

David A. Wheeler

Partner | Intellectual Property

OVERVIEW

David is a partner in the Intellectual Property practice group and leads its Cybersecurity & Data Privacy team. He counsels and defends clients in data, cybersecurity and privacy matters. His practice features a Defense in Depth (DiD) approach to protecting clients and their data, including information governance programs, cybersecurity risk assessment and preparedness, incident response planning, legal and regulatory compliance and security, and privacy and information management needs. He is a Certified Information Privacy Professional (CIPP) certified by the International Association of Privacy Professionals (IAPP). For the 2021-2022 bar year, David serves as Vice-Chair for the Information Security Committee, the Internet of Things Committee, and the Biotechnology, Healthcare Technology, and Medical Devices Committee of the American Bar Association's Science & Technology Law Section.

He provides counsel based on a wide variety of cybersecurity and privacy considerations, including the development of cyber and privacy policies and procedures, cybersecurity and privacy audits, cyber risk mitigation and remediation, cybersecurity and PCI compliance, GDPR compliance, CCPA compliance, employee privacy, record retention and electronic discovery, international and cross-border data transfer, data breach readiness, response and crisis management, and data privacy, security breach, CAN-SPAM Act and TCPA issues.

He provides counsel based on a wide variety of cybersecurity and privacy considerations, including the development of cyber and privacy policies and procedures, cybersecurity and privacy audits, cyber risk mitigation and remediation, cybersecurity and PCI compliance, GDPR



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EDUCATION

Loyola University Chicago School of Law (J.D., 1999), with honors, moot court

Loyola College in Maryland (M.B.A., 1993)

University of Maryland (B.S., Information Systems, 1987)

ADMISSIONS

Illinois



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compliance, CCPA compliance, employee privacy, record retention and electronic discovery, international and cross-border data transfer, data breach readiness, response and crisis management, and data privacy, security breach, CAN-SPAM Act and TCPA issues.

David also assists clients in becoming compliant with cybersecurity rules, regulations and initiatives such as those required or issued by executive orders, SEC, FCC, FTC, FCRA, FACTA, FINRA, FFIEC, OCC, state and self-regulatory frameworks. He provides advice to clients on the litigation defense of data privacy, security breach and TCPA class action suits in the United States.

He has handled a wide range of intellectual property issues, including trademark and copyright litigation, new gTLDs and forced recovery of domain names. David has drafted and negotiated a variety of technology services agreements, including EU data processing agreements, cloud services agreements, card payment services agreements, web/app development and webhosting agreements, data sharing agreements, Wi-Fi internet access and services agreements, data center services agreements, call center access agreements, software license agreements, hardware lease/purchase agreements, cyber forensics agreements, and cyber vulnerability and threat remediation services agreements.

Before joining the firm David spent a number of years as a consumer financial services class-action defense litigator, as well as an IP/IT counselor. In the data security and privacy areas, David has applied his technical experience to address personal information collection and use requirements, data security requirements, breach notification compliance, incident response, PCI-DSS compliance and cyber governance counseling.

Clients value David's three decades of information technology experience, including software development, use and policy development. He quickly assesses the risks and implications of each situation and guides clients toward the best solution for their business goals.

EXPERIENCE

Information Technology/eCommerce

- Advises on data security compliances, incident response, breach notification compliance, data security risk remediation and prelitigation strategy, payment card industry data security standards (PCI-DSS) compliance, EU Safe Harbor and cyber governance and the development of new internal data security governance standards
- Provides guidance on internet domain name and username forced recovery, purchase, registration and assignment negotiation and counseling, and new ICANN gTLD domain name registry services negotiation and counseling
- Drafts and negotiates eCommerce transactions, including EDI/XML agreements for Internet-based mortgage lenders, website terms of use agreements, disclaimers, data licensing, co-branding agreements,



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outsourcing and independent contractor agreements, intellectual property assignments, limited liability company and operating agreements, software licensing agreements and asset purchase privacy due diligence

- Guides industry-leading telecommunications companies and financial institutions on records retention policies and procedures, CAN-SPAM, privacy and data security issues
- Advises companies on various technology-related issues including wireless broadband and technology acceptable uses, licensing, transfers and purchases
- Provides guidance on website, social networks, corporate, and international privacy policies
- Counsels on retail distribution license development, including addressing issues of cloud services and end-user license agreements
- Counsels on trademark, branding strategy and prosecution, as well as internet-related trademark infringement matters including domain name recovery, trademark infringement and licensing

Litigation

- Domain name and trademark infringement litigation
- Search engine search terms disputes
- Consumer lending class action litigation with an emphasis on the defense of national banks and mortgage lenders against FHA, ECOA, TILA, HOEPA, FCRA, FACTA, FDCPA, HMDA, RESPA and state consumer lending claims

RECOGNITIONS

- *The Legal 500 United States*, recommended in "Trademark Litigation," 2021
- Award of Merit, The National Center for Missing and Exploited Children

NEWS & INSIGHTS

April 24, 2025 Publication

Tips to Reduce Risk of Exposure to UID2 Class Actions

April 2, 2025 In The Media

David Wheeler Quoted in *The Cybersecurity Law Report* Article, "Navigating Global Privacy Control's Not-So-Simple Implementation"

March 14, 2025 Event

NGE Attended the 2025 World IP Review Summit



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January 30, 2025 Publication

Top Twelve Trends to Monitor in the Hospitality Industry in 2025

January 29, 2025 Firm News

NGE Represented RecoveryOne in its Sale to TailorCare

November 21, 2024 Publication

Cybersecurity Risks and Regulatory Challenges Impact Hospitality Industry

October 17, 2024 Event

David Wheeler Speaks at ABA's 2024 Virtual Fall Conference

September 18, 2024 Event

David Wheeler Speaks at ABA's 2024 SOC Fall Leadership Meeting

August 2, 2024 Publication

EU Sets Key Artificial Intelligence Regulation Dates

July 23, 2024 Publication

Navigating the CIPA Landscape: Understanding Tracking Technology Litigation and Compliance Strategies

May 7, 2024 Firm News

David Wheeler Certified As IAPP Artificial Intelligence Governance Professional

April 10, 2024 Event

David Wheeler Serves as Panelist on Federal Bar Association Webinar Session "AI Interactive — Counseling Clients on the Intersection of AI, Privacy, and Cybersecurity Law"

January 10, 2024 In The Media

David Wheeler Quoted in *LegalTech News* on Cybersecurity in 2024

January 2, 2024 In The Media

David Wheeler Quoted in Law360 Article on the Concerns Legal Tech Leaders Have Going Into 2024

December 22, 2023 In The Media

David Wheeler Quoted in *LegalTech News* Article on Key Developments in AI Governance and Regulation in 2023

November 2, 2023 Publication

White House Issues Executive Order on AI: Charting a Path to Responsible AI Development

July 12, 2023 Publication

Client Alert: European Commission's Adequacy Decision Sets Standards for US Companies to Receive Personal Data from EU Under the New EU-US Data Privacy Framework

June 9, 2023 Event

Firm Hosts Intellectual Property 102 Webinar Series

May 19, 2023 Event

David Wheeler and Dan Terhune Participate in FBA's Law Firm Cybersecurity & Ethical Obligations/Cyber Risk Assessments Webinar



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03.09.23 Publication

Linda Hoseman Outlines 4 Critical Benefits and Compensation Issues Facing Employers This Year in *Human Resource Executive*

February 20, 2023 Publication

Illinois Biometric Privacy Law Developments May Increase Risk to Businesses Generally But Protect Healthcare Employers from Suits

January 6, 2023 Publication

Cybersecurity Issues for Retirement Plans

December 5, 2022 Event

Firm Hosts Employee Benefits & Executive Comp 102 Fall Webinar Series

October 25, 2022 Firm News

NGE Advises National Medical Billing Services in Its Acquisition of MedTek, LLC

August 19, 2022 Firm News

NGE Advises Upfront Healthcare in Its Acquisition of PatientBond

August 11, 2022 Firm News

NGE Represents Omeda Holdings LLC in Sale to Sverica Capital Management LP

August 4, 2022 Event

David Wheeler Serves as Panelist on ABA Session "A Bird's-Eye Vantage Point of Defending Democracy"

May 2, 2022 Firm News

NGE Represents S&S Truck Parts in Its Sale to Investcorp

March 14, 2022 Publication

Client Alert: Biden Issues Executive Order on Ensuring Responsible Development of Digital Assets

October 15, 2021 Firm News

NGE Represents Savencia Fromage & Dairy in Acquisition of Hope Foods

September 17, 2021 Firm News

David Wheeler Appointed to Three Leadership Roles in ABA Science & Technology Law Section

September 8, 2021 In The Media

David Wheeler Discusses How to Build a Career in Data Privacy

September 1, 2021 Firm News

NGE Represents HAVI in Acquisition of PMI Worldwide

July 15, 2021 Video

Personal Data Protection Travels: The New Standard Contractual Clause

June 28, 2021 Publication

Client Alert: EU Adopts New Standards for International Data Transfers



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June 10, 2021 Firm News

The Legal 500 United States 2021 Edition Recommends Four Neal Gerber Eisenberg Practices and 15 Attorneys

June 8, 2021 Video

Cybersecurity Considerations for Emerging Companies

May 19, 2021 Video

Cybersecurity Issues and Standard of Care

March 12, 2021 Video

Privacy Considerations for Remote Work Productivity Monitoring

February 4, 2021 Firm News

NGE Represents National Medical Billing Services in Its Strategic Partnership with Aquiline Capital Partners

November 25, 2020 In The Media

David Wheeler Quoted in Law360 on FTC's Settlement with Zoom

October 26, 2020 Event

Election Oversight in the Face of Foreign Interference

October 7, 2020 Publication

Client Alert: Potential Sanctions Risks for Facilitating Ransomware Payments

July 29, 2020 Publication

Client Alert: European Court Invalidates Privacy Shield, Large Implications for U.S. Companies Likely

May 19, 2020 Publication

Cybersecurity, Privacy, Law Firms, and Ethical Obligations

May 8, 2020 Event

Data Privacy Predictions and Important Regulations

February 20, 2020 Firm News

Neal Gerber Eisenberg Adds Veteran Intellectual Property Partner David A. Wheeler

February 19, 2020 Event

Protecting Organizational Assets Against Evolving Cyber Threats

February 19, 2020 Event

What Every In-House Counsel Should Know about IoT, Data Analytics and Machine Learning

PROFESSIONAL AFFILIATIONS

- American Bar Association, Science & Technology Law Section
 - Vice-Chair, Information Security Committee (2021-2022)
 - Vice-Chair, Internet of Things Committee (2021-2022)
 - Vice-Chair, Biotechnology, Healthcare Technology, and Medical Devices Committee (2021-2022)



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- Member, Cybersecurity Legal Task Force (2021-2022)
- Member, Chicago Bar Association
- Member, International Association of Privacy Professionals
- Member, National Bar Association
- Member, National Black MBA Association