

David Halberstadter

Partner and Deputy General Counsel

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Practices

FOCUS: Litigation

Advertising, Marketing and Promotions

Intellectual Property

Intellectual Property Litigation

Trademarks and Trademark Litigation

Industries

Entertainment and Media

Entertainment and Media Litigation

Education

JD, Georgetown University Law Center

BA, Cornell University

Bar Admissions

California

Court Admissions

US Court of Appeals, Second Circuit

US Court of Appeals, Ninth Circuit

US District Court, Central District of California

US District Court, Northern District of California

US District Court, Eastern District of California

US District Court, Southern District of California

Community Involvements

Los Angeles Copyright Society

Media Law Resource Center

Special Olympics Southern California

With 40 years of practice, David Halberstadter, the firm's deputy general counsel, has established a reputation among leading entertainment companies as a no-nonsense advisor and talented litigator. When other options fail, he aggressively pursues and defends lawsuits, with a focus on intellectual property-related disputes. Across all his work, clients value David's clear thinking, strategic wisdom and practical business sense.

Straight talk backed by industry knowledge

David represents motion picture studios, production companies, television networks and new media companies. He gives them clear guidance that they can actually use — plain-spoken, grounded in common sense and uncluttered by legalese.

David's useful recommendations are backed by the decades he has spent advising clients in the entertainment industry. He also understands the cost burden of litigation and factors that into his counseling. This broad-based experience, in-depth knowledge and pragmatic mindset has garnered praise from his clients, including one who shared that "David is an amazing attorney with a wide breadth of knowledge who we regularly rely on to avoid legal pitfalls" (*Chambers USA 2022*).

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"Clients highlight his 'comprehension of the law, the media business and his clients' needs, which is combined with excellent service and clear, firm advice.'"

*- Chambers USA 2018
(California, Media & Entertainment:
Litigation) survey response*

The cases that David litigates cover all aspects of developing, financing, producing and distributing entertainment content. He also plays a significant "behind-the-scenes" role in the development of movies, television shows and new media properties. He helps clients assess and mitigate risk, often answering the question: "Can we do this without getting sued?" He regularly reviews books, magazine articles and other source material to determine the risk of third-party claims likely to arise from adaptations. In other instances, he reviews often-byzantine rights agreements to make sure his clients actually acquire the rights they need for a project. Clients also turn to him for advice on accounting claims asserted by motion picture and television profit participants.

Regularly ranked among leading litigators in the entertainment industry, David has earned recognitions in multiple industry and legal publications including *Best Lawyers in America*, *The Legal 500* and *Variety*. Named in *Chambers USA* for 10 consecutive years in the Media and Entertainment: Litigation category, he has been lauded for his counseling and client service. As one client noted, "David is highly knowledgeable and responsive. He is always delightful to work with on complex matters" (*Chambers USA 2022*).

Recognitions

Recognized or listed in the following:

- *Benchmark Litigation*
 - California – Litigation Star, 2022
 - Local Litigation Star, 2022

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- *Best Lawyers in America*
 - Entertainment Law – Motion Pictures and Television, 2015–2024
 - Litigation - Intellectual Property, 2015–2024
 - Media Law, 2015–2024
 - Trademark Law, 2023
 -
- *Chambers USA*
 - Media & Entertainment: Litigation, 2013–2023
- *Daily Journal*
 - Top 75 IP Litigators, 2014, 2017
 - Top Intellectual Property Lawyer, 2018–2023
- Feminist Majority Foundation (publisher of *Ms. Magazine*)
 - Global Women's Rights Award, 2023
- *Hollywood Reporter*
 - Power Lawyers List, 2010
- *Law360*
 - MVP – Media and Entertainment, 2016
- *Super Lawyers*
 - Southern California, 2004–2023
- *The American Lawyer*
 - West Trailblazer, 2022
- *The Legal 500 United States*
 - Recommended Attorney, 2016–2023
- *Variety*
 - Legal Impact Report, 2014, 2016, 2020, 2022

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News

- Katten Attorneys Distinguished by *Best Lawyers*® (August 17, 2023)
- Katten Lauded in The Legal 500 United States 2023 (June 9, 2023)
- Katten Recognized for 22 Years of Pro Bono Support of *Ms. Magazine* (June 2, 2023)
- Katten Boosts Rankings in *Chambers USA Guide 2023* (June 1, 2023)
- The *Daily Journal* Recognizes David Halberstadter as a 2023 Top IP Lawyer (May 22, 2023)
- Katten Attorneys Selected to 2023 Southern California Super Lawyers List (January 11, 2023)
- Katten Attorneys Recognized by *Best Lawyers*® (August 18, 2022)
- *The American Lawyer* Lauds David Halberstadter Among Its 2022 "West Trailblazers" (August 2, 2022)
- Katten Awarded Top Ranking in Structured Finance: Securitization in The Legal 500 United States 2022 (June 8, 2022)
- Katten Ranked Leading Law Firm by *Chambers USA 2022* (June 1, 2022)
- David Halberstadter Named Among *Daily Journal's* 2022 Top Intellectual Property Attorneys (April 22, 2022)
- *Variety's* 2022 Legal Impact Report Recognizes Five Katten Entertainment Partners (April 21, 2022)
- Katten Attorneys Named to 2022 Southern California *Super Lawyers* List (January 27, 2022)
- Katten Attorneys Listed in *The Best Lawyers in America*® (August 19, 2021)
- Katten Receives High Marks in Derivatives, M&A and Securitization in The Legal 500 United States 2021 Guide (June 10, 2021)

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- Katten Boosts Rankings in *Chambers USA* 2021 (May 20, 2021)
- David Halberstadter Named 2021 Top Intellectual Property Lawyer by *Daily Journal* (April 21, 2021)
- Katten Attorneys Selected to 2021 Southern California Super Lawyers List (January 21, 2021)
- David Halberstadter Analyzes Ninth Circuit Copyright Decision with *Law360* (September 11, 2020)
- David Halberstadter Contributes to Virtual Roundtable on Issues Impacting IP Law (August 21, 2020)
- Katten Attorneys Distinguished as Top Legal Talent in the 2021 *Best Lawyers in America* and *Best Lawyers: Ones to Watch* Lists (August 20, 2020)
- Five Entertainment Attorneys Named to *Variety Magazine's* 2020 Legal Impact Report (July 15, 2020)
- Katten Named Top-Tier Firm in Structured Finance and Securitization by The Legal 500 United States 2020 Guide (June 16, 2020)
- Katten Rated Top Law Firm by *Chambers USA* 2020 (April 23, 2020)
- David Halberstadter Recognized as Top Intellectual Property Attorney by *Daily Journal* (March 19, 2020)
- Katten Attorneys Named to 2020 Southern California Super Lawyers List (January 16, 2020)
- Katten Pulls for Special Olympics Southern California (August 19, 2019)
- Katten Praised in The Legal 500 United States 2019 Guide (June 11, 2019)
- Katten Sponsors Special Olympics Southern California Summer Games (June 7, 2019)
- Katten Lauded Top Ranked Law Firm by *Chambers USA* 2019 (April 25, 2019)
- David Halberstadter Recognized as Top Intellectual Property Lawyer by the *Daily Journal* (April 19, 2019)

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- Super Lawyers List Recognized 13 Katten Attorneys in Southern California (January 30, 2019)
- Katten Competes in Special Olympics Southern California Plane Pull (August 24, 2018)
- Katten Supports Special Olympics Southern California (August 22, 2018)
- Katten Pro Bono Efforts Help Save Lives, Rebuild Communities in War Zones (July 9, 2018)
- Katten Distinguished by *The Legal 500 United States* (June 14, 2018)
- Katten Rated as Leading Law Firm by *Chambers USA* 2018 (May 3, 2018)
- David Halberstadter Recognized as Top Intellectual Property Lawyer by the *Daily Journal* (April 18, 2018)
- Katten Attorneys in Southern California Honored on Super Lawyers List (February 16, 2018)
- Katten IP Team Wins "Mickey" Trademark Infringement Case (February 15, 2018)
- Katten Successfully Represents DreamWorks, ABC and Storyteller in IP Suit (October 16, 2017)
- Katten Successfully Represents Starz, CBS Television, Curtis "50 Cent" Jackson and *Power* Creator in Copyright Suit (September 25, 2017)
- Katten California Attorneys and Staff Pull for Special Olympics (August 25, 2017)
- Katten Team Sponsors Plane Pull for Special Olympics Southern California (August 16, 2017)
- David Halberstadter Comments on Richard Prince Fair Use Case (August 4, 2017)
- Katten Distinguished by *The Legal 500 United States* 2017 (May 31, 2017)
- Katten Recognized as Leading Law Firm by *Chambers USA* 2017 (May 30, 2017)

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- Katten Attorneys Recognized in 2017 Southern California *Super Lawyers* List (March 9, 2017)
- David Halberstadter Named Law360 Media and Entertainment MVP (December 16, 2016)
- David Halberstadter Comments on Recent Right of Publicity Case (September 7, 2016)
- Susan Grode and David Halberstadter Named as Two of California's Top Intellectual Property Attorneys (August 17, 2016)
- 79 Katten Attorneys Selected for *Best Lawyers in America*® 2017 (August 15, 2016)
- David Halberstadter Comments on IP Trends in Industry Roundtable Report (August 8, 2016)
- David Halberstadter Comments on Recent Supreme Court IP Ruling (June 21, 2016)
- Eighteen Katten Practices and 70 Attorneys Recognized by *The Legal 500 United States* 2016 (June 17, 2016)
- *Chambers USA* 2016 Distinguishes 22 Katten Practices and 50 Attorneys (May 27, 2016)
- David Halberstadter, Joel Weiner and Gloria Franke Shaw Featured in *Variety's* 2016 Legal Impact Report (April 13, 2016)
- Katten's Representation of Filmmakers and Distributors in 'The Hurt Locker' Ruling by Ninth Circuit Noted in Law360 (February 17, 2016)
- David Halberstadter Comments on Voice Infringement Suit (January 25, 2016)
- Nineteen Katten Attorneys Recognized in 2016 Southern California *Super Lawyers* List (January 20, 2016)
- Katten Represents Cumulus Media in Win Over Class Claims Regarding Pre-1972 Royalties (December 2, 2015)
- David Halberstadter Named Among "Top 50 Entertainment Lawyers" by *Daily Journal* (November 18, 2015)

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- 91 Katten Attorneys Recognized in *Best Lawyers in America*® 2016 (August 17, 2015)
- Katten Attains 22 Practice and 58 Attorney Rankings by *Chambers USA* 2015 (May 20, 2015)
- Partner David Halberstadter Quoted in Law360 Article on Katy Perry "Left Shark" Design (February 9, 2015)
- Twenty-One Katten Attorneys Recognized as Top Attorneys in Southern California (January 21, 2015)
- Partner David Halberstadter Profiled in Corporate LiveWire Roundtable (November 14, 2014)
- Partner David Halberstadter Quoted in *Daily Journal* Article on *Simpsons* Suit (October 28, 2014)
- 85 Katten Attorneys Named to *Best Lawyers in America*® 2015 (August 18, 2014)
- Partner David Halberstadter Discusses Copyright Implications of Animal's "Selfie" in Law360 (August 12, 2014)
- Partner David Halberstadter Comments on *Aereo* Ruling in Law360 (July 11, 2014)
- *Chambers USA* 2014 Distinguishes 24 Katten Practices and 54 Attorneys (May 23, 2014)
- Partner David Halberstadter Quoted in Law360 on Potential Impact of *Aereo* Decision (April 21, 2014)
- Partners David Halberstadter and Joel Weiner Featured in *Variety's* Legal Impact Report (April 15, 2014)
- Partners Susan Grode and David Halberstadter Named Top Intellectual Property Attorneys by *Daily Journal* (April 9, 2014)
- Twenty-One Katten Attorneys Recognized on Southern California *Super Lawyers* List (February 10, 2014)
- Partner David Halberstadter Comments on Legal Fair Use in Law360 (February 3, 2014)

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- Partner David Halberstadter Comments on Sherlock Holmes Copyright Ruling in Law360 (January 8, 2014)
- Partner David Halberstadter Comments on Beastie Boys Parody Suit in *Daily Journal* Article (November 27, 2013)
- Partner David Halberstadter Comments on Theater's Spider-Man License Case in Law360 (November 7, 2013)
- Partner David Halberstadter Quoted in Reuters Legal on Cases Raising First Amendment and Publicity Questions (October 28, 2013)
- Partner David Halberstadter Quoted in Law360 on Aereo Copyright Battle (October 17, 2013)
- Katten's Representation of Lions Gate in *Mad Men* Settlement Noted in *The Hollywood Reporter* and Law360 (August 12, 2013)
- Katten Wins Copyright Battle for Paramount Pictures (June 19, 2013)
- *Chambers USA* 2013 Recognizes 24 Katten Practices and 49 Attorneys (May 24, 2013)
- Katten's Representation of Lionsgate in *Mad Men* Lawsuit Noted by *The Hollywood Reporter* (April 25, 2013)
- Partner David Halberstadter Quoted in *Daily Journal* on Veoh Ruling (April 10, 2013)
- Partner David Halberstadter Quoted in *Daily Journal* on Copyright Protection in Entertainment Industry (February 5, 2013)
- Twenty-Two Katten Attorneys Included on 2013 Southern California *Super Lawyers* List (January 21, 2013)
- Partner David Halberstadter Quoted in *Daily Journal* on Impact of Superman Copyright Decision (October 19, 2012)
- Partner David Halberstadter Featured in Law360 Q&A (August 30, 2011)
- Katten's Gail Migdal Title and David Halberstadter Named Among 100 Most Influential Attorneys in Entertainment by *The Hollywood Reporter* (July 20, 2010)

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- Three Katten Attorneys Named Among California's Top Intellectual Property Attorneys (April 7, 2010)
- David Halberstadter, Co-Chair of Firm's Entertainment and Media Practice, Writes Article for *L.A. Daily Journal* on Copyright Protection (February 9, 2006)

Publications

- *The Katten Kattwalk* (Triannual) | *Contributor*
- *Kattison Avenue* (Quarterly) | *Contributor*
- Street Artists Allege Nonconsensual Use of Their Works by Two Major Fashion Retailers (January 31, 2024)
- *Kattison Avenue/Katten Kattwalk* | Issue 3 (Winter 2024)
- Minimizing the Rising Risk of Biopic Defamation Suits (October 13, 2022)
- Warby Parker Beats Back 1-800's Infringement Claims (September 28, 2022)
- *Kattison Avenue* | Issue 9 (Fall 2022)
- Do Not Pass 'Go': *How a Board Game Decision Is Applicable to Idea Theft Disputes in the Advertising Industry* (May 12, 2022)
- Case to Watch: Whose Idea Is 'Ballin?' (May 12, 2022)
- Entertainment Attys Can Learn From Hasbro Royalty Ruling (March 24, 2022)
- Mitigating IP Infringement Risk in Car Ads Depicting Street Art (February 10, 2022)
- Life in The Fast Lane: How Urban Car Ads Depicting 'Street Art' Can Backfire (January 26, 2022)
- *Kattison Avenue/Katten Kattwalk* | Issue 1 (Winter 2022)

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- FTC Warns Massive List of US Companies Not to Deceive Consumers With False Endorsements and Reviews (October 15, 2021)
- Cautionary Tale: Commercializing 'Street Cred' (October 4, 2021)
- Second Circuit Puts the Focus on Search-Term Restrictions in 1-800 Contacts Decision (September 15, 2021)
- The Rest of the Story: Update on Puma 'Roar Mark' Trademark Dispute (September 15, 2021)
- Good Copyright News for Social Media Influencers and, Potentially, for the Companies That Hire Them (February 3, 2021)
- Clifford v. Trump: The Ongoing Battle Between Fact and Opinion (September 2020)
- Fighting Copyright Pirates Through Preregistration (April 25, 2019)
- Supreme Court Confirms Registration is Prerequisite to Claim for Infringement (March 7, 2019)
- When Movie Research Leads to Contract or Copyright Claims (April 15, 2016)
- 9th Circuit Confirms *The Hurt Locker* Is Fully Protected By The First Amendment (February 25, 2016)
- Publicity Rights Abut Free Speech in 2014 (December 22, 2014)
- And The Band Played On: Disputes Over Musical Group Names Were a Familiar Tune in 2013 (September 9, 2013)
- Football and Free Speech: Third Circuit Vidgame Decision Has Broader Implications for Reality-Based Works (July 5, 2013)
- Profit Participation Practices Should Be Reviewed in Light of Recent Ladd Decision (May 28, 2010)
- 2009 Year-End Intellectual Property Issues Advisory (December 2009)
- Gimme 5: What Every Lawyer Should Know about Working with Mediators (September 2008)

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Presentations and Events

- Intellectual Property 2019 Virtual Round Table (July 8, 2019) | *Participant*
- 15th Annual MLRC Entertainment and Media Law Conference (January 18, 2018) | *Participant*
- MLRC Media Law Conference (September 21–23, 2016) | *Facilitator*
- Putting the Right of Publicity in the *Hurt Locker*: The Status of the Right of Publicity and the First Amendment Following *Sarver v. Chartier* (June 13, 2016) | *Presenter*
- Why Entertainment Royalty Audits Are Like a Box of Chocolates: Tips From the Experts (April 26, 2016) | *Presenter*
- The Impact of the *Hurt Locker* Decision on Pre-Release Review of Films and Television Programs (April 7, 2016) | *Presenter*
- Right of Publicity Workshop (October 17, 2015) | *Participant*
- The Floyd Abrams Institute for Freedom of Expression at Yale Law School (October 16–17, 2015) | *Speaker* | *Right of Publicity Workshop*
- 2014 MLRC/NAA/NAB Media Law Conference (September 17–19, 2014) | *Session Chair* | *Ripped From The Headlines: Legal Risk Avoidance & Entertainment Works Derived From Real Events*
- Media Law Resource Center California Chapter Quarterly Lunch Meeting (September 18, 2013) | *Panelist* | *Your Money for My Life: The Shifting Boundaries of Right of Publicity and Commercial Misappropriation*
- Entertainment Symposium (April 20, 2010) | *Speaker* | *Avoiding Legal Pitfalls In Motion Picture Development*
- *Viacom v. Google*: Implications for Copyright Holders and User Generated Content (August 14, 2008) | *Panelist*

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- Facing Reality: New Paradigms in Television Law (January 25, 2007) |
Panelist