

CITY OF OAKLAND



CITY HALL • ONE CITY HALL PLAZA • OAKLAND, CALIFORNIA 94612

Office of the Mayor
Honorable Sheng Thao

(510) 238-3141
FAX (510) 238-4731
TDD (510) 238-3254

Letter of Appointment

May 21, 2024

Dear President Bas and members of the City Council:

Pursuant to City Charter Section 601, the Mayor has appointed the following persons as members of the following board or commission, subject to City Council confirmation:

Privacy Advisory Commission

Don Whang, to serve a three-year term as the District 2 representative beginning March 16, 2023 and ending March 15, 2026, filling a vacant seat previously held by Chloe Brown.

Thank you for your assistance in this matter.

Sincerely,

Mayor Sheng Thao

Profile

Don

First Name

Z.

Middle
Initial

Wang

Last Name

Email Address

Street Address

City

Suite or Apt

State

Postal Code

Primary Phone

Alternate Phone

Axinn, Veltrop & Harkrider
LLP

Employer

Associate Attorney

Job Title

Which Boards would you like to apply for?

Privacy Advisory Commission: Submitted

Interests & Experiences

Please tell us how your qualifications and participation will relate to the requested board and/or commission's mission.

Who am I? My husband and I moved to Oakland in May 2022. By day, I am a patent litigation attorney working in a boutique law firm in San Francisco. By night, my husband and I are the primary caregivers to our 80 year-old grandmother and our two huskies (Merlin and Remy). I am also a regular volunteer at the Alameda Food Bank. Why am I interested in PAC? I first developed an interest in privacy issues over a decade ago during my very first encounter with the police body camera in Beijing, China (years before such cameras were introduced in US). As I was about to fly back to Toronto after visiting families in China, a police officer at the Beijing Airport pulled me aside and informed me that I had an "illegal artifact" in my checked bag (a handcrafted Tibet Knife my late-father gifted me on my 13 year-old birthday). I soon noticed that the police officer was wearing a body camera (aiming at my face), and he was manually turning it on and off at certain points of our conversation. Five minutes in, it finally occurred to me that the police officer was trying to record only the portion where I made "admissions" (e.g., admitting that I was trying to leave the country with the Tibet Knife) and leave out anything that could put doubt to the legitimacy of his questioning (e.g., threatening to put me in jail and hinting about the bribery that I could offer). To this day, this experience (and the realization how footage collected in such a matter can be abused) still sends chills to my spine. During law school, I further explored various privacy issues relating to the then-emerging technologies (e.g., autonomous vehicles, drones, and police body cameras) as a member of the Technology Law and Public Policy Clinic. Needless to say, when my husband and I were browsing the City of Oakland website for local volunteer opportunities, I was immediately drawn to the Privacy Advisory Commission's mission and its fascinating history. What can I offer to PAC? As an litigation attorney, I am fairly good at legal research as well as conducting factual investigations, such as identifying and organizing key facts and evidence collected from disbursed publicly available sources. "Issue spotting" and devising practical solutions are also major parts of my daily job, which I believe can be readily applied to the PAC's work. Though privacy law is not the focus of my practice, I have developed a high-level understanding of the lay of the land as an Certified Information Privacy Professional. I do follow the development of privacy

Don Z. Wang

laws and cases as well as routinely attend privacy-focused trainings and conferences (e.g., the upcoming Annual Privacy Summit organized by the California Lawyers Association). I am also a member of our firm's Data Protection Committee where I help preparing training programs on data protection and cybersecurity issues. A Few Thoughts on PAC's Work As I went down the rabbit hole reading up on the PAC's history, I was actually shocked by the numerous stories describing PAC's struggle with the resource and bandwidth constraints (which prompted me to reach out to Mr. Hofer to offer my help as a private citizen). While I am not sure if I will have the honor to be a member of the PAC, I do wish to offer a few recommendations, which hopefully can alleviate these resource/bandwidth constraint issues to a certain extent: (1) Establishing an online portal/platform for accepting and publishing written submissions from the public. Before a federal agency conduct major rulemakings, such an agency is generally required to publish a notice for collecting public's written comments (especially from the interested parties). Most agencies' websites provide simple and intuitive submission mechanism for comment collection and publication. I believe PAC may be able to benefit from such a portal/platform in three aspects: (a) interested parties before the PAC can utilize such submissions to fully lay out its positions and arguments relating to the business it has before PAC; (b) Oakland citizens can help PAC with fact-findings and feedback gatherings via such submissions; and (c) PAC can also invite experts (in privacy law or certain technology) to provide input via such submissions. (2) Engaging law school clinics and privacy-law focused bar associations. Most major law schools have technology law related clinics with faculty and students interested in the intersection of technology, public policy, law, and privacy issues. Numerous bar associations and organizations also specifically focus on the development and application of privacy laws. Both type of organizations may be great resources for providing subject matter expertise on issues/questions that PAC faces in its daily work. (3) Liaison with other privacy-focused regulatory agencies. With the enactment of various new privacy laws, new regulatory agencies are also established for promulgating and enforcing privacy regulations (e.g., the California Privacy Protection Agency Board and the California DOJ Privacy Unit). While these regulatory agencies' work do not overlap with PAC's work for the most part, these agencies may have valuable insights on privacy protections that could help PAC's work. I believe establishing certain communication channel and liaison with these agencies may benefit PAC in the long term.

Please submit your resume or curriculum vitae. You may upload a document. (A Word format is preferred.) Alternatively, you may paste the text of your resume in the field provided below.

[Resume_DW_-_Priv.docx](#)

Upload a Resume

Please paste the text of your resume or curriculum vitae below.

Please click the acknowledgement below.

Service on City of Oakland boards, commissions, and committees may require filings of the FPPC's Statements of Economic Interest (Form 700). Upon appointment and determination of filing status, I will comply with all filing obligations.

I Agree *

DON WANG

EXPERIENCE

AXINN, VELTROP & HARKRIDER LLP

Associate Attorney | June 2021 - Present | San Francisco, CA

Member of the firm's Intellectual Property group counseling hi-tech companies in IP litigations before federal district courts, the International Trade Commission, and the Patent Trial and Appeal Board. Lead coordinator of San Francisco office's pro bono programs. Representative matters include:

Litigation | *Applied Materials, Inc. v. Ocean Semiconductor LLC* (PTAB) (2021 - Present) - Representing petitioner Applied Materials in IPR proceedings relating to semiconductor manufacturing technology.

Litigation | *In the Matter of Certain UMTS and LTE Cellular Communication Modules and Products Containing The Same*, Inv. No. 337-TA-1240 (USITC) (2021 - 2022) - Defense of Thales against patent infringement allegations brought by Philips relating to Standard Essential Patents on 3G and 4G LTE wireless communication technology.

Pro Bono | *AccesSOS* (2021 - Present) - Assisting tech non-profit organization AccesSOS with its legal review of privacy policies, software licenses, and vendor licenses, as well as legal advice on general privacy and product liability issues for its assistive voice (text-to-speech), 911, and 988-related services.

GOOGLE LLC

Seconded Attorney | Feb. - Aug. 2020 | San Francisco, CA

Member of the litigation department. Responsibilities include managing patent litigations implicating Google's hardware business units; assisting in license negotiations relating to IP and indemnity issues; managing inbound and outbound IP indemnity requests; coordinating Google's overall venue strategy in the Western District of Texas; and advising product counsel in certain privacy issues relating to customer data anonymization, retention, and destruction.

WHITE & CASE LLP

Associate Attorney | Summer 2014; Summer 2015; Sept. 2016 - June 2021 | Palo Alto, CA

Member of the firm's Global Competition Group with experience in assisting technology, pharmaceutical, and health insurance companies with complex intellectual property and antitrust matters in the federal district courts and the International Trade Commission.

UNITED STATES DISTRICT COURTS

Judicial Intern | Judge Marianne O. Battani (E.D. Mich.) (Fall 2015); Judge James P. Donohue (W.D. Wash.) (Spring 2016)

Drafted court opinions and bench memoranda addressing various legal issues, such as product liability, mortgage foreclosure, Federal Reserve regulation violation, Fair Housing Act, Washington Hate Crime statute violation, pretrial release, and immigration; and assisted the judges in court hearings as the substitute court clerk.

EDUCATION

UNIVERSITY OF WASHINGTON SCHOOL OF LAW | J.D. (2016) | Intellectual Property Law Concentration

UNIVERSITY OF TORONTO | M.Eng. (2013); B.A.Sc. (2011) | Electrical & Computer Engineering; Sustainable Energy

PUBLICATIONS

[*Federal Circuit Reverses Course on “Appropriate Deference” in Indefiniteness Determinations*](#) (2023)

[*The Uncertain Future of Patent Indefiniteness Under Federal Circuit’s Deference Standard*](#) (2022)

[*China’s New Privacy and Data Security Statutes Further Complicate U.S. Litigation*](#) (2022)

[*Chinese Patent Law’s Statutory Damages Provision: The One Size That Fits None*](#) (2017)

[*End of the Parallel Between Patent Law’s § 284 Willfulness and § 285 Exceptional Case Analysis*](#) (2016)

Translation, [*Supreme People’s Court Annual Report on Intellectual Property Cases \(2013\) \(China\)*](#) (2015)

OTHER

Professional: State Bar of California | IAPP Certified Information Privacy Professional (US & EU)

Languages: Mandarin Chinese (Native Speaker)


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY MAYOR SHENG THAO

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENTS OF DON WHANG TO THE PRIVACY ADVISORY COMMISSION

WHEREAS, Section 601 of the City Charter provides that members of City boards and commissions shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the City Council; and

WHEREAS, the Privacy Advisory Commission (Commission) was created by Ordinance No. 13349 C.M.S., adopted January 19, 2016; and

WHEREAS, Councilmember Fortunato Bas has recommended the appointment of Don Whang; now, therefore, be it

RESOLVED: That pursuant to City Charter Section 601, the City Council hereby confirms the Mayor's appointments to the Privacy Advisory Commission:

Don Whang, to serve a three-year term as the District 2 representative beginning March 16, 2023 and ending March 15, 2026, filling a vacant seat previously held by Chloe Brown.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN,
REID AND PRESIDENT FORTUNATO BAS
NOES -
ABSENT -
ABSTENTION -

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California