Partner David Halberstadter Quoted in Law360 on Potential Impact of *Aereo* Decision

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David Halberstadter, a partner in the Entertainment and Media practice, spoke with Law360 regarding whether or not the US Supreme Court can shut down Aereo, Inc. without questioning the general legality of cloud technologies. In 2008, the US Court of Appeals for the Second Circuit ruled that Cablevision's cloud-based DVR that made copies for users and then beamed them back to the home was merely a private, rather than public, performance under the Copyright Act's transmit clause. Current challenges to Aereo's system—which was specifically designed to adhere to the *Cablevision* ruling, and upheld as private performances by the Second Circuit—are raising concerns that if the Supreme Court overturns the technology, it will also gut the earlier ruling. David believes a compromise is still possible: "The court can, and probably should, reach a decision that is focused on whether Aereo's transmissions constitute public performances under the transmit clause. The Supreme Court can render an opinion on this narrow issue without disturbing the *Cablevision* decision in any way." ("How the High Court Can Avoid Collateral Damage in *Aereo*," April 18, 2014)

CONTACTS

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