

## Technology & Data

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### Related Services

Artificial Intelligence  
Data Privacy & Security  
Intellectual Property  
Intellectual Property Litigation  
Website Accessibility  
Life Sciences  
Mergers & Acquisitions  
Health Care Innovation & IT  
Patents  
Start Up & Rapid Growth Enterprises (SURGE)  
Antitrust & Trade Regulation  
Anti-Counterfeiting

Practicing at the intersections of business, intellectual property (IP) and innovation, our technology and data attorneys offer clients a rare combination of subject matter depth, practical know-how and transaction expertise. We work closely with founders, developers, investors and C-suite business leaders in sectors including healthcare, life sciences, energy, agriculture, advertising and media, and IT. As a result, we have a broad experience—and a deep understanding—of:

### Technology Development & Licensing

We understand the technology industry. We serve as lead counsel for the launch of new technology products and services, and we frequently represent buyers of complex technology and data products and services. We draft and negotiate software and website development, SaaS, cloud computing, hosting, app development, data sharing and related agreements. We have in-house experience at corporations supporting the IT and IP licensing procurement functions.

### IP Commercialization & Monetization

We assist clients with commercialization of sophisticated and complex intellectual property rights that may be protected as patents, copyrights or trade secrets. We support innovators and investors as they research, conduct trials, develop, license and distribute proprietary products and services. We assist in negotiation and documentation of partnering arrangements with universities, distributors, resellers, licensees and licensors, and other strategic partners. We also know monetization and commercialization market trends and contracting best practices to maximize value and minimize hassles. We routinely conduct IP, IT and data privacy diligence in all kinds of corporate transactions. Where technology or IP is a major driver in transaction value, we play a key role in negotiating and documenting mergers and acquisitions (M&A) and investment transactions.

### Privacy of Consumer Data & Personal Information

We partner with clients to anticipate and address business issues arising from the ever-changing local, national and international legal and regulatory landscape relating to privacy of personal data. Our services include development of compliance programs, training, audits, assessments and incident responses, as well as privacy diligence arising in mergers and acquisitions activity.

## Cybersecurity Compliance Program & Incident Response Management

We assist clients with cybersecurity compliance programs, including contractual risk allocation and vendor risk assessments, training, table top exercises, and help with rapid analysis of potential obligations in multi-state cybersecurity incidents.

## Data as an Asset Including Data Ownership

Data as an asset requires an understanding of IP, contract, privacy laws and the nuances of business practices across industries. Our cross-functional team helps clients maximize the value of data as an asset and to navigate the acquisition, use and commercialization of complex data assets, including Internet of Things (“IoT”) data.

Our experience, creativity and can-do perspective drives our collaboration with clients. We identify, evaluate, commercialize and protect technology and data to deliver insight and guidance regarding related risks and responsibilities.

## Artificial Intelligence & Machine Learning

Our team has experience working with clients to manage risk while still engaging with and making use of artificial intelligence (AI) and machine learning tools. Our work includes: drafting policies for use, advising on creation and protection of intellectual property, contracting with vendors, and addressing confidentiality and security issues.

## Experience

### Technology Development & Licensing

- License preparation and review for:
  - Software
  - Website development
  - Software as a Service (SaaS)
  - Cloud computing
  - Hosting
  - Mobile apps
  - Subscription-based content and tools
- Development and support agreements
- Outsourcing transactions
- Open source compliance
- Import/export issues

- Government rights
- Consulting and professional services agreements
- Distribution models: reseller; OEM; distribution agreements; online sale
- Mission-critical technology agreements including ERP (Enterprise Resource Planning), CRM (Customer Relationship Management), and EMR (Electronic Medical Record) agreements

## IP Commercialization & Monetization

- M&A support including IP portfolio assessment, diligence, risk allocation
- Outside general counsel for emerging technology companies
- Patent licensing
- IP litigation settlement licensing
- Joint development agreements
- Material transfer agreements
- Clinical trial and CRO agreements
- University licensing, government funded research
- Manufacturing, supply and quality agreements
- Inbound and outbound technology licenses
- Acquisition options paired with ROFNs, license options and related structures

## Privacy of Consumer Data & Personal Information

- Cybersecurity and privacy counseling and assessments
- Industry-specific data compliance programs
- Vendor contracting and management
- Data breach planning and response
- Privacy litigation and regulatory investigations
- Cybersecurity and privacy diligence for mergers and acquisitions
- Data governance policies and training
- Regulatory guidance and investigations
  - Health Insurance Portability and Accountability Act (HIPAA), California Consumer Privacy Act (CCPA), EU's General Data Protection Regulation (GDPR)
- Vendor management including cyber (buyer/user side)
  - Business process outsourcing (BPO)

## Data as an Asset Including Data Ownership, AI & Machine Learning

- Data acquisition contracting including licensure
- Data sharing agreements
- Clinical trial agreements
- Artificial intelligence and machine learning data use and protocols for
  - Health care
  - Internet of Things (IoT)
  - Private equity
  - Agriculture
- Trademark and trade secret guidance

## Internet, E-Commerce & Digital Media

- Website agreements
- Email and internet use policies
- Digital and social media marketing
- Federal Trade Commission (FTC), Food and Drug Administration (FDA) and state attorneys general investigations
- Marketing and sales practices
- Mobile marketing and text messaging
- Social media issues
- Website accessibility