

# Snell & Wilmer

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## **Tony Caldwell**

Partner | Phoenix

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### **Main Bio**

Tony Caldwell helps clients navigate complex issues related to law and technology. His day-to-day practice focuses on corporate, technology and life sciences transactions, and contracting matters, with an emphasis on licensing, manufacturing and supply chain, clinical trials, data use, cybersecurity, and mergers and acquisitions.

### **Technology Transactions**

Tony assists clients from early- and mid-stage startups to public companies with developing, acquiring, monetizing, and protecting rights in their intellectual property and data across a diverse range of highly regulated industries, including apparel, home builders, SaaS, software, mobile apps, pharmaceuticals, diagnostic tests, medical devices, defense, and consulting services. He has significant experience with commercial contracting and supply chain management issues for clients involved in artificial intelligence and machine learning (AI/ML), semiconductors, microchips, electric vehicles, fiber optics, diagnostic instrumentation, batteries, and irrigation systems.

### **Life Sciences/Medical Devices**

Tony advises biotechnology, pharmaceutical, medical device, biomedical data and AI analytics, and diagnostics companies with commercial contracting and clinical matters, and he is a member of the firm's life science and medical technology industry group. He has a comprehensive understanding of the legal needs of the life sciences industry, including its regulatory framework, risks and opportunities, rapidly changing technologies, and competitive landscape. He has extensive experience negotiating pre-clinical and clinical trial agreements, material transfer agreements, and domestic and international supply chain agreements. He has also represented several life sciences companies in connection with M&A transactions and IPOs.

### **Healthcare**

From business associate agreements to electronic medical records compliance, Tony has extensive experience counseling healthcare providers on business and legal issues. He regularly represents various healthcare organizations, including hospitals, physician groups, pharmacists, chiropractors, surgery centers, assisted living facilities, home health agencies, clinical laboratories, and commercial insurers, as well as digital health and telehealth companies looking to innovate the healthcare industry. Prior to joining Snell & Wilmer, Tony represented one of the nation's largest nonprofit healthcare systems as deputized in-house technology counsel.

### **Data Privacy**

Tony advises international and U.S. companies with data privacy and healthcare regulatory matters and is a member of the firm's cybersecurity, data protection and privacy practice group. He has particular experience assisting clients in cybersecurity preparedness, advising clients on potential risks and creating strategies before a cyberattack occurs, including cyber risk management programs, vendor assessment and management, privacy and information security policies, usage of generative AI tools, workforce training on privacy laws and best practices, and information governance. He has also represented many multinational companies in responding to cyber incidents involving ransomware and cyber extortion attacks resulting in exposure of sensitive information. He routinely assists companies with issues and drafting policies related to the EU GDPR, UK GDPR, CCPA, CPRA, TCPA, COPPA, CAN-SPAM, PIPEDA, HIPAA, and HITECH.

## **Licensing**

Tony advises businesses on their brand awareness efforts through licensing and corporate sponsorship efforts. Tony has counseled clients regarding name, image and likeness (NIL) issues, affiliate marketing, influencer arrangements, and celebrity advertisement. He has represented his clients in a variety of professional and college sponsorship deals across golf, e-sports, football, and soccer.

## **Representative Experience**

### **Life Science and Medical Device**

- Represented publicly traded diagnostic testing company in negotiation of numerous development, manufacturing and supply chain agreements with international partners to scale COVID-19 testing capacity
- Represented publicly traded pharmaceutical company with establishing Phase II clinical trial program in India
- Represented multiple publicly traded pharmaceutical companies with long-term leasing of research equipment
- Represented international medical technology company with software licensing and SaaS agreements
- Represented multiple medical diagnostics and pharmaceutical companies with joint development, manufacturing, supply, clinical trial and distribution arrangements in the U.S. and abroad

### **Mergers and Acquisitions**

- Represented privately held technology company specializing in enterprise software for the alcoholic beverage industry in its sale to a private equity fund
- Represented gene-editing life sciences company with data and privacy due diligence in connection with IPO
- Represented privately held technology company specializing in data activation in growth equity investment
- Represented privately held outdoor apparel company in private equity investment
- Represented buyer of hardware business specializing in garage doors and locksmithing
- Represented battery testing laboratory in its sale to strategic buyer

- Represented cybersecurity managed detection and response (MDR) company in its acquisition of enterprise-level MDR company

#### **Data Privacy**

- Represented international consumer products company in connection with digital advertising complaint from U.S. regulatory authorities
- Represented multiple privately held technology companies with development of data license agreements
- Advised multiple public companies in connection with GDPR, CCPA, TCPA, and HIPAA compliance efforts, including drafting website terms of use, privacy policies, data subject access request (DSAR) protocols, and Business Associate Agreements

#### **Healthcare**

- Represented multiple healthcare systems and lab testing companies in connection with COVID-19 testing arrangements with public, private, and tribal entities
- Represented multiple national nonprofit healthcare systems as lead outside counsel for technology transactions
- Represented multiple venture-backed healthcare systems in connection with physician group acquisitions
- Advised multiple healthcare clients on regulatory compliance issues involving Medicare, Medicaid, Stark, Anti-Kickback, EKRA, Sunshine Act, FD&C Act, and the Affordable Care Act

#### **Licensing**

- Represented publicly traded homebuilder in connection with presenting sponsorship of a professional golf tournament
- Represented an international diagnostic testing manufacturer with multiple sponsorships with a college and professional sports teams
- Represented online gaming company regarding its sponsorship deal with a major e-sports tournament

### **Education**

- University of Arizona, Rogers College of Law (J.D., *cum laude*)
  - Transactional Business and Health Law certificates
- Wabash College (B.A., Biology)
  - NCAA All-American (Honorable Mention) and 2x Academic All-American, Swimming and Diving

### **Professional Memberships & Activities**

- Arizona BioIndustry Association (AZBio)
  - Board Member (2022-Present)
- American Health Lawyers Association
- Arizona Society of Healthcare Attorneys

- State Bar of Arizona
  - Technology Working Group

## Representative Presentations & Publications

- "[Examining Utah's Pioneering State AI Law](#)," Quoted, Cybersecurity Law Report (April 3, 2024)
- "[Utah Passes Artificial Intelligence Legislation](#)," Co-Author, Snell & Wilmer Legal Alert (March 22, 2024)
- "[National Association of Realtors Settlement Announcement May Have Sweeping Implications](#)," Co-Author, Snell & Wilmer Legal Alert (March 18, 2024)
- "Negotiating Better Commercial Contracts", Presenter, Las Vegas Last Chance CLE (November 9, 2023)
- "ChatGPT & Generative AI: A CFO's Guide to the Revolution," Panelist, The CFO Leadership Council (November 16, 2023)
- "[Preparing for the SEC's Final Rule on Cybersecurity](#)," Co-Host, CalCurrent Podcast (November 16, 2023)
- "[Preparing for SEC's New Cybersecurity Rules](#)," Co-Author, Snell & Wilmer Legal Alert (November 2, 2023)
- "Cybersecurity for Small Business," Presenter, ADOT DBE and Small Business Transportation Conference, Tucson, AZ (October 4, 2023)
- AZBio Awards & 20th Anniversary Celebration, Presenter, Arizona Bioscience Industry Association (September 27, 2023)
- "Cybersecurity Legal Update," Co-Presenter, Association of Corporate Counsel, Arizona Chapter (August 15, 2023)
- "[European Commission Adopts Adequacy Decision for Transatlantic Data Privacy Framework](#)," Co-Author, Snell & Wilmer Legal Alert (July 12, 2023)
- "[How CDMOs Can Leverage Contract Terms to Facilitate Payment](#)," Co-Author, Contract Pharma (May 31, 2023)
- "Professional Negotiations: Dos and Don'ts from the Legal Perspective," Panelist, American Academy of Sleep Medicine – Early Career Physician Assembly Webinar (April 19, 2023)
- "Intersections in Medical Device Innovation," Panel Moderator, Colorado BioScience Association (April 13, 2023)
- "[Intellectual Property Considerations in M&A Transactions](#)," Co-Presenter, AZ Bio Peers (March 21, 2023)
- "[Tips and Tricks for Scientists and Engineers to Identify Patentable Inventions](#)," Co-Author, R&D World (February 2, 2023)
- "[Lawsuits over Stability AI's Stable Diffusion could threaten the future of AI-generated art](#)," Quoted, Business Insider (January 25, 2023)
- "[HHS Proposed Changes To Part 2 Rules To Align With HIPAA Privacy Rules](#)," Co-Author, Snell & Wilmer Legal Alert (January 20, 2023)
- "[Privacy Shield 2.0 What's Next for International Data Transfers?](#)," Co-Author, Snell & Wilmer Legal Alert (January 17, 2023)

- "Collecting & Processing Personal Data Controls for Internal and External Stakeholders," Presenter, Association of Corporate Counsel CLE (January 17, 2023)
- "[Intellectual Property Considerations in CDMO Agreements](#)," Co-Author, Contract Pharma (October 31, 2022)
- "[TCPA and CAN-SPAM Compliance Considerations](#)," Co-Presenter, SBDC @ University of California, Irvine Beall Applied Innovation Incubator (October 25, 2022)
- "[Employee and B2B Exemptions Under CCPA Expire January 1, 2023: What Employers Should Be Thinking About To Prepare](#)," Co-Author, SW Legal Alert (September 29, 2022)
- "TCPA and CAN-SPAM Compliance Considerations", Co-Presenter, Arizona Society of Healthcare Attorneys Webinar (September 20, 2022)
- "Collecting and Processing Personal Data," Presenter, Snell & Wilmer Virtual CLE Series (June 23, 2022)
- "[Legal Landscape of Web Scraping and Practice Tips](#)," Co-Author, Snell & Wilmer Legal Alert (July 27, 2021)
- "[Colorado Passes the Colorado Privacy Act Which Could Expand Obligations of Businesses to Colorado Consumers and Regulators](#)," Co-Author, Snell & Wilmer Legal Alert (July 12, 2021)
- "[Supreme Court Narrows Scope of the Computer Fraud and Abuse Act](#)," Co-Author, Snell & Wilmer Legal Alert (June 3, 2021)
- "[White House Issues Open Letter to Corporate and Business Leaders Highlighting Ransomware Threat](#)," Co-Author, Snell & Wilmer Legal Alert (June 3, 2021)
- "[EU Court Invalidates Privacy Shield: Standard Contracts Clauses Survive - for Now](#)," Co-Author, Snell & Wilmer Legal Alert (July 24, 2020)
- "[EKRA Guidance for Clinical Laboratories in the Wake of COVID-19 Testing Surge](#)," Co-Author, Snell & Wilmer Legal Alert (May 12, 2020)
- "[How to Best Navigate Infrastructure and IT Agreement Issues in the WFH Environment](#)," Co-Author Law.com Legaltech News (May 6, 2020)
- "[Applications Open for \\$200 Million COVID-19 Telehealth Program](#)," Co-Author, Snell & Wilmer Legal Alert (April 15, 2020)
- "[FCC Approves \\$200 Million COVID-19 Telehealth Program](#)," Co-Author, Snell & Wilmer Legal Alert (April 7, 2020)
- "[Let Me Tell You ALLCA Bout It- Arizona Adopts ALLCA to Fill Gaps and Create Uniformity Amongst Arizona LLCs](#)," Co-Author, Snell & Wilmer Legal Alert, (August 12, 2019)
- "[Senate Introduces The Data Care Act of 2018](#)," Co-Author, S&W Cybersecurity and Data Privacy Law Blog (December 13, 2018)

## Professional Recognition & Awards

- The Best Lawyers in America®: Ones to Watch, Health Care Law (2023-2024)

## Community Involvement

- AZ StRUT
  - Board Member (2020-Present)
- Arizona Association of Wabash Men

- Board Member (2018-Present)
- Indianapolis Association of Wabash Men
  - Board Member (2017-2018)
- TechPoint Foundation for Youth
  - Governance Committee Member (2015-2018)
- Southern Arizona Legal Aid
  - Student Attorney (2014-2015)

## Previous Professional Experience

- Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP, Associate (2018)
- Hall Render Killian Health & Lyman, PC, Associate (2015-2018)
- Tech Launch Arizona, University of Arizona Office of Technology Transfer, Student Fellow (2014-2015)
- Japan Communications, Inc., IP Summer Associate (2014)
- Nestlé Health Science, Southwest Account Executive (2010-2014)
- Eli Lilly & Company, Sales Representative (2007-2009)

## Bar Admissions

- Arizona
- Indiana

## Court Admissions

- Supreme Court of Arizona
- Supreme Court of Indiana
- United States District Court, Southern District of Indiana

## Client News

- Snell & Wilmer Represents Waste Consolidators Inc. in Sale to Ally Waste Services LLC
- Snell & Wilmer Represents Lumifi in Acquisition of Castra
- Snell & Wilmer Advises Corporate Network Solutions in Acquisition of Affinity Technology
- Snell & Wilmer Advises Phoenix-Based Battery Testing Company EAI in Sale with ATS Family of Companies
- Snell & Wilmer Represents Leading Influencer Media Firm Mom Media in Acquisition by Everyday Health Group
- Snell & Wilmer Advises Technology Food Data Company Galley Solutions as it Raised \$14.2 Million in Series A Funding
- Snell & Wilmer Represents Software Development Company Flywheel Software in Growth Equity Investment from The Jordan Company, L.P.