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The Associated Press

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A California judge has rejected a request for a preliminary injunction against Dish Network's ad-skipping digital video recorder in a dispute that has pit broadcasters against a main distributor of their programming.

Judge Dolly Gee of the U.S. District Court in Los Angeles on Monday struck down the request by News Corp. broadcaster Fox, according to a statement from Dish. A Fox spokesman confirmed the ruling but said the network would appeal.

The ruling was not released publically.

Dish Network Corp. and the broadcast networks have been at odds over a new digital video recorder called the Hopper, which allows consumers to record prime-time programming from the four broadcast networks — ABC, NBC, CBS and Fox — and play the video back the next day with the commercials stripped out.

Gee determined that Fox was unlikely to be able to prove that it has suffered irreparable harm from the copies Dish made as a way to back up recordings on consumers' DVRs, Dish said.

Dish's general counsel, R. Stanton Dodge, called the ruling "a victory for common sense and customer choice."

Fox said in a statement said it was "gratified" that the judge found that Dish's copies infringed on its copyright and breached their contract. But it disagreed that making the copies did not cause irreparable harm.

"Dish is marketing and benefitting from an unauthorized (video on demand) service that illegally copies Fox's valuable programming," Fox said in a statement.

The broadcasters argue that automated ad-skipping would deprive them of needed ad revenue, while Dish argues its new device just makes it easier to do what consumers do already on their own DVRs: record shows and skip through ads on playback.

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