

Jason Bloom in The Recorder: IP at the Supreme Court: A Quiet ? but Possibly Busy ? Year

October 3, 2018 Jason Bloom

PRACTICES Intellectual Property Litigation, Copyright, Intellectual Property, Litigation

The Recorder quoted Haynes Boone Partner [Jason Bloom](#) about a high-profile, fair use case, *TVEyes, Inc. v. Fox News Network, LLC*, pending in the U.S. Supreme Court.

Here is an excerpt:

In the copyright arena, a Second Circuit fair use decision that made headlines earlier this year has landed at the court. Petitioner TVEyes is a company that records more than 1,400 channels around the clock, then uses closed captioning and speech-to-text software to make all of it searchable by the words spoken in video. Journalists, marketers, law enforcement and even the White House pay \$500 a month for access to the index. Once a subscriber finds content it wants to view, TVEyes provides a 10-minute clip, which can be shared with nonsubscribers. The Second Circuit agreed with copyright holder Fox News Network that that stretches fair use too far.

Jason Bloom, the head of Haynes Boone's copyright practice group, said there's a reason the Supreme Court hasn't taken up a fair use case in more than 20 years—it's set out in detail in the Copyright Act. "I don't know if there's much the Supreme Court can do," he said. "Given what the test is, nothing the Supreme Court says is going to clarify it."

Bloom said he thinks *TVEyes* is distinguishable from the Second Circuit's Google Books decision, because Google took pains to ensure that entire works could not be pieced together from Google Books snippets.

To read the full article, click [here](#). (Subscription required.)