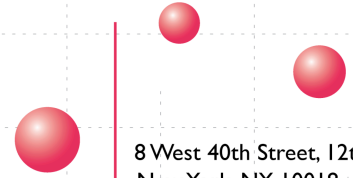




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Technology Law and Electronic Media Update

October 28, 2013

Additional Patent Law Revisions Submitted to Congress. October 23, 2013. House Judiciary Chairman Bob Goodlatte (R-Va.) introduced a controversial patent “reform” bill in an attempt to reign in what some view as abusive patent litigation—this coming a year after the effective date of the prior reform bill. The new bill proposes that patent plaintiffs that lose pay the defendant’s legal fees, unless their case was substantially justified. More interesting is a statutory scheme to punch through the corporate veil in order to force equity owners or others that control a non-practicing entity to pay the winning defendant’s costs. However, the bill includes certain exemptions for attorneys that bring the case. Among other important changes, the proposed legislation blocks patent owners from suing end-customers of a company that sells infringing devices or software.

Aereo’s Internet Television Re-Broadcasting Service Survives Another Challenge. October 10, 2013. Aereo, who rebroadcasts terrestrial television over the Internet without paying copyright royalties, has been subject to challenge in a number of suits in Federal courts, including California and New York. Aereo engineered a rebroadcasting system that arguably works around the definition of a “publicly performance” in the Copyright statute. The U.S. District Court in Boston denied Hearst’s request for a preliminary injunction to shut down the service, relying on a Second Circuit opinion that denied the same request on the grounds that the “transmit clause” of the Copyright Act doesn’t apply to Aereo’s operation. The case in Boston is on appeal, and it is reported that the broadcast television industry is preparing to file an appeal to the U.S. Supreme Court. It is reported that the cable television industry, whose members do pay a re-broadcasting royalty for cable delivery, are preparing similar services in order to compete with Aereo. Expect to hear more.

We are pleased to announce the appointment of Ms. Lindsay Korotkin as an Associate of the firm: Ms. Korotkin has been with the firm since 2009 as a law clerk. Ms. Korotkin has experience in an array of trademark, patent, copyright prosecution matters, counseling on data privacy regulatory issues and research and drafting tasks in support of a variety of litigation matters.

To learn more about Sabety +associates, PLLC, visit our website at www.sabety.net.

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Lindsay obtained her J.D. from the Benjamin N. Cardozo School of Law, cum laude, where she was Head de novo Editor and a member of the Executive Board of the Cardozo Law Review. At Cardozo, Ms. Korotkin worked as a patent law research assistant to Professor Michael Burstein. She also served as an Alexander Fellow Judicial Law Clerk to the Honorable Jack B. Weinstein of the Eastern District of New York. She earned her B.A. magna cum laude from Barnard College of Columbia University, where she graduated with department honors and was the recipient of the Nancy Hoffman Award and an Aileen Mejia Pratt Research Grant.