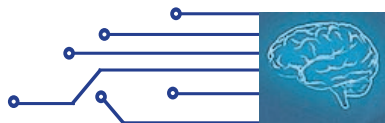


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TOP CYBER/ARTIFICIAL INTELLIGENCE LAWYERS 2018



Ian C. Ballon

Greenberg Traurig

LLP

East Palo Alto and Los Angeles

Practice: Intellectual property and internet law

Specialties: Data privacy defense, internet class action defense, security breach defense

defense of service providers or e-commerce platforms from claims arising out of alleged user misconduct. The other half involves the defense of data privacy, cybersecurity breaches and Telephone Consumer Protection Act class action suits.

“The legal issues involved with AI are very similar to a lot of other computer and internet issues I’ve dealt with over the years,” Ballon said.

Some of his recent work in the field deals with the legal ramifications of intelligent avatars created by humans on the internet. This technology utilizes 3-D avatars to resemble the user, and to interact with other users in virtual and social capacities.

Ballon said these avatars precipitate a number of complex legal questions. In this instance, the potentially protectable IP that is created by an agent, not a human, raises issues for the companies who created the agent. These companies may want to claim the intellectual property as their own, he said, and thus face questions about the nature of creativity and ownership.

“Under the Copyright Act for example, material is only protectable if it’s original and creative — and it has to be made by a human,” Ballon said. “So if something is machine-generated or software-generated, is that still the person’s creativity?”

He added that this sort of property may be protectable as a derivative work.

Outside of AI, Ballon successfully defended client eBay in Alabama federal



court when Chief Judge Karon O. Bowdre granted summary judgment to dismiss a plaintiff’s claims against eBay of direct and contributory patent infringement. *Blazer v. eBay, Inc.*, 1:15-CV-01059-KOB (N.D. Ala. March 20, 2017). Ballon also successfully defended LG Electronics in *In re Carrier IQ, Inc. Consumer Privacy Litigation*, 856 F. Supp. 2d 1332 (N.D. Cal. 2015), winning in part the company’s motion to dismiss Electronic Communications Privacy Act claims and other claims.

— Caroline Hart

The span of Ballon’s expertise in technology law is as sprawling and rapidly developing as uses for artificial intelligence itself. He has represented clients with issues ranging from behavioral advertising to web security, and after gaining substantial experience in technology law, he published a three-volume book on e-commerce and internet law in 2000.

Since Ballon updates the book every year — this year’s edition has grown to five volumes — he remains on the cutting edge of developments in technology. As uses for AI proliferate and the internet of things becomes mainstream, Ballon’s practice is moving toward AI. About half of his cases are intellectual property disputes, especially involving platform liability, or the