

## Thomas R. Wakefield

PARTNER

Litigation  
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### FOCUS AREAS

Artificial Intelligence and  
Machine Learning

Data, Privacy, and  
Cybersecurity

Digital Media and  
Entertainment

Internet Strategy and  
Litigation

Litigation

Trademark and Copyright  
Litigation

### EXPERIENCE

Tom Wakefield is a partner with the firm's internet strategy and litigation group. Based in San Francisco, Tom focuses his practice on emerging issues in internet law, with deep expertise in data privacy, copyright law, and class-action practice. His clients include Google, TikTok, Pinterest, YouTube, Roblox, and Substack. Tom has litigated claims that threatened his clients' core businesses, including cases that tested the boundaries of the Digital Millennium Copyright Act (DMCA) and that pursued novel theories of liability under an array of privacy laws, including the Electronic Communications Privacy Act (ECPA) and the Children's Online Privacy Protection Act (COPPA). In addition to litigating, Tom serves as a trusted advisor to innovative companies on privacy, copyright, artificial intelligence, web scraping, and the terms of service that govern technology platforms, including issues around online contracting, arbitration clauses, and mass-arbitration defenses.

Representative matters include:

- Defending Pinterest in copyright action that sought to oust Pinterest from the DMCA safe harbor based on its algorithmic curation of user-saved content
- Defending YouTube in copyright action that challenged YouTube's entitlement to DMCA safe-harbor protection
- Defending TikTok in putative class action asserting its tracking technologies violate the California Invasion of Privacy Act (CIPA)
- Defending Google in putative class action alleging a COPPA violation based on Google's content-moderation and digital-advertising practices
- Defending Substack in case asserting defamation and defamation-adjacent claims against the online platform for journalism in violation of its First Amendment rights and Section 230 immunity
- Defended Roblox in case attacking the legality of its policies for selling digital currency for use in Roblox's metaverse
- Defended Google in first-of-its-kind privacy lawsuit brought under COPPA by a state attorney general
- Defended TikTok in multidistrict litigation comprising over 20 class actions and arising from allegations that TikTok collected, used, and disclosed user data and biometric information in alleged violation of COPPA, the Illinois Biometric Information Privacy Act (BIPA), the California Consumer Privacy Act (CCPA), the Computer Fraud and Abuse Act (CFAA), the Video Privacy Protection Act (VPPA), among others

Before joining the firm, Tom was an associate at Ropes & Gray in Boston, where he specialized in cybersecurity and data-breach litigation. He previously served as a law clerk to the Honorable John Woodcock in the U.S. District Court for the District of Maine.

### CREDENTIALS

#### Education

- J.D., Stanford Law School
- B.A., Bowdoin College

#### **Admissions**

- State Bar of Massachusetts
- State Bar of California