

## Fantasy Stats: CBC Gets 32 More Days To Oppose Review

Written by Lawrence W. Boes  
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The case between fantasy sports company, **CBC Marketing, Inc.** and the **MLB Players' Association (MLBPA) and MLB Advanced Media (MLBAM)**

, over whether statistics in conjunction with player names are protected by the First Amendment, and therefore can be used by fantasy sports companies, or a breach of right of privacy and therefore can be licensed by MLB, may be reviewed by the Supreme Court.

MLBAM and the MLBPA have petitioned the Supreme Court (

[read the petition here on The Biz of Baseball](#)

), and CBC a prerequisite time to respond.

On Monday, March 24, three days before the time to respond to MLBAM and MLBPA's petition for cert. would have run, and approx. one month after the petition was filed, the Clerk of the Court granted a request by CBC for an extension of time from March 27 to April 28. This means that the Court's decision to grant or deny review is also delayed until Monday, June 2, at the earliest.

The due date for *amicus* briefs in support of the petition is still tomorrow, March 27, but the time for any *amicus* brief in opposition is extended an additional month.

CBC's attorney, Rudolph A. Telscher, Jr., of the St. Louis IP law firm Harness Dickey ( [read The Biz of Baseball interview with Telscher](#)

), who so far prevailed in the lower courts, made a formal appearance for CBC. It may be that the normal 30-day period was not sufficient for him to prepare and file CBC's Brief in Opposition--and he is properly waiting to see *amicus* briefs (for which he may have received notice). Or that he and CBC now think it necessary to hire counsel expert in Supreme Court practice or that a nonparty who may wish to file an *amicus* brief in opposition, the Fantasy Sports Trade Ass'n, needs more time. There may be some other explanation, for example, that the parties seek more time for pending settlement negotiations or that they may have agreed to delay the Supreme Court's process for other personal or business reasons.

This one-month delay in the Supreme Court's usual practice confirms the seriousness of these proceedings.

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*Maury Brown contributed to this article*

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**Lawrence W. Boes** is a legal analyst and contributor to the Business of Sports Network. He has litigated intellectual property and antitrust law cases in various federal and state courts at trial and appellate levels, represented a sports concessionaire at various MLB ballparks for many years, and studies legal aspects of the business of baseball.