

ATTORNEYS

- Samuel F. Baxter
- Garret W. Chambers

TIVO INC. V. ECHOSTAR COMMUNICATIONS CORP.

McKool Smith represented Alviso, Calif.-based TiVo Inc. in a closely watched trial that gained international attention before a federal jury returned a substantial patent infringement verdict against TiVo competitor Echostar Communications Corp.

The trial heard in the United States District Court for the Eastern District of Texas in Marshall centered on TiVo's "time warp" patent, which allows television viewers to record one program while watching another. In addition to a sizeable award for TiVo based on lost profits, the jury also awarded a substantial payment from Echostar based on revenues generated by the sale of the company's TiVo-like digital video recorder (DVR).

Attorneys from McKool Smith argued that Echostar promoted the abilities of its DVR to promote its product even though the device relied on TiVo's patented technology. The two-week trial concluded in April 2006 after two hours of deliberations, marking TiVo's first patent infringement victory over its "time warp" patent.