

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

April 21, 2014

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

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



David Halberstadter

+1.310.788.4408

david.halberstadter@katten.com

Attorney advertising. Published as a source of information only. The material contained herein is not to be construed as legal advice or opinion.

©2026 Katten Muchin Rosenman LLP.

All rights reserved. Katten refers to Katten Muchin Rosenman LLP and the affiliated partnership as explained at [katten.com/disclaimer](https://www.katten.com/disclaimer).