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TiVo Awarded \$74 Million in Damages Based on Analysis Group Expert's Assessment

Washington, April 14, 2006 — In a monumental trial victory, a Texas jury found that EchoStar had violated TiVo's DVR technology patented in 2001, which allows paying costumers to play one television show while recording another, and a storage format that allows the pausing of live television, among other capabilities.

The Jury awarded TiVo \$73.99 million dollars in damages (\$32.66 million in lost profits from sales of its set-top box and an additional \$41.33 million that EchoStar should have paid in royalties on the sale of more than 4 million of their TiVo-like devices).

Keith Ugone, a Managing Principal at economic consulting firm Analysis Group, was retained by TiVo lawyers as an expert witness to analyze the economic impact of EchoStar's patent infringement. Damages awarded to TiVo were based on Dr. Ugone's economic model, which used market penetration rate analysis to project the amount of DVR sales that should have gone to TiVo had EchoStar not infringed on the patent.

"I've worked on many patent cases over the past several years, and was pleased to draw on my background to assist TiVo. It was very rewarding that the jury agreed with my assessment of damages," said Ugone.

"This victory highlights the importance of seasoned expert testimony in trial proceedings," said Analysis Group President and CEO **Martha Samuelson**. Dr. Ugone worked with attorneys from Irell & Manella and McKool Smith on the case.

Dr. Ugone, an economist based in Dallas, has frequently used large databases and complex computer models to evaluate lost profits and valuation-related issues including lost sales analyses, incremental cost analyses, assessments of profitability and competitive business environments, claimed lost business value, and claimed reasonable royalties. He has testified at trial and in deposition more than 100 times.

Analysis Group provides economic, financial, and business strategy consulting to law firms, corporations, and government agencies. The firm has more than 300 professionals, with offices in Boston, Dallas, Denver, Los Angeles, Menlo Park, New York, San Francisco, Washington, DC, and Montreal, Canada.

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