

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TiVo Inc., a Delaware corporation,

Plaintiff,

v.

1. Dish Network Corporation, a Nevada corporation; 2. EchoStar DBS Corporation, a Colorado corporation; 3. EchoStar Technologies Corporation., a Texas corporation; 4. Echosphere L.L.C., a Colorado limited liability company; 5. EchoStar Satellite L.L.C., a Colorado limited liability company; and 6. EchoStar Corporation, a Nevada corporation.

Defendants.

No. 2-04cv01 DF
(Judge Folsom)

ECHOSTAR'S NOTICE OF APPEAL

Notice is hereby given that all Defendants in the above named case hereby appeal to the United States Court of Appeals for the Federal Circuit from the Court's Amended Final Judgment and Permanent Injunction entered in this action on June 2, 2009 (and all related orders).

Respectfully submitted,

Dated: June 2, 2009

MORRISON & FOERSTER LLP

By: /s/ Rachel Krevans
Rachel Krevans

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 2, 2009, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Rachel Krevans
Rachel Krevans