



**TONG  
TEJANI**  
PLLC

Zohra Tejani

Attorney, Arbitrator, Member & Co-Founder of Tong Tejani PLLC

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#### WORK HISTORY

Tong Tejani PLLC, Attorney, Arbitrator, Member, 2019 – Present; VMware, Inc., Assistant General Counsel (Director), 2016 – 2019; Microsoft Corporation, Senior Attorney (Director), Attorney, Licensing Executive, Contracts Specialist, 2002 – 2016; CACI, Contractor at the US Department of Justice, 2002; Womble Carlyle Sandridge and Rice, PLLC, (now Womble Bond Dickinson and formerly The Jefferson Law Firm), Associate Attorney, 1998 – 2001; i411, Inc., General Counsel, 1997 – 1998; Internal Revenue Service, Attorney Advisor, Law Clerk, 1996 – 1997.

#### PROFESSIONAL LICENSE(S)

Admitted to the Bar (active): Virginia, 1998

#### PROFESSIONAL ASSOCIATIONS

American Bar Association, Public Contract Law and Dispute Resolution Sections  
American Arbitration Association: Arbitrator - Commercial and Technology Panels

#### EDUCATION

Georgetown University (BA-1993; JD-1996)

#### EXPERIENCE

Has extensive senior-level experience drafting, negotiating, and counseling on commercial and government contracts and subcontracts, especially for information technology products and services. In addition, has advised on a range of government procurement and technology matters such as cybersecurity, supply chain, product data / information security and privacy, intellectual property issues (such as copyrights in software, data rights, trade secrets), ethics and procurement integrity, pricing and contract compliance, competition and channel compliance, and government and whistleblower claims of procurement fraud.

Software licensing contracting experience is focused on commercial enterprise computer software for various system and application software such as operating systems, virtual

machines and desktops, datacenter and server optimization and management, storage, search and database, customer relationship management (CRM), developer tools, email and communications, and productivity applications. Negotiation experience includes interpreting lengthy product use rights documents and risk-shifting provisions such as indemnification and liability caps. Representation includes advising on true-up requirements after software asset management assessments and eligibility for specialty licensing programs for education entities and non-profits.

Cloud terms of service contracting experience includes the full range of cloud service models (software as a service (SaaS), platform as a service (PaaS), and infrastructure as a service (IaaS)). Negotiation is focused on data security and privacy (including data ownership, breaches and security incidents, third party requests for data, data center audits, security and privacy standards and certifications) and risk shifting provisions (including warranties, indemnification, limitation of liability).

Information technology (IT) services contracting experience includes a range of implementation, deployment, support, and maintenance services. Negotiation is focused on work for made for hire and related intellectual property issues, background checks, consultant qualification levels, acceptance of deliverables, response time, warranties, indemnification, and limitation of liability.

#### **ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE**

Chair of an arbitration tribunal for an international dispute relating to a failed business partnership in the automotive industry.

Served on an arbitration tribunal for a business partnership dispute with claims and counterclaims involving enforceability of a non-compete clause, breach of fiduciary duties, misappropriation of intellectual property, breach of contract, and anticipatory breach of contract. The business partnership related to the education industry, specifically a private pre-school. The location of potentially competing education centers and the use of trade secrets and curriculum content were key issues.

#### **ALTERNATIVE DISPUTE RESOLUTION TRAINING**

International Conciliation and Arbitration Board, Mediation and Conciliation Training Programme with trainers certified by the Centre for Effective Dispute Resolution, 2015 and 2019; American Arbitration Association (AAA), Arbitrator Training Course for the US Conciliation and Arbitration Board, 2016; International Conciliation and Arbitration Board, Online Dispute Resolution (ODR) Training, 2020; AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2021; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2021.

### **SPEAKING ENGAGEMENTS (SELECT)**

Panelist, "Government Contracts: Year in Review and Issues to Watch in 2020" hosted by the Association of Corporate Counsel National Capital Region and Womble Bond Dickinson, January 23, 2020, Tysons Corner, Virginia.

Panelist, "Identifying and Contracting with a Cloud Services Provider You Can Trust" at the Association of Corporate Counsel's Annual Meeting, October 17, 2017, Washington, District of Columbia.

Panelist, "Overcoming Obstacles to Innovation in Defense Contracting" at the Federal Circuit Bar Association's Bench & Bar Conference, June 23, 2017, Coeur d'Alene, Idaho.

Panelist, "A Bridge Over Troubled Waters: Hot Topics in Commercial Items Contracting" at the American Bar Association Public Contract Law Section's Mid-Year Meeting, November 13, 2015, Charleston, South Carolina.

Panelist, "Cloud Computing: How State and Local Governments Can Access its Benefits and Manage the Risks" at the American Bar Association Public Contract Law Section's 10th Annual State & Local Procurement Symposium, April 24, 2015, Philadelphia, Pennsylvania.