



S. Keith Mouldale

PARTNER

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BIOGRAPHY

Mr. Mouldale co-chairs the Cyber Security, Information Management & Privacy practice at Whiteford Taylor & Preston. His practice focuses on licensing, IP, data security, privacy and other e-commerce and technology-related legal issues that organizations face, both in the U.S. and internationally. He regularly counsels a wide range of organizations – including financial institutions, software vendors, and trade associations – in connection with their most significant data security concerns, including: data security breach attempts; cross-functional assessment, containment and response efforts; mitigation strategies; information security policies; and compliance with statutory notification requirements.

In addition, Mr. Mouldale regularly represents software and technology companies that develop and distribute products and services that mitigate data security risks, as well as cybersecurity forensic companies.

RECOGNITIONS

- Listed in *Best Lawyers in America*, 2017 - present
- Martindale-Hubbell, Distinguished Peer Rating for High Professional Achievement, 2016
- Maryland *Super Lawyers*, 2012 - 2014

PRACTICES & INDUSTRIES

Intellectual Property & Technology

Advertising and Promotion Law

Computer Software & Hardware

Copyrights

International Intellectual Property

Internet and E-Commerce

Licensing & Technology Transfer

Open Source, SaaS & Other Innovative Distribution Models

Privacy

Technology Start-ups

Trade Dress

Trade Secrets

Trademarks, Domain Names and Other Brand Protection

Clean Energy Technology

Transactional Intellectual Property

Web Site Audits

- Top Rated Technology Transaction Attorney and International Lawyer
- Listed in Baltimore's Legal Elite, 2006 - Baltimore SmartCEO Magazine
- Included among "Who's Who In Law" in Baltimore Business Journal, May 30, 2003 & December 1, 2000
- Judge: Daily Record 2003 Innovator of the Year

Cyber Security, Data Management & Privacy

International

Nonprofit Organizations and Associations

Nonprofit Corporate Services

MEMBERSHIPS & ACTIVITIES

- Member, Board of Directors, Cybersecurity Association of Maryland
- Member, Advisory Board, Cyber Incubator, UMBC
- Affiliate Professor of Cybersecurity Law in the MBA Program at Loyola University Maryland
- Chair: IP Committee of MSBA Business Section (2000-2002) (Vice-Chair 1998-2000)
- Appointed by Governor Glendenning to Governor's Task Force on e-Commerce (1999)
- Board Member, Anne Arundel Tech Council (now known as Chesapeake Regional Tech Council) (2003-2007)
- Advisory Committee Member, Chesapeake Innovation Center (2003-2006)
- At WTP: Co-Chair, Clean Energy Technology Group; Co-Chair, Cybersecurity & Information Privacy Group; Co-founder, past-Chair and current member of Technology & IP Section

EDUCATION

University of Baltimore School of Law, 1993, J.D., cum laude

University of Baltimore, 1993, M.B.A., cum laude

James Madison University, 1989, B.B.A., cum laude

ADMISSIONS

Maryland

IP, TECHNOLOGY & SOFTWARE PROTECTION, LICENSING, E-COMMERCE

Representative matters include advice and counsel to:

- A mobile switching center system developer in purchasing and sales, an including international resale arrangement with a Fortune 100 Company
- A developer in drafting and negotiating license and ASP leases for a complex scanning system, including a license to one of world's top-five media companies
- A developer of a cashless, Internet-based payment processing system
- A licensee of exclusive, worldwide distribution rights in an intelligent data system from a Fortune 500 company
- A digital wireless carrier in outsourcing arrangements, including 411 service, telemarketing & negotiation of international roaming agreements
- Various distance learning providers in negotiating licenses and delivery systems

- A wide range of clients with respect to numerous other tech-related legal issues, including privacy policies and compliance, file-sharing, music and video downloading, publishing, software development certification programs, electronic commerce, cyber-security, OS license compliance programs and other IP issues

OPEN SOURCE AND SAAS

Representative clients include:

- Numerous open source vendors, including:
 - dbms vendor MySQL AB through \$1 billion sale to Sun Microsystems
 - Hypervisor vendor XenSource through \$500 million sale to Citrix Systems;
 - Network monitoring and systems management vendor Zenoss Inc.;
 - Nonprofit owner of the Joomla! brands (Open Source Matters, Inc.)
- ASP, SaaS and Cloud Computing providers in development and negotiation of alliance, SLA, subscriber, user, file sharing, reseller and other agreements

CYBER SECURITY AND INFORMATION PRIVACY

Representative matters include advice and counsel to cyber security software developers, cloud-based service providers, and other organizations, including in connection with:

- compliance and mitigation strategies;
- licensing, IP, open source, government contracting and corporate issues
- security breach attempts (including via internal theft, phishing, SQL injection attacks, brute-force attacks and ransomware);
- cross-functional assessment, containment and response efforts;
- information security policies, including WISPs, incident response plans, disaster recovery policies, clean desk policies, and BYOD policies;
- statutory notification requirements
- review and analysis of data security- and privacy-related aspects of insurance policies

Representative clients include:

- a large, national trade association in connection with the defacement of its website and related data theft claimed by an international hacktivist collective

- a financial institution in connection with a ransomware incident
- an electronic payments trade association in connection with a serious phishing scam that used its famous brand to lure email recipients into downloading Zeus malware that infected 13 million computers worldwide.
- an organization whose former IT director exfiltrated the personally identifiable health information of thousands of customers
- the developer of unique tools which encrypt and shred data

CLEAN ENERGY TECHNOLOGY

Representative clients include:

- A manufacturer of regenerative electric propulsion system for sailboats
- A startup of first-ever, online electric energy marketplace for consumers
- A U.S. biodiesel processor seeking West African jatropha sources
- A processor converting of municipal solid waste to fuel
- The exclusive South American licensee of liquid fuel conditioning technology that improves combustion efficiency and reduces fuel consumption, without loss of power
- Owner and operator of plants that recycle human food waste into dried animal feed
- Licensor of technology used to manufacture, fabricate and assemble portable solar generators sold in Sub-Saharan Africa
- Owner of a system that optimizes the reheating cycle of electric water heaters by matching that use with small surges in power availability on the regional electric grid

INTERNATIONAL

- Drafted or negotiated license, distribution, development, manufacturing or other agreements in connection with assets or companies in many countries, including Australia, Barbados, Brazil, Canada, China, Ethiopia, Finland, France, Germany, Ghana, Hungary, India, Iraq, Israel, Italy, Japan, Kenya, Marshall Islands, Mexico, Norway, Singapore, South Africa, South Korea, Sweden, Switzerland, and United Kingdom
 - Seconded to Ghana, West Africa for 3.5 years
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PRESENTATIONS & PUBLICATIONS

Nonprofit Risk Management Center's 2019 Risk Summit - *Cyber Liability: Forming and Facilitating an Incident Response Team; Cyber Survivor – Surviving and Thriving in the Wake of a Data Breach Claim* (October 2019)

Diocesan Fiscal Management Conference's Annual Meeting - *Navigating a Sea of Data Privacy + Security Risk* (October 2019)

ASAE Annual Meeting & Exposition - *A Primer for Understanding Your Association's Cyber Risk* (August 2019)

Cybersecurity Association of Maryland, Inc. Maryland Cyber Breakfast Club - *Risk Mitigation Strategies for Cybersecurity Product and Service Providers* (June 2019)

Veterans Institute for Procurement - *IP Risks and Protection When Doing Business Outside of the USA* (June 2019)

bwtech@UMBC: *European Privacy Invasion (GDPR) One Year In, California Privacy Takeover (CCPA) Six Months Out* (May 2019)

Association of Commercial Financial Attorneys Continuing Legal Education Weekend - *Navigating a Sea of Data Privacy + Security Risk* (May 2019)

bwtech Executive Workshop for Int'l CyberSecurity Companies - *What are the TOP Things a Foreign Company Should Know When Establishing a Business in the US?* (April 2019)

ID Agent Webinar - *Canadian-U.S. Legal Landscape* (February 2019)

Edwards Project Solutions' Cyberbytes Series - *Cyber Realities In Corporate America* Panel (January 2019)

bwtech@UMBC Cybertini, Baltimore, MD - *Cybersecurity Issues in Healthcare* (October 2018) (moderator)

Financial Executives International, Hunt Valley, MD - *What Executives Need to Know About Cyber Security* (June 2018) (speaker)

LeadingAge Maryland Finance & Strategy Symposium, Frederick, MD - *What You Don't Know CAN Hurt You - Cybersecurity for Senior Living* (November 2017) (presenter)

Association of Corporate Counsel, Baltimore, MD - *Balancing Privacy Law Compliance with Safeguards Against Insider Data Security Threats*, (May 2017)

(presenter)

Panthera Technologies Seminar, Owings Mills, MD - *The Roadmap to Sustained Security & Compliance: Overcoming the Challenges of Getting Started*, (May 2017) (presenter)

ASAE's 2017 Marketing, Membership & Communications Conference, Washington, D.C. - "Surviving and Thriving a Cyber Security Breach: A Guide for Membership, Marketing and Communication Association Executives" (May 2017) (presenter)

ASAE Law Symposium, Washington, D.C. – *Compliance + Mitigation in a Sea of Data Security Risk* (Oct. 2016) (panelist)

Katz Abosch Government Contracting Symposium, Arundel Preserve - *Creating Marketplace Diversification with your Technology Service Offerings* (Nov. 2016) (panelist with Spencer Wilcox and Dan Larkin)

CRTC Commercial Cyber Event – *Insider Threats* (Nov. 2016) (panelist with Mike Miller and Shawn Thompson)

Cyber Maryland, Baltimore - *Good, Bad or Wacky? Recent Changes in Global Privacy & Security Laws* (with Howard Feldman) (Oct. 2016)

CRTC Commercial Cyber Forum, Baltimore – *Insider Threats* (Nov. 2016)

BrightTALK Webinar - *Privacy v. Security: Balancing Vulnerability Awareness & Incident Prevention* (Oct. 2016) with Tim Vogel of Xtium and Kevin Lancaster of ID Agent

ALM cyberSecure, New York, NY – *The Dark Web: A Black Market for Exploiting your Stolen Data* (Sept. 2016) (moderator)

Risk Summit, Chicago, IL - *Solving The Puzzle: How To Prepare For And Respond To Data Security Threats* (Sept. 2016)

Retail Solution Providers Association, Grapevine, TX - *Compliance + Mitigation in a Sea of Data Security Risk* (Aug. 2016)

ASAE Association Law for Non-Lawyers, webinar – *Data Security Breach Response Best Practices* (May 2016)

Association Trends Finance Live, Washington, DC – *Data Security Risk Management: How to Prepare for and Respond to Data Security Threats* (May 2016)

Private Client Presentation – *Panama Papers* (April 2016)

Cybersecurity Association of Maryland + Chesapeake Regional Tech Council ,
Baltimore, MD – *Identifying, Quantifying, Insuring & Mitigating Cyber Risk*
(April 2016) (with PSA Insurance, Ernst & Young LLP, and NFP Property &
Casualty)

ASAE law Symposium, Washington, D.C. - *Data Security Breach Response: Best
Practices*(Oct. 2015) (with DataStreet)

Association Trends Finance Live, Washington, D.C. – *How to Find a Silver
Lining in an AMS Cloud Contract* (Sept. 2015)

ASAE Annual Meeting, Detroit, MI – *Help! I've Been Hacked!* (August 2015)

Association Trends, Webinar – *Negotiating Association Software Contracts:
Effective Business and Legal Strategies* (May 2015)

Percona Live, Santa Clara, CA – *Data Security - Emerging Legal Trends* (April
2015)

Private Client Presentations, New York + Baltimore - *GPL + LGPL Presentations
for Executive Management* (August 2014; Nov. 2014; April 2015)

Ft. Meade Alliance Industry Day, Baltimore – *Commercial Cyber Discussion*
(March 2015) (with Exelon) (moderator)

bwtech@UMBC, Baltimore - *The Startup Yellow Brick Road: Going from Service
to Product Company* (Feb. 2015) (moderator)

Private Presentations for Accounting Firms, Baltimore - *Cyber Security for
Accountants* – (2014)

Association Execs, Webinar – *Protecting Your Association's IP* (Dec. 2014) (with
Jeff Glassie)

ASAE Law Symposium, Washington, D.C. - *The Impact of Data Breaches, Cloud
Computing, Tech. Contracts + Cyber Insurance* (Oct. 2014) (with Spotkick)

PSA Insurance, Hunt Valley, MD – *Understanding, Preparing for & Responding
to Cyber Threats* (Sept. 2014) (with Tangible Security)

Association Trends Finance LIVE: Technology Initiatives in Nonprofits,
Washington, D.C. – *Could this be You?* (Sept. 2014)

NYSE Governance Services, Washington, D.C. – *Thought Leadership Roundtable
on Cyber Security* (May 2014)

ASAE Tech Conference, Washington, D.C. - *Understanding, Preparing for, and Responding to Legal Risks that Cyber Threats Pose to Associations and Nonprofit Organizations* (Nov. 2013) (with APhA and Howard Feldman)

Corporate Board Member: The Board IT Challenge, Atlanta – *Battling Cyber Crime: Do you Know your Enemy?* (Oct. 2013)

ASAE Law Symposium, Washington, D.C. – *Cybersecurity Threats + Legal Risks* (Sept. 2013) (with NACHA and Howard Feldman)

Association Trends Finance Live, Washington, D.C. – *An Update on Legal Issues in Technology* (Sept. 2013)

bwtech@UMBC, Baltimore – *Cybersecurity Threat Info. Sharing Executive Order* (May 2013) (with NIST and others) (moderator)

Association of Corporate Counsel, Baltimore – *Practical Lessons learned: An Overview of Cyber Law & Information Governance* (Feb. 2012) (with Feldman)

Corporate Board Member: The Board IT Challenge, Chicago – *An Overview of Cloud Computing Risks* (Oct. 2012)

Cyber Maryland, Baltimore – *Demystifying Cyber Policy: What Every Executive Should Know* (Oct. 2012) (panel)

WTP Blog - *Are Associations and Nonprofit Organizations the Next Big Target for Cyber Attacks?* (Sept. 2012)

Cyber Security Summit, Baltimore Business Journal (2011)

International Information Privacy Compliance, eZ Systems Conference, Skein, Norway (2006)

Managing Success in a Post-9/11 World, techcenter@UMBC (2004)

Understanding Open Source & Its Business Implications, Greater Baltimore Tech Council (2004)

U.S. & Int'l IP Protection Strategies, Loyola College Exec. MBA Program (2005, 2004, 2003, 2002 & 2001)

Issues in Technology Contracting, Maryland Judicial Institute for Judges Assigned to Business & Technology Case Management Program (2003)

Whose Design Is it Anyway?, Whitmore Lunch & Learn Series (2003) & AIGA Seminar (2002)

Assessing & Managing Your IP Risk, Marsh/WTP Seminar (2002)

Open Source Software Licensing, U. Balt. School of Law (2002)

Maryland IP Law Update, U. Balt. School of Law (2001)

Emerging Privacy Laws (2001); Facets of Law as Applied to Technology, Loyola College Exec. MBA Program (2000 & 1999)

IP Issues in the Workplace, Lorman Seminar on Covenants Not to Compete (2000)

International IP & Technology Transfer Strategies, Ukraine Technopark Managers Course, Loyola College Int'l Technology Research Institute (2000)

Practical Legal Issues in e-Commerce, MICPEL Seminar (2000) (also, co-chair)

Facing E-Commerce Head On; International E-Commerce: Order Out of Chaos, IP Licensing Skills Workshop, WTP Technology and IP Legal Issues Workshop (1999)

Trademarks, Digital Signatures & Privacy Issues on the Internet, MSBA Annual Meeting, (1999)

Electronic Commerce and the New Millennium - Current Issues From a Practitioner's Perspective, U. of Baltimore School of Law IP Law Society (1999)

Strategies for Protection of U.S. IP; Webpage Do's & Don'ts; Fundamentals of Trademark Law, WTP Technology and IP Legal Issues Workshop (1998)

Electronic Commerce, MICPEL (1998)

IP Issues in the Workplace, WTP Employment Law Seminar (1998)

Computer Software Copyright Infringement Analysis and Resolution, IP Committee of MSBA Business Section (1998)

Selected Internet Domain Name and Jurisdiction Issues, IP Committee of MSBA Business Section (1997)

U.S. Trademark Registration Practice, full-day lecture to Chinese IP Lawyers and Judges (1996)

UCITA Spells Controversy, The Business Monthly (2001) and The Maryland Bar Journal (2000)

Kids Say The Darnedest Things, The Advocate, (1999)

Businesses May Get Burned By New Online Law, Baltimore Business Journal

(1999)

The New Millennium: Don't Let It Bug Your Practice, TortSource (1999) and Bar Bulletin (1999)

Who's Minding The Store?; Protecting Your Company's Trade Secrets, The Business Monthly (1998)

The Internet: Spamming, Framing and Free Speech, The Maryland Bar Journal (1998)