



Theodore F. Claypoole

“Ted”

Profile

As a senior member of the Firm's Intellectual Property Practice Group, Ted leads data breach incident response teams in the public and private sectors. He also negotiates and prepares data management, business process outsourcing, distribution, branding, software development, hosted application and electronic commerce agreements for all types of companies.

His practice concentrates on legal problems and regulation in payment systems and financial data processing. As leader of Womble Carlyle's Privacy and Data Management Team, Ted consults on information security, privacy, consumer data treatment and contingency planning matters. Advising clients on complex intellectual property development and licensing programs, he builds strategic technology and marketing alliances.

His work for current firm clients includes major financial institutions, colleges and universities, manufacturers and distributors, hardware and microchip manufacturers, software companies, hospitals and health systems, governments and government contractors. Ted prepares and negotiates deals on transaction services, supply chain development, marketing and distribution ventures, and network infrastructure.

His experience as primary technology counsel for Bank of America provides clients with a deep understanding of issues facing financial services.

While practicing at Bank of America (and NationsBank prior to the merger) Ted was charged with protecting the organization's intellectual property, including legal management of over 1500 trademarks and one of the largest brand transitions in business history. He prepared patent and trade secret programs to change the culture of intellectual property protection in the Bank. Ted helped build Bank of America's Internet presence by negotiating with its major vendors and he worked closely with the Bank's online services and electronic commerce divisions, assisting policymaking on privacy, information security, identity theft, and Internet account aggregation.

At CompuServe, Ted negotiated Internet and supplier contracts with international governments and businesses from China to Argentina to Hungary to South Africa. He worked with major vendors like Microsoft, Oracle, IBM and Cisco, content providers like Time-Warner, Bloomberg, and Reuters, and commerce partners like AOL, Worldcom and AT&T.

Ted is the host of [Womble Tech](#), a quarterly lunch event featuring presentations on cutting-edge technology issues.

Areas of Practice

*Technology &
Commerce/
Electronic
Commerce/Internet
Law/Supply Chain
Management/
Outsourcing/
Technology
Contracting/
Intellectual Property
Licensing and
Protection/ Financial
Services Law/ Law of
Telecommunication
and Networks/
Information Security
and Privacy
Protection/
Marketing and
Distribution/
Financial Transaction
Services/Education
Law*

Contact Information

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Professional Activities

Admitted to bar 1988, Ohio; 2000, North Carolina.

- Founder and Host of the WombleTech Lunch & Learn series in Charlotte.
- Co-Chair, MobileCommerce Subcommittee, Cyberspace Committee, Business Law Section of the American Bar Association.
- Co-Chair, Privacy and Data Security Subcommittee, Cyberspace Committee, Business Law Section of the American Bar Association, 2009 - 2011.
- Member of Advisory Committee for the University of North Carolina Charlotte, College of Computing and Informatics, Chair of Faculty Support Committee.
- International Association of Privacy Professionals.
- Former Board Member and Chair for Certification Committee, Carolinas Minority Supplier Development Council.
- Contingency Planning Association of the Carolinas.
- North Carolina Technology Association, Charlotte Planning Committee.
- North Carolina Super Lawyers.

Education

B.A., Public Policy, 1985, Duke University; J.D., 1988, Ohio State University College of Law.

Prior Legal Experience

Assistant General Counsel, Bank of America, Charlotte, NC; Corporate Counsel, CompuServe Incorporated, Columbus, OH; Partner, Gamble Hartshorn Alden, Columbus, OH.

Prior Business Experience

NCR Corporation, Dayton, OH & Augsburg, Germany; Backer & Speilvogel, New York, NY.

Recent Publications

Co-author with Theresa Payton of soon-to-be published book from Rowman & Littlefield Publishers: "Protecting Your Internet Identity: Are You Naked Online?" Release date: April 2012.

No Place to Hide: First Amendment Protection for Location Privacy, *BNA Electronic Commerce Law Reporter* (16 ECLR 869), June 2011.

"U.S. Privacy Laws: New Obligations for Associations," *Association Law & Policy*, April 2011.

"Protecting Data in a Business Failure," *ACC Docket*, September 2009, co-authored with Danielle M. Benoit.

"How a License Becomes a Sale: Software Applications of the First Sale Doctrine" published by Matthew Bender as Expert Commentary in LEXIS research service, 2008.

"The High Cost of Failing to Leash an Internet Store with Personal Jurisdiction," *HighMaintenanceBitch, LLC v. Uptown Dog Club, Inc.*, Slip OP., U.S. Dist. LEXIS 82456 (W. Dist. Washington 2007) published by Matthew Bender as Expert Commentary in LEXIS research service, 2008.

Awarding Punitive Damages for an Inadvertent Privacy Breach: *Randi A.J. v. Long Island Surgi-Center*, 2007 NY Slip OP 6953; 46 A.D. 3d 74; 842 N.Y.S. 2d 558 (NY App. Div., Second Department, Sept. 25, 2007) published by Matthew Bender as Expert Commentary in LEXIS research service, 2008.

Biometric Authentication for SCADA Security, Chapter 3 in *Techno Security's Guide to Securing SCADA: A Comprehensive Handbook on Protecting the Critical Infrastructure*, Syngress Publishing, Inc., 2008.

Growth in Security Standards Create Expensive Obligations for Business, *The Charlotte Business Journal*. May, 2007.

Payment Card Industry Data Security Standards: What Merchants Need to Know, WCSR Client Alert, 1987.

"Unintended Consequences of Biometrics," Chapter 11 of American Bar Association Book *The Practitioners Guide to Biometrics* to be published September, 2006, with Todd Inskeep.

"Data Security Requirements Clearer for Business," *Charlotte Business Journal*, May 26, 2006.

"Battle Over Statistics Could Have Wide Implications," *Southeast Tech Wire*, May 16, 2006.

"Business Names and Trademarks in Cyberspace," *Charlotte Business Journal*, May 13, 2005.

"Copyrighting Video Golf: What Can You Protect?," *Southeast Tech Wire*, May 3, 2005.

"Search Engines Have Legal Right To Copy Web Pages," *Southeast Tech Wire*, March 15, 2005.

"Internet Doctor Disciplined," *Southeast Tech Wire*, February 16, 2005.

"Adware Battle Heats up in Alaska," *Southeast Tech Wire*, October 26, 2005.

"Federal Law Holds Hope of Curbing Spam," *Charlotte Business Journal*, May 12, 2004.

"Willie Sutton is on the Internet: Bank Security in a Shared-Risk Infrastructure," University of North Carolina Law School Banking Institute, April 2001, with Eugene M. Katz.

"Letting the Hackers in May Make Your Company Liable," *The Business Journal of Charlotte*, March 30, 2001.

"Protect Intellectual Assets from Theft by Employees," *The Charlotte Business Journal*, February 23, 2001.

"E-Commerce Contracts for Corporate Counsel," *North Carolina Business Lawyer*, Fall 2000.

"Taking Care of (Outsourced) Business," *America's Community Bankers*, with Eugene M. Katz.

Presentations

Geolocation Privacy (San Francisco, CA; Denver, CO; Charlotte, NC)

Genetic Privacy: Research vs. Law Enforcement (Austin, TX)

Social Media Ethics for Lawyers (Charlotte, NC; Boston, MA; Raleigh, NC)

Corporate Technology Risk management (RSA Conference San Francisco, CA)

Mitigating Risks of Cloud Computing (Charlotte, NC; Chicago, IL; Raleigh, NC; Boston, MA; Toronto, ON)

Business Marketing through Online Social Networks (Charlotte, NC; Boston, MA; Vancouver)

International Privacy Regulation (Toronto, ON)

Trade Secrets in the Cloud (Boston, MA; Charlotte, NC)

Health Care Data in the Cloud (Chapel Hill, Charlotte, NC)

Managing a Data Breach (Webinar)

Regulation of Mobile Data (Reston, VA)

Are You Naked Online? (Webinar)

Data Security Risk Management (Webinar)

Your Company's Data Obligations: Privacy and Beyond (Greensboro, NC; Nashville, TN)

Brainspray: Reading Your Brain Signals From a Distance (Charlotte, NC)

Corporate Data Obligations (Greensboro, NC)

Payment Card Industry Security Standards (Charlotte, NC; Atlanta, GA)

Commercializing Intellectual Property: Strategies for turning creativity into money (Charlotte, NC)

Online Threats to Financial Services (Las Vegas, NV)

Doing Business in India (Raleigh, NC)

Ethics of Pervasive Biometrics (RSA Conference San Francisco, CA)

Data Integrity in a Corporate Setting (Washington, DC)

Open Source Software Licensing (Raleigh, Charlotte, NC)

International Technology Transfers (Washington, DC; Toronto, ON; Atlanta, GA; Las Vegas, NV)

Financial Services Legal Issues in E-Commerce (Charlotte, Pinehurst, NC; Nashville, TN; Los Angeles, CA)

Information Security Risks and Responsibilities (Charlotte, Raleigh, NC; Atlanta, Savannah, GA)

Internet Law (Charlotte, Chapel Hill and Greensboro, NC)

Secure Electronic Commerce (Charlotte, NC)

Technology Legal Issues in Public Education (Raleigh, Greensboro, NC)

The Law of the Blogosphere (Chicago, IL)

Electronic Signature Laws (Cary, Charlotte, and Winston Salem, NC)

Spyware (Charlotte, NC)

IP Licensing in the Furniture Industry (High Point, NC)