



**GERARD M. STEGMAIER | PARTNER**

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Gerry Stegmaier is a partner and a member of the firm's Privacy & Data Security and Technology Company Practices. He focuses his practice on public and private corporate governance, intellectual property and Internet issues, especially as they relate to privacy, information security and consumer protection. An experienced and pragmatic litigator, Mr. Stegmaier focuses a significant part of his practice on pre-litigation and advisory services relating to business strategy for privacy by design, data protection, intellectual property, and emerging technologies and markets, often acting as outside product counsel to leading innovators and disruptive technology companies.

**WORK FOR CLIENTS**

Mr. Stegmaier, designated as a Certified Information Privacy Professional by The International Association of Privacy Professionals, brings a practical approach grounded in real world experience to serving clients and solving problems. His experience spans litigation, transactional and regulatory matters. In recent years, he has helped many automotive, health information technology, data broker and advertising technology companies recognize and govern data as an asset. His experience includes:

- Defending Acxiom Corporation in a consumer class action alleging numerous privacy-related counts – one of the first federal cases to hold that increased risk of identity theft does not meet the "injury in fact" requirements necessary for standing under the Constitution
- Counseling publishers, information brokers, advertising networks, social media ventures and related emerging businesses regarding all aspects of online behavioral advertising and data business strategy, including privacy by design
- Assisting numerous enterprises in responding to information security incidents and related governmental investigations, especially at the Federal Trade Commission, and complying with breach notification obligations under state law
- Creating and developing client infrastructure to support privacy assessments, policy documentation, and ongoing training and compliance, especially in connection with multinational corporations and international data flows, with specific experience with the Gramm-Leach-Bliley Act, HIPAA, the Telecom Act, CAN-SPAM, the EU Data Directive and U.S.-EU Safe Harbor certifications, COPPA, CalOPPA and related laws and regulations
- Managing privacy and data protection-related issues in connection with mergers and acquisitions and resulting integrations, especially as they relate to cross-border data transfers and the information practices of regulated industries
- Defending Epsilon and obtaining the early dismissal of a putative class action arising from a data breach that was limited to the disclosure of email addresses and names
- Defending a group texting service in a putative class action alleging that administrative text messages sent to group members violated TCPA
- Counseling numerous start-ups, venture capitalists, private equity investors and boards of directors in connection with risk management associated with new product and service offerings, especially in Internet, mobile, and health IT environments, to facilitate scale and create and secure markets

Mr. Stegmaier's additional representative litigation experience includes:

- Assisting leading content delivery network with patent matters related to its Federal Circuit appeals strategy
- Litigating trademark, advertising and related complex claims involving the application of FDA regulations to products lacking FDA approval, as well as other complex questions of administrative law in the Eastern District of Virginia's "rocket docket"
- Representing Krispy Kreme Doughnuts, Inc. in connection with the defense of a securities class action, SEC investigation and related matters
- Serving as lead counsel to Google in its successful defense of an action and appeal alleging liability for blog and aggregated news content in case of first impression under Virginia law, and in connection with claims of statutory immunity pursuant to Section 230 of the Communications Decency Act. Successful demurrer upheld by the Supreme Court of Virginia.
- Serving as lead counsel to the Association for Competitive Technology in its successful role as an *amicus* before the U.S. Court of Appeals for the Federal Circuit in *Eolas v. Microsoft*
- Obtaining transfer and subsequent dismissal with prejudice of trade secret and related claims brought against an Internet and mobile search company
- Obtaining complete dismissal of derivative action brought in connection with termination and buyout of the CEO of a fast-growing construction and government contracting concern
- Participating in a successful action on behalf of an Internet service provider in leading precedent related to enforcement of DMCA subpoenas
- Successfully briefing appeal sustaining grant of summary judgment protecting rights of Internet service providers and other content providers on First Amendment and Commerce Clause grounds
- Participating in successful defense of majority shareholder accused of minority-shareholder oppression and unfair dealing in Delaware Chancery

**PROFESSIONAL ACTIVITIES**

- Past President, Board Member, Fairfax Law Foundation
- Education Advisory Board Member and Member, International Association of Privacy Professionals
- Member, Advisory Committee, Congressional Internet Caucus (2001-present)
- Member, Advisory Board, Bloomberg BNA's *Internet Law & Regulation*
- Member, Northern Virginia Technology Council; Past Co-chair, Social Media Committee; Member, Government Affairs and Private Equity

## Committees

- Member, Virginia Legislature's Joint Commission on Technology and Science Privacy Advisory Committee (and predecessor committees) (2001-2008)

Mr. Stegmaier's community service includes serving as past chair of the Annual Fund Committee of George Mason University, as a member of GMU's Board of Visitors while a law student, as a volunteer with Boy Scouts of America, and as a board member of the Fairfax Law Foundation, the 501(c)(3) affiliate of the Fairfax Bar Association.

## MEDIA

Mr. Stegmaier is a highly sought after privacy, data security and Internet strategy expert. His opinions have been featured in the *Wall Street Journal* and he has presented at the Harvard Business School and the University of Virginia's Darden School of Business.

Mr. Stegmaier's recent publications and presentations include:

- Panelist, "'Things That Think' Can My Mobile Really Save My Life? A Story of Smart Devices and Pervasive Computing," Annual Conference of the International Bar Association (October 7, 2013)
- Speaker, "Culture, Values & Process: Privacy & Trust as a Way Rather Than a Goal," IAPP Privacy Academy (October 1, 2013)
- "Policing the 'Data Supply Chain,'" Healthcare Info Security Podcast (August 23, 2013)
- Panelist, "Security and Reliability Concerns," Cloud Computing East 2013 (May 21, 2013)
- "Benefits for Cloud Providers Adhering to US-EU Safe Harbor," *Law360* (May 13, 2013)
- "Cloud Storage Providers May Be Subject To HIPAA," *Law360* (May 6, 2013)
- "Psychics, Russian Roulette, and Data Security: The FTC's Hidden Data-Security Requirements," *20 George Mason Law Review* 673 (Spring 2013)
- Speaker, "Privacy and Data Security: A View from the Cloud," Cloud Security Summit (April 18, 2013)
- "The Cost of a Breach," BizTechMagazine.com (December 1, 2008)

## PROFESSIONAL EXPERIENCE

Prior to joining Goodwin Procter in 2014, Mr. Stegmaier worked at Wilson Sonsini Goodrich & Rosati in Washington, D.C., where he practiced for over 10 years and was a founding member of its privacy, information governance and Internet strategy practices. Previously, he was an attorney with Wiley Rein in Washington, D.C., where he was an original member of that firm's privacy and Internet strategy practices.

Following law school, Mr. Stegmaier clerked for the Honorable Pauline Newman at the U.S. Court of Appeals for the Federal Circuit.

Prior to law school, he served as the director of development and communications for the Friends of the Vietnam Veterans Memorial. In the late 1990s, he worked in the legal department of The Motley Fool, Inc., gaining early exposure to many of the issues related to building online communities, content and brands, as well as managing fast-growth enterprises and delivering legal services in an efficient and cost-effective manner.

Mr. Stegmaier currently serves as an adjunct member of the law faculty at George Mason University School of Law, where he has taught courses in privacy, information governance, consumer protection, securities regulation and the First Amendment.

## BAR AND COURT ADMISSIONS

Mr. Stegmaier is admitted to practice in the District of Columbia and Virginia, as well as before the U.S. District Court for the District of Columbia and the Eastern and Western Districts of Virginia; the U.S. Court of Appeals for the District of Columbia, Federal and Fourth Circuits; and the U.S. Supreme Court.

## RECOGNITION

Mr. Stegmaier was recognized in *The International Who's Who of Information Technology Lawyers* in 2013 and was selected for inclusion in the Internet and e-commerce category of *The International Who's Who of Business Lawyers* in 2011 and 2012.

## EDUCATION

J.D.,  
George Mason University School of Law  
(*magna cum laude*; Editor, *George Mason Law Review*)

M.A.,  
History  
Catholic University of America  
(Century Scholar)

B.A.,  
George Mason University  
(With Distinction; Member, National Champion Debate Team)

## CLERKSHIPS

U.S. Court of Appeals for the Federal Circuit, The Honorable Pauline Newman