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ZHONG LUN

## An Introduction of Zhong Lun & Mock Trial Case

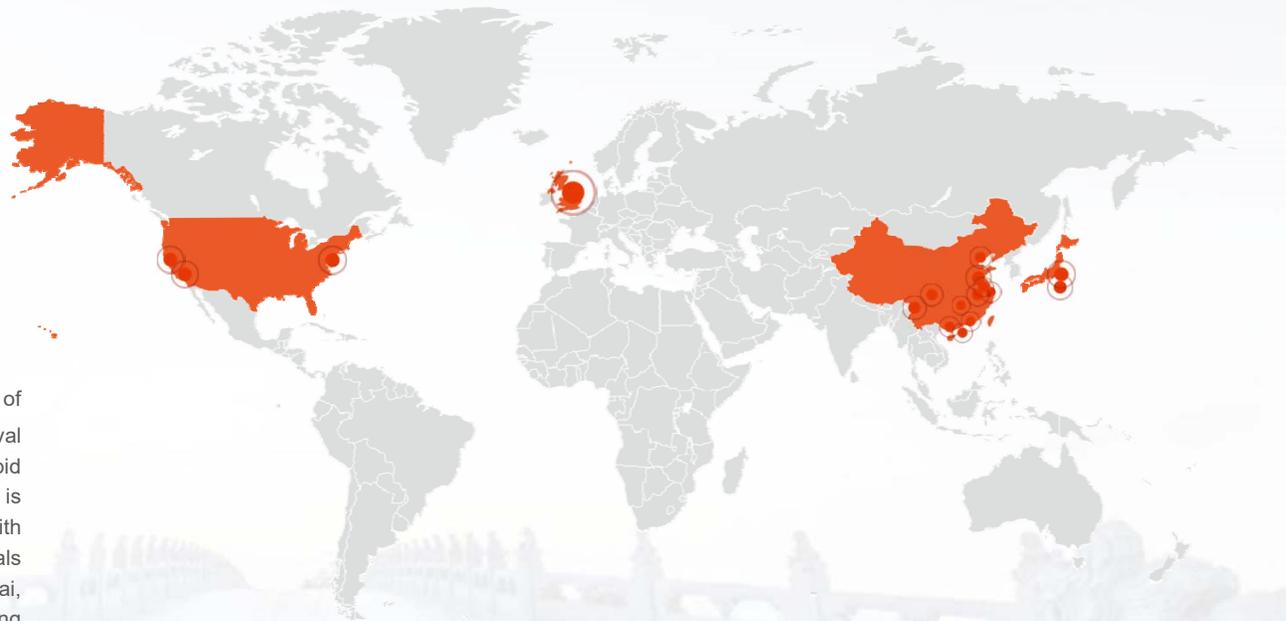
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# Legal Solutions For China Business

## 16 Offices

Founded in **1993**, Zhong Lun Law Firm was one of the first private law partnerships to receive approval from the Ministry of Justice. After years of rapid development and steady growth, today Zhong Lun is one of the largest full service law firms in China with over 316 partners and over 2000 professionals working in sixteen offices in Beijing, Shanghai, Shenzhen, Guangzhou, Wuhan, Chengdu, Chongqing, Qingdao, Hangzhou, Nanjing, Tokyo, Hong Kong, London, New York, Los Angeles and San Francisco.

Zhong Lun offers high-quality legal services across a wide range of industries and sectors by dint of our specialized expertise and close teamwork.



### CHINA



Beijing Shanghai Shenzhen  
Guangzhou Wuhan Chengdu  
Chongqing Qingdao Hangzhou  
Nanjing Hong Kong

### USA



New York San Francisco  
Los Angeles

### UK



London

### JPN



Tokyo



# Our Professionals

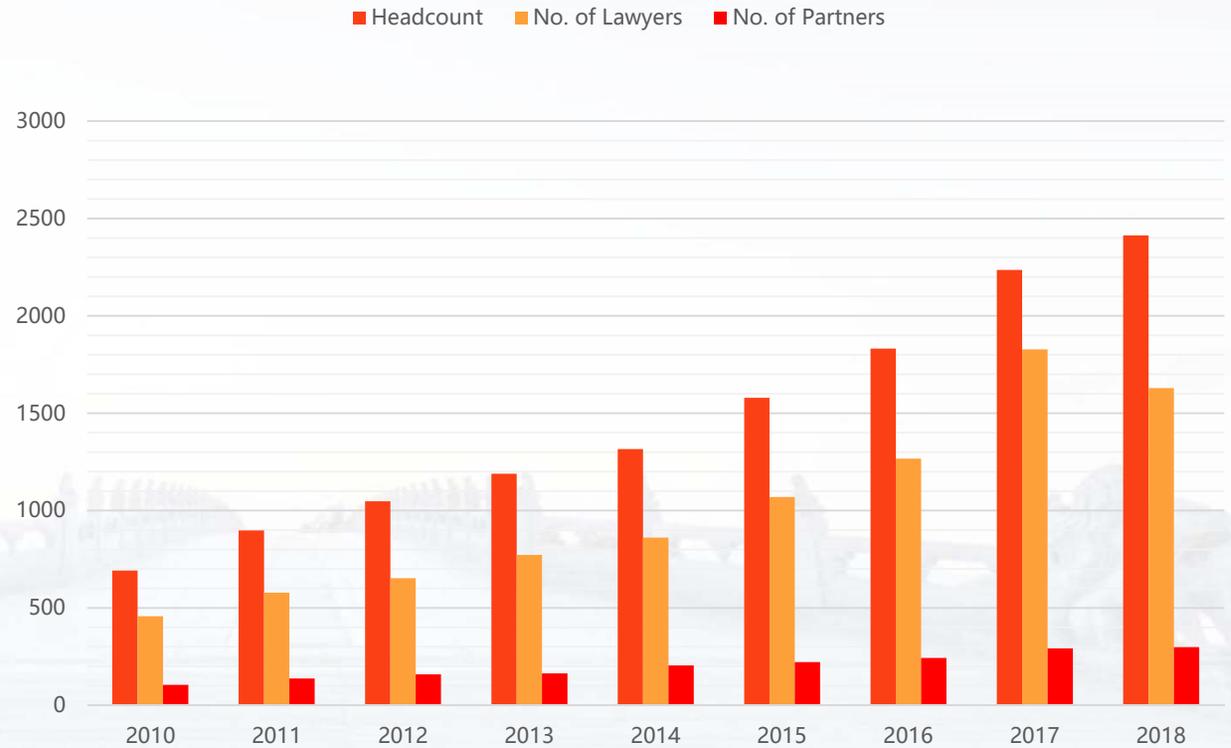
Our success to date is attributable to our intellectual agility.

**316+** Partners

**2000+** Professionals

**2500+** Employees

By practicing at the highest levels of the legal profession in a culture that emphasizes collegiality, team work, respect for everyone, professional and business ethics, and duty to our communities, we attract and retain the best professionals to ensure the best outcomes for our clients. Most of our professionals have graduated from prestigious law schools in China and abroad. Many of them have practiced in leading international law firms. All of our partners are successful practitioners in their fields with extensive practice experience and in-depth knowledge of the clients' business.



# Our Practice Areas

- Capital Markets/Securities
- Private Equity & Investment Fund
- Real Estate
- Construction & Infrastructure
- Hospitality
- Environment, Energy & Resources
- Corporate/Foreign Direct Investment

- Mergers & Acquisitions
- Bankruptcy & Restructuring
- Banking & Finance
- Securitization & Financial Products
- Finance Lease
- Antitrust/Competition
- Belt and Road Initiative & Outbound Investments

- WTO/International Trade
- Labor and Employment
- Taxation & Wealth Planning
- Customs & Trade Compliance
- Litigation & Arbitration
- Compliance/Regulatory
- Criminal Compliance

- Shipping & Maritime
- Intellectual Property
- Technology, Telecoms & Internet
- Culture, Entertainment & Media
- Healthcare & Life Science
- Aviation/Automobile
- National Defense & Military Industry

# Our Honors

The Chinese law firm with the most practice areas recommended by Chambers Asia-Pacific for many years

The Chinese law firm with the most person-time recommended by Chambers Asia-Pacific for many years

The Chinese law firm with the most lawyers recommended by Chambers Asia-Pacific for many years

Time	Practice areas ranked in band 1	Total practice areas ranked	Partners rated as leading lawyers
2019	17	28	61
2018	18	28	57
2017	17	27	52
2016	17	27	48
2015	16	23	45
2014	16	23	48

## Consistently Ranked in the Top Tier in China



### CHAMBERS

2018-2019  
The Chinese law firm with the most practice areas recommended and most lawyers recommended  
2017  
"Dispute Resolution - PRC Law Firm of the Year"



### IFLR

2015 & 2017  
"National Law Firm of the Year"



### ALB

2015-2016  
One of the Most 10 Powerful Law Firms in China  
2013 & 2014 & 2016  
"China Employer of Choice"



### The Lawyer

2016  
"Law firm of the Year: Asia"



### CLP

2016  
"China Firm of the Year"  
"Pro Bono Initiatives of the Year"



### CBLJ

2014 – 2018  
Law firm of the Year (Beijing)  
2013 – 2018  
China Business Law Awards Winner-Best overall law firms



# Intellectual Property



**Highly Recommended in Intellectual Property for consecutive years**  
(Chambers Asia Pacific)

**Ranked Tier 1 in Intellectual Property**  
(The Legal 500 Asia Pacific, 2017-2018)

**Highly Recommended in Intellectual Property**  
(Asialaw Profiles, 2018)

**IP Law Firm**  
(ALB, 2016-2017)

"Renowned for its corporate and dispute resolution capabilities in IP-related matters. Continues to be a popular choice among well-known foreign and domestic corporations, thanks to its comprehensive IP offerings, covering prosecution, civil and administrative litigation, and portfolio management. Leverages its industry knowledge in areas such as TMT, life sciences and the automotive sector."

The team wins warm acclaim for its responsiveness and good grasp of the issues. One source confirms: "They are on top of things and very in order. They have things under control and we rely on them 100%. They are also very flexible and responsive."

Clients highlight its experience in litigation matters, saying: "They are quite strong in litigation. They consider things from a lot of different angles, so the preparation and the court performance is good."

— Chambers Asia Pacific 2018

Zhong Lun's Intellectual Property Department has been widely praised for helping Chinese enterprises set foot into the international market and helping multinational enterprises enter the Chinese market, with highly efficient, professional and "one-stop" services, and it continuously receives recommendations in rankings of the authoritative legal rating agencies. In Chambers Asia Pacific 2018, in the practice area of intellectual property (including litigation and non-litigation), Zhong Lun and its partners are highly recommended. In the 2018 ranking of law firms in Asia-Pacific region announced by The Legal 500, Zhong Lun has been selected as "Top-Tier Firm" in the practice area of intellectual property. In the "Ranking of Intellectual Property in China of 2018" announced by Asian Legal Business, Zhong Lun has been selected as one of the "Highly Recommended IP Law Firms in China of 2018". Zhong Lun represented four cases among "Top 10 IP Hotspots Cases of 2016" selected by IPHOUSE, and five cases among "10 Cases Drawing Widespread Concerns in the Community" listed by Chief Justice of the Beijing Intellectual Property Court. The proportion is one of the highest among all law firms in China.

The Intellectual Property Department of Zhong Lun brings together a number of lawyers, trademark agents and patent agents who have graduated from prestigious universities in China and abroad to provide a full-service of intellectual property.

# Intellectual Property



## Scope of Services

- Intellectual property infringement litigation
- Unfair competition and trade secret litigation
- Anti-monopoly cases relating to intellectual property
- Application and registration of patent, trademark, copyright and IC layout
- Due diligence, licensing and transaction of intellectual property
- Administrative protection procedures of intellectual property
- Anti-counterfeiting products and customs protection of intellectual property
- IP strategy consulting of enterprises
- IP portfolio management of enterprises
- Patent pool convening, assessment of essential patent and patent licensing policies
- Assisting clients in responding to IP infringement proceedings including 337 investigations outside China
- Legal affairs in the industries of Internet and technology, media and telecom (TMT)

## Mock Trial Zhonglun Team



Dongxiao MA, partner

Dongxiao MA is a partner of Zhonglun Beijing office. Mr. MA is one of the top-notch and reputed IP attorneys in the country who has 29 years of experience in IP litigation. Mr. MA has considerable experience in representing clients in the cutting edge and highly sophisticated trademark, patent and trade secret cases in both the Appellate & Supreme Court. Some cases are precedent setting. Mr. MA is also a seasoned licensed patent attorney in China who represented many of the country's leading technology companies in various non contentious patent issues.



Ping GU, partner

Ping GU is a partner of Zhonglun Beijing office. Ms. Gu is licensed in New York and before the USPTO. She is an expert on cross border IP litigation and is a top ranked Chambers IP attorney. She has represented many Fortune 500 enterprises in China on patent cases involving novel legal questions and frontier technology related to telecommunication, semiconductor, software, chemicals, robotics, electronics, etc., some of which have parallel US or EU litigations. She is also experienced in trademark, copyright, licensing and opinion works. Ms. Gu has handled many US ITC investigations and district court cases.



Yi ZHANG, partner

Yi ZHANG is a partner of Zhonglun Chengdu office. Ms. ZHANG has been engaged in legal profession for over 22 years. During her tenure as a judge of foreign-related and Intellectual Property Courts, she handled nearly 100 cases of civil and commercial disputes involving overseas entities. In addition to IP protection, Ms. ZHANG has provided M&A and investment counselling services for many Fortune 500 companies and other reputed foreign companies and their wholly-owned subsidiaries in China.

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## Mock Trial Zhonglun Team



Ling XIAO, partner

Ling XIAO is a partner of Zhonglun both New York and Los Angeles offices. Ms. XIAO's practice is primarily devoted to general corporate, real estate, finance, mergers & acquisitions and the counseling of foreign companies investing in the US. With over a decade of experience in representing multi-national companies operating across diverse industries, Ms. XIAO is considered an expert on issues and challenges which foreign companies and cross-border business encounter in the US.



William ZHANG, partner

Mr. William ZHANG is a partner of Zhonglun Beijing office. Mr. ZHANG used to serve as the senior examiner in the State Intellectual Property Office (SIPO) for nearly 13 years, and was responsible for reviewing and examining hundreds of patent reexamination/invalidation cases as well as handling the administrative litigations against SIPO covering a variety of technologies, especially specialized in the field of telecommunications, computer technology. After joining Zhonglun, Mr. ZHANG has dealt with several important patent cases in Supreme Court. Mr. ZHANG also has significant experience in handling anti-monopoly and licensing issues.



Jeffrey LIAO, senior counsel

Jeffrey LIAO is a Senior Counsel of Zhonglun San Francisco and Los Angeles offices. Mr. LIAO's practice is primarily devoted to intellectual property, corporate transactions and licensing, and litigation. During the last 15 years, Mr. LIAO has handled over a hundred patent litigation cases in both high-tech and pharmaceutical areas in U.S. district court and before the Federal Circuit Court of Appeals, and also has experience with Inter Partes Review (IPR) proceedings before the Patent Trial and Appeal Board. Mr. LIAO is admitted to practice in California, New York, New Jersey, and before the USPTO.

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# Partners of IP Department



Jihong CHEN  
Beijing



Fanglong SUN  
Qingdao



Helen CHENG  
Shanghai



Jimmy Huang  
Beijing



Weihua YANG  
Beijing



Yonghong WANG  
Guangzhou



Siyu RUAN  
Shenzhen



Michael SHU  
Shanghai



Will WANG  
Shanghai



Cliff YANG  
Beijing



Jason ZHONG  
Beijing



Yuanchao MA  
Shanghai



Dan HE  
Wuhan



Bisheng SHI  
Beijing



Grace WANG  
Hangzhou

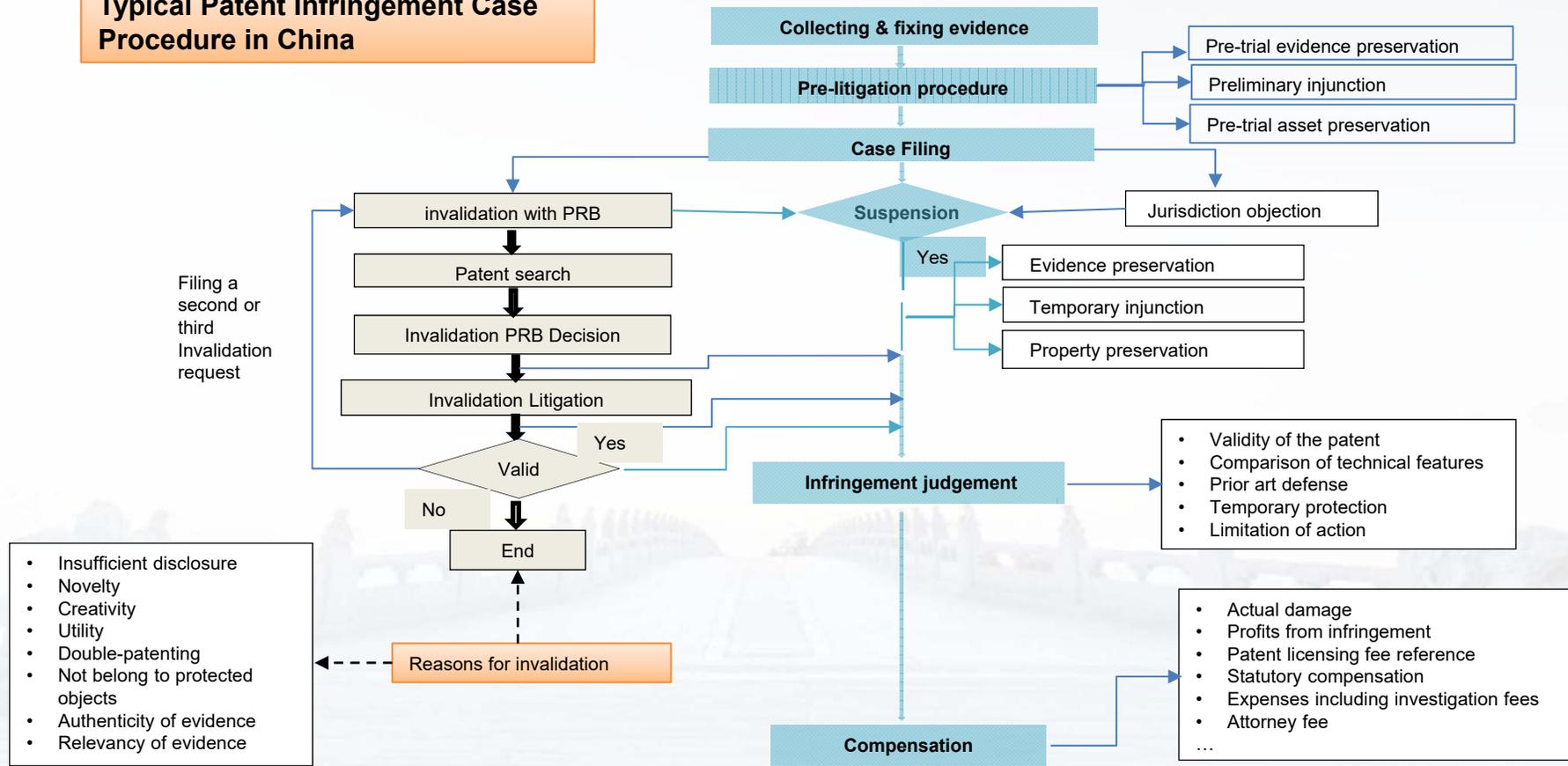


Wengang HE  
Beijing

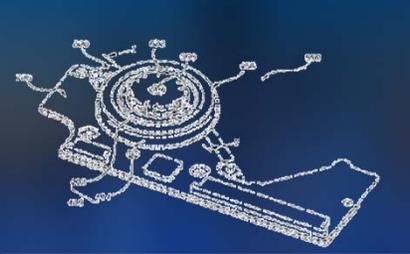
See details, please visit: <http://www.zhonglun.com>



## Typical Patent Infringement Case Procedure in China



# Mock Trial Case Outline



Company A has a “spindle motor” patent for invention, Patent Register No. ZL20111xxxx508.5. Company A accidentally found that four kinds of electric machines K160, K070, G210 and J130 being produced and used by Company B highly similar to Company A’s invention patent. Company A reported the case to Dongguan Intellectual Property Office.

# Mock Trial Case Outline

**1** On **October 21, 2014**, Dongguan Intellectual Property Office issued a Notice of Acceptance, accepting Company A's request to investigate and deal with the suspected infringement of the patent right by Company B.

In China, the State Intellectual Property Office ("SIPO") and its local offices deal with patent infringement. Local Intellectual Property Office can take a range of investigative actions, including entering the infringer's premises; questioning the infringer; inspecting and sealing or seizing the infringing goods and/or confiscating documents which relate to infringing acts.

**2** On **October 24, 2014**, Dongguan Intellectual Property Office went to Company B for investigation and inspection, and sampled one spindle motor each of K160, K070 and G210.

**3** On **November 6, 2014**, due to Company A's request for withdrawal of the case, Dongguan Intellectual Property Office issued "Notice of Withdrawal of Patent Dispute Case".

**4** On **December 26, 2014**, Company B filed an invalidation request to the Patent Re-examination Board regarding Company A's invention patent.

**5** On **February 26, 2015**, Company A filed an infringement lawsuit against Company B in Beijing Intellectual Property Court, and the Beijing Intellectual Property Court accepted the case.

China has a separate system supporting patent enforcements, consisting of adjudication of infringement claims at trial and, also, suits challenging patent validity, where this system is similar to the German system. The competent local courts have jurisdiction over the First Instance trial of infringement cases, and the Patent Reexamination Board ("PRB") of the State Intellectual Property Office ("SIPO") has exclusive jurisdiction over validity trials. SIPO was changed into CNIPA (China National Intellectual Property Administration) from August 2018.

# Mock Trial Case Outline



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**On April 16, 2015**, Beijing Intellectual Property Court made a civil ruling against the objection of jurisdiction filed by Company B, ruling that: the objection of jurisdiction is rejected.

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**On August 21, 2015**, Patent Re-examination Board made decision NO. \*\*\*\*\* in response to the invalidation request of Company B, announcing that Company A's invention patent was partially invalid, but maintaining the patent on the basis of the claim 1-69 submitted by Company A on July 6, 2015

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**On September 6, 2015**, Beijing Higher People's Court made a ruling on the jurisdiction objection appeal: upholding that the objection of jurisdiction should be rejected.

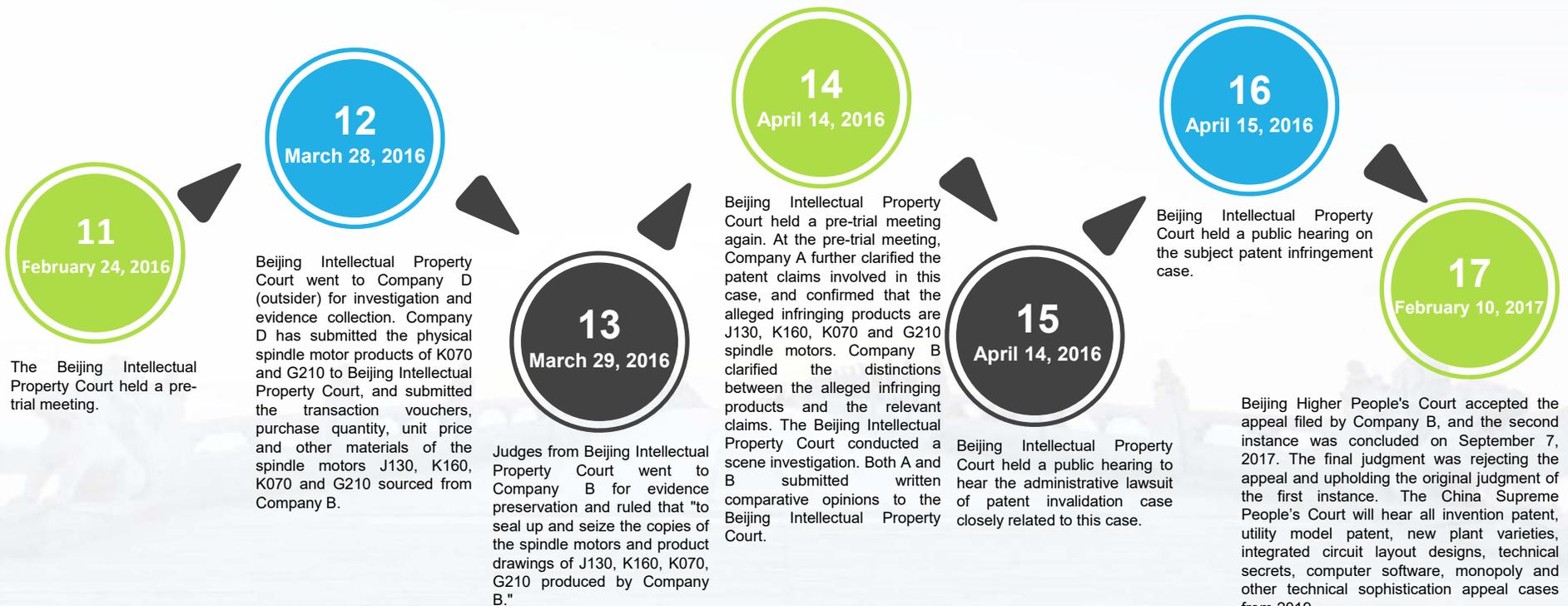
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**On January 29, 2016**, Company B filed an administrative lawsuit in Beijing Intellectual Property Court re decision NO.\*\*\*\*\* issued by the Patent Re-examination Board.

10

**On January 12, 2016**, the Beijing Intellectual Property Court issued the "Investigation Letter" to the Dongguan Intellectual Property Office.

# Mock Trial Case Outline



The China Supreme People's Court will hear all invention patent, utility model patent, new plant varieties, integrated circuit layout designs, technical secrets, computer software, monopoly and other technical sophistication appeal cases from 2019.

# Mock Trial Roles and Seating

Roles in the Mock Trial	Attendee
Chief Judge	Yi ZHANG
The presiding Judge	William ZHANG
Judge	Mark TUNG
Judge Assistant	Lance YANG
Court Clerk	Claire ZHANG
Plaintiff Attorney	Dongxiao MA
Plaintiff Attorney	Ling XIAO
Defendant Attorney	Ping GU
Defendant Attorney	Xiao LIU
Technical Investigator	Sean LI
Person with expertise	Jeffrey LIAO

