

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-1374

TIVO INC.,

Plaintiff-Appellee,

v.

EHOSTAR CORPORATION,
EHOSTAR DBS CORPORATION,
EHOSTAR TECHNOLOGIES CORPORATION,
ECHOSPHERE LIMITED LIABILITY COMPANY,
EHOSTAR SATELLITE LLC,
and DISH NETWORK CORPORATION,

Defendants-Appellants.

Appeal from the United States District Court for the Eastern District of Texas in case no. 2:04-CV-01, Judge David Folsom.

ON MOTION

Before GAJARSA, Circuit Judge.

ORDER

EchoStar Corporation moves for judicial notice of an initial office action in a reexamination proceeding before the United States Patent and Trademark Office. Tivo Inc. responds. EchoStar replies.

Judicial notice may be appropriate with respect to documents issued by administrative agencies. However, the relevance of such materials is left to the discretion of the merits panel.

Accordingly,

IT IS ORDERED THAT:

(1) The motion for judicial notice is granted.

(2) A copy of this order shall be transmitted to the merits panel assigned to hear this case.

FOR THE COURT

SEP 17 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Seth P. Waxman, Esq.
E. Joshua Rosenkranz, Esq.
Raymond Millien, Esq.

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FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

SEP 17 2009

JAN HORBALY
CLERK