

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DISH NETWORK CORPORATION)	
(F/K/A ECHOSTAR COMMUNICATIONS)	
CORPORATION), ECHOSTAR DBS)	
CORPORATION, ECHOSTAR)	
TECHNOLOGIES LLC (F/K/A)	
ECHOSTAR TECHNOLOGIES)	
CORPORATION), ECHOSPHERE LLC,)	
AND DISH NETWORK LLC (F/K/A)	
ECHOSTAR SATELLITE LLC),)	C.A. No. 08-327-JJF
)	
Plaintiffs,)	
)	
v.)	
)	
TIVO INC.,)	
)	
Defendant.)	

DECLARATION OF WILLIAM D. BOWEN IN SUPPORT OF
TIVO'S MOTION TO DISMISS

I, William D. Bowen, declare:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for TiVo Inc. ("TiVo") in this action. I am a member in good standing of the State Bar of California and have been admitted *pro hac vice* to practice before this Court in the above-captioned case. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. Attached as Exhibit A is a true and correct copy of the Final Judgment and Permanent Injunction in *TiVo Inc. v. EchoStar Communications Corp.*, No. 2-04-CV-1-DF (E.D. Tex.), entered August 17, 2006.

3. Attached as Exhibit B is a true and correct copy of the Jury Verdict in *TiVo Inc. v. EchoStar Communications Corp.*, No. 2-04-CV-1-DF (E.D. Tex.), filed April 13, 2006.

4. Attached as Exhibit C is a true and correct copy of the Notice of Intent to Issue Ex Parte Reexamination Certificate for U.S. Patent No. 6,233,389.

5. Attached as Exhibit D is a true and correct copy of the Federal Circuit's Mandate in *TiVo Inc. v. EchoStar Communications Corp.*, 516 F.3d 1290 (Fed. Cir. 2008), issued April 18, 2008.

6. Attached as Exhibit E is a true and correct copy of the April 23, 2006 Order in *TiVo Inc. v. EchoStar Communications Corp.*, No. 2-04-CV-1-DF (E.D. Tex.).

7. Attached as Exhibit F is a true and correct copy of the transcript of the May 30, 2008 Status Conference in *TiVo Inc. v. EchoStar Communications Corp.*, No. 2-04-CV-1-DF (E.D. Tex.).

8. Attached as Exhibit G is a true and correct copy of excerpts from an article from PC World on the top 50 "gadgets" of the last fifty years, www.pcworld.com/article/id,123950-page,2/article.html, and by CNet on the top ten products of the past decade, www.cnet.com/1990-11136_1-6312246-1.html.

9. Attached as Exhibit H is a true and correct copy of the Complaint in *EchoStar Techs. Corp. v. TiVo Inc.*, No. 5-cv-00081-DF-CMC (E.D. Tex. filed April 29, 2005).

10. Attached as Exhibit I is a true and correct copy of the Findings of Fact and Conclusions of Law from the June bench trial in *TiVo Inc. v. EchoStar Communications Corp.*, No. 2-04-CV-1-DF (E.D. Tex.), signed August 17, 2006.

11. Attached as Exhibit J is a true and correct copy of a letter brief from Morgan Chu to Hon. David Folsom dated May 16, 2008, in *TiVo Inc. v. EchoStar Communications Corp.*, No. 2-04-CV-1-DF (E.D. Tex.).

12. Attached as Exhibit K is a true and correct copy of the June 5, 2008 Order in *TiVo Inc. v. EchoStar Communications Corp.*, No. 2-04-CV-1-DF (E.D. Tex.).

13. Attached separately as Exhibit L is a true and correct copy of a redacted version of The Echostar Defendants' Opposition to Tivo's Motion for Echostar To Be Held in Contempt for Violation of This Court's Permanent Injunction in *TiVo Inc. v. EchoStar Communications Corp.*, No. 2-04-CV-1-DF (E.D. Tex). The unredacted version was filed under seal subject to a protective order in the Texas Action on June 30, 2008.

14. Attached as Exhibit M is a true and correct copy of a letter brief from Harold J. McElhinny to Hon. David Folsom dated May 23, 2008, in *TiVo Inc. v. EchoStar Communications Corp.*, No. 2-04-CV-1-DF (E.D. Tex.).

15. Attached as Exhibit N is a true and correct copy of a transcript of TiVo's Fourth Quarter 2008 Earnings Conference Call on March 5, 2008 at 5:00 PM Eastern Time.

16. Attached as Exhibit O is a true and correct copy of a transcript of a Bear Stearns Media Conference held on March 11, 2008.

17. Attached as Exhibit P is a true and correct copy of a transcript of TiVo's First Quarter 2009 Earnings Conference Call on May 28, 2008 at 5:00 PM Eastern Time.

18. Attached as Exhibit Q is a true and correct copy of *U.S. Patent Court Rules for TiVo, Against EchoStar*, Reuters (Jan. 31, 2008).

19. Attached as Exhibit R is a true and correct copy of Susan Decker & William McQuillen, *TiVo Wins Appeal in Fight Against Dish Over DVRs (Update4)*, Bloomberg (Jan. 31, 2008).


20. Attached as Exhibit S is a true and correct copy of *TiVo - Patent Dispute*, L.A. Times (Feb. 1, 2008).

21. Attached as Exhibit T is a true and correct copy of a letter sent to TiVo's distributors April 18, 2008 in regards to the expiration of the stay pending appeal and effectiveness of the Amended Final Judgment and Permanent Injunction.

22. Attached as Exhibit U is a true and correct copy of a letter sent to TiVo's distributors April 18, 2008 in regards to the expiration of the stay pending appeal and effectiveness of the Amended Final Judgment and Permanent Injunction.

Executed on July 7, 2008, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



William D. Bowen