

# DISH Cheers Ruling on AutoHop, PrimeTime Anytime

*TV viewers' right to skip commercials upheld*

*Decision viewed as victory for "common sense and customer choice"*

ENGLEWOOD, Colo.--Judge Dolly Gee of the United States District Court, Central District of California, today rejected Fox Broadcasting Company's efforts to bar DISH subscribers from use of the PrimeTime Anytime™ and AutoHop™ features found on the pay-TV provider's Hopper™ Whole-Home DVR.

The PrimeTime Anytime feature allows users to easily record the primetime shows on up to each of the four broadcast networks (ABC, CBS, NBC and Fox) and save them for up to eight days. The AutoHop feature allows users to play back certain PrimeTime Anytime recordings commercial-free, starting the day after broadcast.

A copy of the ruling denying Fox's motion for preliminary injunction has not been publicly circulated because the Court is first giving the parties an opportunity to redact confidential trade information. The ruling relates to case CV 12-04529 DMG.

In the decision, Judge Gee found it likely that:

- Contrary to Fox's assertion, DISH customers using PrimeTime Anytime cannot be liable for copyright infringement;
- Copies made using the Hopper's PrimeTime Anytime feature do not infringe on Fox's exclusive reproduction rights under federal copyright laws;
- Neither the AutoHop commercial-skipping feature nor the PrimeTime Anytime feature constitutes unauthorized distribution under federal copyright laws;
- AutoHop does not violate the Video-On-Demand provisions of the 2010 retransmission consent agreement (RTC) between Fox and DISH;
- Copies of Fox programs that DISH makes as part of its "quality assurance" of AutoHop's functionality likely violate the RTC between DISH and Fox, and likely violate Fox's exclusive reproduction right under federal copyright laws, but;
- Fox has not established that it has suffered irreparable harm as a result of DISH's making the quality assurance copies.

The ruling enables the Company to continue to offer its subscribers the Hopper Whole-Home DVR with both the PrimeTime Anytime and AutoHop features. DISH is reviewing today's decision and assessing its impact, especially as it relates to the quality assurance process.

The following statement can be attributed to DISH Executive Vice President and General Counsel, R. Stanton Dodge:

"Today's ruling is a victory for common sense and customer choice.

"DISH is gratified that the Court has sided with consumer choice and control by rejecting Fox's efforts to deny our customers access to PrimeTime Anytime and AutoHop -- key features of the Hopper Whole-Home DVR.

“The ruling underscores the U.S. Supreme Court’s ‘Betamax’ decision, with the court confirming a consumer’s right to enjoy television as they want, when they want, including the reasonable right to skip commercials, if they so choose.”

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"We look forward to vigorously defending AutoHop and Primetime Anytime, and the choice and control those features deliver our subscribers."

## **About DISH**

DISH Network Corporation (NASDAQ: DISH), through its subsidiary DISH Network L.L.C., provides approximately 14.042 million satellite TV customers, as of Sept. 30, 2012, with the highest quality programming and technology with the most choices at the best value, including HD Free for Life. Subscribers enjoy the largest high definition line-up with more than 200 national HD channels, the most international channels, and award-winning HD and DVR technology. DISH Network Corporation's subsidiary, Blockbuster L.L.C., delivers family entertainment to millions of customers around the world. DISH Network Corporation is a Fortune 200 company. Visit [www.dish.com](http://www.dish.com).

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