a document waiving the right to file a Patent Owner Statement:

Patent Owner waives the right under 37 C.F.R. 1.530 to file a Patent Owner Statement.

Amendment in Reexamination Proceedings

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Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR § 1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c). See MPEP § 2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

IDS Submissions

Regarding IDS submissions MPEP 2256 recites the following: "Where patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information." Accordingly, the IDS submissions have been considered by the Examiner only with the scope required by MPEP 2256.

In certain instances, the examiner has "lined through" references because they do not meet the requirements of being a Patent or Printed Publication (e.g. court papers and other evidence that is not NPL). However, these references have been made of record in the proceeding and are given due consideration.

Service of Papers

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or

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parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550.

Notification of Concurrent Proceedings

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,233,389 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

All correspondence relating to this ex parte reexamination proceeding should be directed:

By Mail to:

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Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to:

(571) 273-9900
Central Reexamination Unit

By hand:

Customer Service Window
Randolph Building
401 Dulany Street
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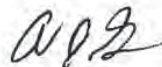
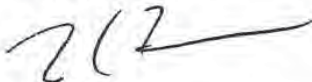
Art Unit: 3992

Any inquiry concerning this communication should be directed to the Central

Reexamination Unit at telephone number (571) 272-7705.

Fred Ferris
Primary Examiner
AU 3992

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February 18, 2009

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 Alexandria, VA 22313-1450

Re: Reexamination of U.S. Patent No. 6,233,389
 Reexam Control No. 90/009,329; Filed: November 10, 2008
 For: **Multimedia Time Warping System**
 Inventors: BARTON *et al.*
 Our Ref: 2513.002REX0

Sir:

Transmitted herewith for appropriate action is the following document:

1. Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address.

The above-listed document is filed electronically through EFS-Web.

Fee payment is provided through online credit card payment. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Edward J. Kessler
 Attorney for Patent Owner
 Registration No. 25,688

EJK/LAG:mlb
 Enclosures
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