THINGS I WISH SOMEONE HAD TOLD ME (ABOUT PATENT ENFORCEMENT IN CHINA)

2017 ABA IP WEST CONFERENCE

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TOPICS

- Brief Overview of Patent Litigation
- Outside Counsel Selection and Management
- Engagement with Authorities
- Issues to Watch
OVERVIEW

• Civil Law Jurisdiction
  • Bifurcated Proceedings
  • Very Limited “Discovery”
  • Court Selected Experts
• Confidentiality
• Statutory Damages
• Court’s Role in Settlement
• Formalization of Evidence
• Administrative Enforcement
OUTSIDE COUNSEL SELECTION/MANAGEMENT

• Selection Criteria and Tips
  • Planning First Meeting
  • Education, Experience
  • Communications
  • Advocacy
  • Level of Engagement in Your Case
  • Alternative Billing/Success Fees
  • Private Investigator
ENGAGEMENT WITH AUTHORITIES

• Court’s Discretion
• Thoroughness of Opinion
• Public Relations Campaign/Lobbying (US or China)
• Use of US Government Resources/US Trade Groups
• Courts Consult on Novel or Difficult Issues
• Appeals
ISSUES TO WATCH

• China in Global Dispute Resolution Strategy
• Increasing Freedom to Operate Diligence?
• Administrative Enforcement
• Anti-Competition and Enforcement