

Fisher Broyles

Name: Michael S. Khoury

Email: michael.khoury@fisherbroyles.com

Direct: +1.248.590.2910

Mobile: +1.248.921.8266

Fax: +1.248.292.8487

Office: Detroit

Practice Areas: Commercial Transactions; Cyber-Risk, Privacy & Data Security; FinTech and Blockchain; General Corporate; Internet Ecommerce; Outsourcing; Technology

Bar Admissions: Michigan; U.S. Court of Appeals 6th Circuit; U.S. District Court Eastern District of Michigan; U.S. District Court Western District of Michigan

Education: Wayne State University; J.D., 1982; University of Michigan; B.A. with Honors and Distinction, 1978

Experience: Jaffe, Raitt, Heuer & Weiss, P.C.; Clark Hill PLC

Michael is a business lawyer with over 30 years of experience, and focuses his practice on commercial, business and technology matters, software licensing and development agreements, cyber risk, data privacy and security, domestic and international distribution agreements, outsourcing, intellectual property, commercial transactions, mergers and acquisitions, general business and corporate law. Michael has been involved in transactions of various sizes and complexity, including representing software and technology companies in the sale of the companies, representing technology and other companies in the commercialization of products and services and acquiring technology and licensing of intellectual property on behalf of users. Michael has been recognized by several groups and publications, including:

- Best Lawyers in America, 2016-2022
- Best Lawyers Information Technology Lawyer of the Year, Detroit, 2021
- Best Lawyers Information Technology Lawyer of the Year, Detroit, 2019
- Best Lawyers Information Technology Lawyer of the Year, Detroit, 2017
- Michigan Super Lawyer, 2006-2021
- DBusiness Magazine Top Lawyer, 2009-2022

Michael has been active his entire career with professional and business organizations, including leadership positions in many. Some of his activities and groups with which he participates are:

- State Bar of Michigan
 - Business Law Section Chair (2007-2008), UCC Committee Chair (2020-)
 - Information Technology Law Section: Section Chair (1997-1998)
 - Member, State Bar of Michigan Bar Leadership Advisory Committee (2008-2012)
- American Bar Association
 - Business Law Section (Cyberspace Committee)
 - Science and Technology Section (Information Security Committee)
- International Association of Privacy Professionals Through 2021
- Infragard Michigan, Member of Board of Directors (2015-2021)

In addition to teaching in a law school intellectual Property LLM program, some of Michael's presentations have been:

- The Internet of Things (IoT): Some Things to Know; American Bar Association GP/Solo Section Brown Bag Seminar, September 2015.
- Advising Clients on Data Security, ICLE Online Webinar Summer 2015. Moderator and Speaker.
- Privacy Issues in M&A Transactions (June 2015). Privacy Committee of SBM IT Law Section.
- Drafting Effective Electronic Communication and Privacy Policies (June 2012). Michigan Business Law Institute.
- Michigan Information Technology Institute (September 2010). Topic: The Intersection of Insolvency, IT and IP Laws.
- National Association of Bankruptcy Trustees (April, 2010; Savannah, GA). Topic: Intellectual Property Under Bankruptcy Code.
- Doing Business in the Middle East, ABA Annual Meeting (Chicago, 2009).
- Advanced Legal Guide to Offshore Outsourcing, American Conference Institute, October 2004. Conference Co-Chair and Speaker. Topic: Due Diligence Strategies Offshoring Arrangements (New York).

- Outsourcing Strategies, Centric Events Group, March 2004. Topic: Contracting for Offshore Outsourcing: Terms and Conditions (Las Vegas).
- The Advanced Guide to Offshore Outsourcing, American Conference Institute, October 2003. Conference Co-Chair and Speaker. Topic: Practical Strategies for Structuring Agreements and Minimizing Legal and Business Risks (New York).
- Advanced Forum on Software Licensing and Distribution, American Conference Institute, May 2003. Topic: ASP and Outsourcing Agreements (San Francisco).
- 14th Annual Winter Leadership Conference, American Bankruptcy Institute, December 5 – December 7, 2002. Topic: Intellectual Property and Intangible Assets: Primer on Identification, Lien Perfection, Licensing & Sales (Tucson).
- 2nd Annual E-Commerce and Technology Law Institute, Michigan ICLE, June 19, 2002. Topic: Strategic Issues in Technology Alliances: Rewards, Risks and Ruin (Ann Arbor, MI).
- Advanced Forum on Software Licensing and Distribution, American Conference Institute, November 29, 2001 – November 30, 2001. Topic: ASP and Outsourcing Agreements (New York).
- 1st Annual E-Commerce and Technology Law Institute, Michigan ICLE, June 13, 2001 Topic: IP Implications in Business Deals Involving Technology (Ann Arbor, MI).

Michael is the author of the chapter on “Modification, Assignment and Delegation” for the Third Edition of the treatise, Michigan Contract Law. He also publishes a regular column called the Technology Corner in the Michigan Business Law Journal, including the following articles:

- The New Meaning of Three Little Words: Van Buren v United States and “Exceeds Authorized Access” Fall 2021
- Websites and the Americans with Disabilities Act Summer 2021
- Technology Tools for the Business Lawyer Spring 2021
- Business Continuity Lessons from the Pandemic Fall 2021
- Michigan Adopts Insurance Cybersecurity Law Summer 2020
- FTC Report Highlights Business Risks and Liabilities Related to Privacy and Data Security Spring 2020
- Spotlight on the California Consumer Privacy Act Fall 2019
- Technology and Cyber-risk Obligations and Issues for Lawyers and Law Firms Summer 2019
- Who are You? - The Growing Importance of Identity Management Spring 2019
- Spammers and Scammers and Thieves, Oh My! Fall 2018

- Cybersecurity Compliance by Department of Defense Contractors Summer 2018
- Technology M&A Due Diligence: More to Consider Spring 2018
- Blockchain and Distributed Ledger Technologies Fall 2017
- Data Breach and Cyber Incident Response Planning Summer 2017
- Compliance 2017: Looking Forward-Looking Back Spring 2017
- The New US/EU Privacy Shield is Effective! Fall 2016
- Protecting IP and Combating Unfair Trade Through Section 337 Actions, Summer 2016 (with Geoffrey Goodale and Joseph Manak)
- EU Data Privacy Developments, Spring 2016
- The Internet of Things Fall 2015
- D&O Responsibilities for Cybersecurity (Nonprofits) Summer 2015
- IT Project Management: The Danger of Optimism, Summer 2015
- Nonprofit D&O Responsibility for Cybersecurity, Summer 2015
- Cybersecurity—Evolution or Turmoil? Spring 2015
- What's in a (Business) Name? Fall 2014
- Cybersecurity: We Are From the Government—We Want to Help, Spring 2014
- Developing Policies—The Forest and the Trees, Fall 2013
- The Gap Trap and Twisted Pretzels (Ensuring the Continuity of IP License Rights in the Context Of Mergers And Acquisitions), Summer 2013
- Michigan's Internet Privacy Protection Act, Spring 2013
- Cyberinsurance: Understanding the Risks, Fall 2012; republished in the Information Systems Security Association ISSA Journal July 2013.
- SEC Issues Guidance on Cybersecurity Risks and Disclosure, Summer 2012
- How European Union Changes May Affect American Business, Spring 2012
- Personal Liability Developments Related to Contracts and E-Mail, Summer 2011
- Michigan Identity Theft Protection Act Amendments, Spring 2011
- Technology Escrows: Are They Still Relevant? Fall 2010
- Supreme Court Clarifies Privacy in the Workplace, Summer 2010
- Insider Threats Redux, Fall 2009
- Changes to HIPAA Privacy and Security Resulting from the HITEC Act, Summer 2009
- Insider Threats to Critical Infrastructures, Spring 2009
- Best Practices in Electronic Contracting, Summer 2008
- Business Continuity Planning, Spring 2008

- I.D. Cards: Security vs. Privacy, Fall 2007
- E-Discovery and the Business Lawyer, Summer 2007
- Michigan's New Data Breach Notification Act, Spring 2007
- End-of-Life Decisions (For Your Computer Equipment), Summer 2006
- Malware Grows UP: Be Very Afraid! Fall 2005
- Open Source: What Does It Mean to You?, Summer 2005
- Licensing Watchdogs Get Tough, Spring 2005
- Business in Cyberspace: Ready for Prime Time? Fall 2004
- Offshore Outsourcing, Part 2, Summer 2004
- Offshore Outsourcing, Part 1, Spring 2004
- A Primer on Information Security: Part 2, Fall 2003
- A Primer on Information Security: Part 1, Summer 2003
- Internet Taxes, UCITA and Other Musings, Winter 2002
- Technology and Business Resources in Michigan, Fall 2002
- Anatomy of Cybersquatting and Domain Name Trademark Actions, Summer 2002
- What's Hot in Technology Law, Spring 2002