

New Wave Lawsuits

**By Reg P. Wydeven
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When I was in law school, I lived in the top floor of a brand new, four-story apartment building. We lived right across the street from Camp Randall, so we always had plenty of action. Plus, if we got bored, all we had to do was pick up the phone.

We had a cordless phone with a huge antenna coming out of it in our living room. Apparently in those days, there were only a few frequencies cordless phones operated on. One day we picked up the phone and instead of getting a dial tone, we could hear a conversation. We deduced that a woman in our building must have had the same phone set on the same frequency. A woman in the midst of a torrid love affair.

We would listen to she and her boyfriend discuss the intimate details of previous or upcoming trysts. We would listen to them fight like a couple on 'Days of Our Lives.' Then we had to listen to see if they would reconcile, which they always would, so we got to hear more about their trysts.

Apparently my roommates and I aren't the only ones who are airwave thieves.

CBS Corp. has sued Aereo, an Internet TV startup company that takes signals that are broadcast for free from the airwaves, and then charges customers to watch them over computers and mobile devices. CBS claims the New York based company's actions amount to copyright infringement. Stealing and rebroadcasting the signals hampers CBS' ability to collect fees from traditional service providers, such as cable and satellite providers, for rights to redistribute its stations' signals.

Aereo captures the signals by using thousands of tiny antennas, which the company argues does not infringe on broadcasters' copyrights. The business compares its methodology to individuals buying digital antennas for themselves. A court in New York agreed, ruling that Aereo's service is permitted under copyright law.

Encouraged by the court's ruling, Aereo intends to expand into other markets, including Boston. To thwart its efforts, CBS threatened to file suit in Boston, where the courts would not be bound by New York's rulings.

In response, Aereo has requested that the U.S. District Court in New York issue a declaration consistent with the preliminary rulings that its service does not constitute copyright infringement. Such a declaration would be binding on other markets, including Boston.

If Aereo does prevail in court, CBS indicated that it would consider switching from network television to a channel available only through cable and satellite TV services.

CBS has been in court a lot lately. Earlier this year the company sued Dish Network for its commercial-skipping technology.

While CBS knows who is allegedly stealing its broadcasts, we never were able to figure out the identity of the woman in our building we were eavesdropping on. I just wonder if she ever listened to us. If so, she heard a lot of calls to Gumby's Pizza.

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