

Katten Represents NBC Universal in Petition for Supreme Court Review

September 6, 2011

NBC Universal Inc. has filed a cert petition with the US Supreme Court arguing that “idea submission” suits—which generally arise when a writer claims to have pitched an idea to a network or studio that was later used without permission or payment as the basis for a hit film or show—should properly be brought as copyright claims. In a case alleging that NBC Universal stole the idea for its show *Ghost Hunters* from a parapsychologist who pitched a similar idea to the network, the US Court of Appeals for the Ninth Circuit recently held that almost all idea submission suits brought as contract claims involve an implied promise to pay for use of the idea, making them distinct from copyright law. NBC Universal is basing its hopes for a Supreme Court review of the case in part on decisions by other courts—notably in New York—that contract claims in idea submission cases are preempted by the Copyright Act. Gail Migdal Title, Joel Weiner and Gloria Franke are representing NBC Universal and Pilgrim Films in the case. (“[Hollywood Looks to High Court on Idea Submission](#),” September 6, 2011)

CONTACTS

For more information, contact your Katten attorney or any of the following attorneys.



Joel R. Weiner

+1.310.788.4522

joel.weiner@katten.com

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