

**Winning the US Patent Damages Case**  
如何打赢美国赔偿官司

**Management of IP Litigation in the U.S.**  
如何管理美国专利诉讼

Presented by Jeffrey C.P. Wang, John D. van Loben Sels and Jason B. Witten of Wang, Hartmann, Gibbs & Cauley, P.L.C.

中国知识产权研究会知识产权保护专业委员会  
工业和信息化部人才交流中心  
The China Intellectual Property Committee for CPIS & The Talent Exchange Centre, Ministry of Information and Technology jointly present  
"The 2009 International Training Seminar of the IP Legal System, Strategies and Protection"  
会议时间: 2009 年 11 月 11-12 日  
Date: March 27-28, 2009  
会议地点: 北京 大智源酒店  
Location: Beijing Dazhiyuan Hotel

# Partnership with **WHGC**

**The International Licensing Workshop:  
Patent Trolls**  
從美國專利授權及訴訟實務觀點  
談 Patent Trolls 之因應策略

On Friday, October 24, 2008  
In Taipei, Taiwan at  
National Chengchi University  
202 Room, 2nd Floor, Center for Public and Business Administration Education (CPBAE),  
National Chengchi University, Taipei, Taiwan  
(No.187, Jinhua St., Da-an District,  
Taipei City 106, Taiwan)  
國立政治大學公共行政及企業管理學院202室  
(台北市金華街187號)

The event will be sponsored by the Licensing Executives Society (LES) Chinese Taipei and Co-sponsored by the Association of Technology Managers in Taiwan (ATMT) and the Graduate Institute of Intellectual Property, National Chengchi University.  
該活動將由國際授權專家協會(LES)中國台北分會及台灣技術管理協會(ATMT)共同主辦,並由國立政治大學智慧財產研究所共同承辦。

WHGC is pleased to announce presentations by:  
Franklin E. Gibbs, Patent Attorney, Partner  
Wang, Hartmann, Gibbs & Cauley, P.L.C.  
Jeffrey C.P. Wang, Partner  
Wang, Hartmann, Gibbs & Cauley, P.L.C.  
Jason B. Witten, Attorney at Law  
Wang, Hartmann, Gibbs & Cauley, P.L.C.  
George C.C. Chen, Attorney  
Licensed in Taiwan, WHGC Taiwan

**WINNING THE PATENT DAMAGES CASE**  
Richard F. Cauley

A Litigator's Guide to Economic Models and Other Damage Strategies

OXFORD

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In these complex, challenging times, WHGC continues to provide vital insights and unique, invaluable legal resources to business decision makers.

Orange County Bar Association  
Co-sponsing Legal Education - Section Meeting

**LEGAL DEVELOPMENTS IN CHINA:  
Recent Laws, Regulations and Litigation Affecting  
Doing Business in China by US Companies**

July 21, 2008  
12:30 p.m. - 1:30 p.m.

Location:  
Kitayama Restaurant  
101 Bayview Place, Newport Beach, California

Speaker/Panellist:  
Jeffrey C.P. Wang, Attorney at Law, Wang, Hartmann, Gibbs & Cauley  
Jiong Ming Hu, Attorney at Law, Shanghai, China

- Issues relating to the Beijing Olympics
- Criminal Prosecution of Corruption
- Protecting Foreign IP
- Exports to and Investments into the U.S. by Chinese companies

**The 12th Annual  
National Technology Law Seminar**  
November 27, 2008

Location:  
National Chiao Tung University in Hsin-Chu

Topics:

- The DMCA-ish Anti-circumvention Provision Around the World
- Invalidating A U.S. Patent - From Current Case Laws And Success Rates To A Defense Strategy Challenging The Validity Of A U.S. Patent At The USPTO
- An Assessment on Using Contracts to Protect Holders of Traditional Knowledge Related to Genetic Resources
- Winning the Patent Damages Case
- Managing Outside Counsel In Patent Litigation
- Stop Funding Patent Trolls
- Non-obviousness in the Post-KSR Era
- Inventive Step / Non-obviousness at the European Patent Office in View of the KSR
- Recent Development of Korean Patent Law and Practice

WHGC Attorneys presenting  
Jeffrey CP Wang, Richard F. Cauley and George CC Chen

**LAIPLA**

Present  
**Washington In The West**

**SKIRBALL CULTURAL CENTER**  
2701 North Sepulveda Boulevard, Los Angeles, CA 90049

Skirball Photo Credit: Photo by Timothy Marley

8:15 a.m. - Registration & Continental Breakfast  
8:55 a.m. (Sharp) Meeting & Program  
5:05 p.m. Conclusion

**Thursday, January 29, 2009**  
FULL ONE-DAY PROGRAM

\*"Washington In the West" also acknowledges the following sponsors:

**CONNOLLY BOVE LODGE & HUTZ LLP**  
ATTORNEYS AT LAW

**LucasGroup**  
ATTORNEYS AT LAW

**THE HALL STREET JOURNAL**  
COMMERCIAL

# Wang, Hartmann, Gibbs & Cauley

INTELLECTUAL PROPERTY AND INTERNATIONAL LAW FIRM

WHGC has roots in Asia tracing back to 1991. Our resources and geographic breadth throughout the United States and Asia ensure that our clients receive consistent, effective and value-added services.

WHGC's practices balance between intellectual property litigation and international business matters. With our advanced engineering and business-oriented culture background, we provide our clients with solution-oriented legal work.

Lawyers at WHGC carry an impressive pedigree of experience without the high billing rates. We focus our time only on delivering the highest level of legal representation instead of spending client time and money training new attorneys. WHGC is committed to a steady workforce on whom clients can depend for years to come.

## WHGC Newport Beach Office Orange County

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Fax: +1 (949) 833-2281

## WHGC Mountain View Office Silicon Valley

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Mountain View, CA 94040, USA  
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## WHGC Beijing Office

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# Wang, Hartmann, Gibbs & Cauley

INTELLECTUAL PROPERTY AND INTERNATIONAL LAW FIRM



Wang, Hartmann, Gibbs & Cauley, P.L.C. is a leading international law firm with headquarters in Newport Beach, California as well as offices in Mountain View, California, Taipei, Taiwan, and Beijing, China. Established in 1994, WHGC is one of the fastest-growing law firms in the Western United States and Asia concentrating on business litigation and intellectual property rights. Our tradition lies in providing exceptional service within cost-effective measures, catering to businesses and individuals worldwide.

WHGC has a distinguished history of successfully litigating business and intellectual property affairs for both domestic and foreign clients. As a specialized boutique firm with strong intellectual property capabilities, we have counseled many of the leading technology-related businesses and institutions around the world. In addition, our firm represents a number of major, publicly traded and multi-national high technology corporations based in the U.S., Taiwan, and China. We possess extensive experience in matters ranging from commercial and transactional disputes to protecting and litigating patents, copyrights, trademarks, trade secrets, and beyond.

Our distinctive team of attorneys embodies a diverse background in unparalleled legal expertise as well as international scope. With over 150 years of combined litigation experience, our lawyers provide corporations worldwide with comprehensive in-house technical guidance. A partnership with our firm delivers superior service as well as effective legal solutions tailored to the legal needs of businesses of all sizes.

## QUALIFYING CAPABILITIES

**Our attorneys expertly interpret and apply patent language in your business and legal interests.**

The exceptional capabilities of our lawyers ideally suit us for successfully handling the legal matters pertinent to our clients. WHGC represents some of the most adept and highly trained legal minds in the profession. With a depth of business and technical expertise and experience coupled with comprehension of the law, we are qualified to provide insightful guidance on corporate, high technology, and intellectual property matters. In particular, our attorneys have the technical, engineering, and legal acumen required to expertly interpret and apply patent language in the interests of our clients.

Our capabilities extend to building tactical legal strategies and employing creative problem-solving techniques to best serve our clients' complex situations. In determining an appropriate position to pursue, we judiciously analyze and evaluate the optimal resolution of each matter, from establishing intellectual property claim invalidity and non-infringement to achieving dispute settlement. In litigating intellectual property conflicts, our attorneys are able to aptly deconstruct patent language, discern patent class and application, and present the more cogent argument before the court. We employ expert patent interpretation and are able to translate the language of the patent into the most favorable defense or prosecution.

Additionally, WHGC's primary consideration is in providing a global strategy consistent with the client's philosophy and in line with their ideal business interests. Above all, we possess the demonstrated means and resources to effectively enforce such tactics on behalf of our clients.

WHGC's ability to successfully implement innovative legal solutions is evident in many of our previously completed cases. For example, in defending a Taiwan-based publicly traded company against intellectual property claims in U.S. federal court, we developed an upfront analysis on damages, invalidity, and non-infringement. Our unique approach enabled us to successfully negotiate a favorable settlement on behalf of our client. In another such case we represented a California-based globally leading digital manufacturer against complex multi-patent litigation. Under arbitration agreement we effectively engaged in claim construction, which we then leveraged to substantially limit the scope of the damages in the case.

Finally, we possess the capacity to deliver results on our clients' legal affairs in a timely and efficient manner. We are able to handle and resolve matters with utmost timing, realizing the essential value of time to our clients.

## COST-EFFECTIVE SOLUTIONS

**WHGC practices a dramatically more conservative approach to attorney case staffing than do our competitors.**

Paramount to WHGC is the ability to provide our clients with truly cost-effective solutions. Engaging in cost control measures and transferring these considerable savings to our clients is our priority, especially as we endeavor to maintain a long-term relationship with each client. A number of quantifiable cost reduction measures acutely differentiate our firm from our competitors. First, our firm's hourly rates are substantially lower than those of competing firms – at least 25 percent below the rates of one competitor. Additionally, WHGC practices a dramatically more conservative approach to attorney case staffing than do our competitors. As opposed to competing firms which staff large numbers of attorneys to patent analysis, legal research, and document review projects leading to fees in the hundreds of thousands of dollars, WHGC in general initially assigns no more than three attorneys to our clients' matters.

Other measures our firm employs in order to manage costs to our clients include conscientious budget and bill preparation and constant attorney-client communication. We meticulously review bills and prepare thorough budgets, ensuring accuracy and understandability. Further, we engage in prompt communication with our clients about circumstances in their cases that require adjustments and suggest reasonable alternatives. In contrast to most other competing firms, we always confer with our clients in advance of beginning any significant project in their cases, as well as alert them before any new attorney bills time to their matters. Informing our clients, assessing risks, and predicting defense costs are important services in which we excel.

Finally, WHGC minimizes unnecessary costs to our clients by carefully individualizing staffing decisions. In assigning attorneys to our clients' cases, we ensure we make the appropriate fit for each matter instead of mechanically staffing attorneys to each case.

## INTERNATIONAL SCOPE

Wang, Hartmann, Gibbs & Cauley, P.L.C., employs a worldwide reach in executing corporate business and intellectual property matters and litigation. In addition to our presence in the United States, we have established strong teams in Beijing, China and Taipei, Taiwan that are capable of protecting and furthering the interests of our clients in the respective regions. Our attorneys possess legal expertise spanning the three countries of China, Taiwan, and the United States, and they are proficient in practicing and litigating under the laws of all locales. In particular, our firm has good working relationships with the Chinese State Intellectual Property Office in enforcing intellectual property rights in China. Through years of experience, our attorneys and staff have also become adept at bridging cultural differences between the United States and foreign nations in order to effectively represent our international clients' rights in both United States and international courts. Members of our firm worldwide speak Chinese and Mandarin, and we possess a deep understanding of the many cultural practices in Asian nations that can influence American and foreign legal proceedings.

## ATTORNEY TEAM

**We possess more than 80 combined years of practical experience in engineering and the sciences.**

Moreover, our attorneys have successfully represented clients before U.S. federal courts, international courts, the U.S. International Trade Commission, and other governmental agencies. Our lawyers also have prior experience in senior positions with several prestigious international law firms. The legal team of WHGC represents notable industry and large law firm experience in a substantially more efficient and specialized boutique operation.

## Areas of Practice

At Wang, Hartmann, Gibbs & Cauley, P.L.C., the diversity of our practice is one of our greatest assets. We possess a distinguished history of success in a myriad of matters, ranging from commercial and transactional disputes to protecting and litigating patents, copyrights, trademarks, trade secrets, and beyond. We are well-versed in the following practice areas:

### Intellectual Property

**The WHGC IP team translates the language of the patent into the most cogent defense or prosecution.**

WHGC advises clients on a broad range of intellectual property work, including patent, copyright, trademark, service mark, and trade secret matters and, when necessary, litigation. As a specialized intellectual property boutique firm, we provide counsel, planning and advice to many of the leading technology-related businesses and institutions around the world.

WHGC is distinct from other general litigation firms because our intellectual property lawyers are licensed by the U.S. Patent & Trademark Office and have experience handling intellectual property matters with both the USPTO and foreign patent offices. The intellectual property lawyers at WHGC are knowledgeable in the fields of engineering, technology, and the law and know how to apply this knowledge with both transactional IP work and during litigation. Our distinguished team of attorneys possesses more than 80 combined years of experience in engineering fields such as electrical, chemical, mechanical, and civil engineering as

well as computer science, physics, and aerospace. Our attorneys' breadth of knowledge and practical experience allows us to construct more creative and cost-effective solutions to complex intellectual property situations.

We provide strategic solutions in an array of intellectual property practice areas, comprising:

- Portfolio development, marketing, and management
- Registration and litigation of transactional work
- Financing, including sophisticated international finance
- International transactions throughout Asia
- Intellectual property audits

In particular, our experienced IP attorneys are experts in correctly drafting, interpreting, and applying patent language to protect the business and technological interests of our clients. Additionally, our firm has good working relationships with the Chinese State Intellectual Property Office in enforcing intellectual property rights in China.

### Intellectual Property Litigation

WHGC aggressively asserts our clients' intellectual property rights by developing and executing sophisticated litigation solutions. In the event of IP infringement, we undertake the litigation necessary to enforce our clients' rights by seeking monetary damages or injunctive relief. Our firm also possesses the means to protect and defend clients against the injurious IP infringement actions of offensive parties. Our intellectual property lawyers have successfully defended and prosecuted patent infringement lawsuits against many major corporations, including Northrop Grumman, Philips Corporation, Proxim Corporation, Crossroads Systems, Acticon Technologies, GPC and K-Swiss, Inc.

WHGC's strong IP team is able to expertly interpret patent class and application and to translate the language of the patent into the most favorable defense or prosecution. In prosecuting infringement actions, our trial attorneys are experienced in applying a number of methods before the court, through proving direct, indirect, contributory, literal, as well as willful infringement on the part of the opposing party. We are successful in attaining monetary damages for our client and/or pursuing either a permanent or preliminary injunction to stop the opposing party from further violation of the disputed patent. Finally, in defending our clients against infringement claims, we have extensive experience in proving invalidation of the disputed patent and non-infringement on the part of our client or in seeking a license or settlement as appropriate.

Our highly skilled attorneys command the understanding of federal court jurisdiction, complicated subject matter, and the technical underpinnings of patent law to successfully execute intellectual property litigation on behalf of our clients. WHGC represented China-based lighting and capacitor manufacturers and a Singapore-based public company in litigation in the Los Angeles Superior Court involving alleged breach of an exclusive distribution agreement. We obtained dismissal of the case against the Singapore company and obtained a judgment on fraud counterclaim at trial.

### Intellectual Property Prosecution – Trademarks & Patents

At WHGC, we protect our clients' intellectual property rights with filings in the U.S. Patent and Trademark Office or foreign patent offices, as appropriate. Patent and trademark prosecution encompass the full range of tasks associated with filing and registering these works in the U.S. Patent & Trademark Office and foreign offices. We are experienced with patent and trademark prosecution from the initial application to pursuant administrative appeals.

The intellectual property lawyers at WHGC are trained in the fields of engineering, technology, and the law and are proficient in applying this knowledge with thorough intellectual property protection. We offer a comprehensive service from beginning to end, ranging from drafting and filing patent applications to protecting our clients' IP rights through pursuing sophisticated litigation means. In handling trademark prosecution, we are experienced in filing distinct and successful trade dress applications that directly reflect the thoughts and ideas of our clients. Our attorneys are also experienced in handling all types of patents, including design and utility patents for complex hardware, automotive mechanics, software inventions, and other various technologies. We use a far-sighted and detailed approach, drafting patent language that is explicit and guards the interests of our clients against future encroachment. And, because of our knowledge, experience, and technology, we are very efficient—which ultimately saves our clients money.

## Intellectual Property Transactions & Business Licensing

**WHGC protects your interests throughout the entire IP filing process.**

WHGC recognizes that often the most profitable strategy for clients is to sell, assign, or license their patents, copyrights, and trademarks. Through our years of industrial, technical, engineering, and intellectual property legal and practical experience, we have gained the diverse knowledge and comprehensive understanding to effectively complete intellectual property transactions. WHGC is able to protect our clients through this process.

Three key areas of intellectual property transactions in which we advise our clients are business IP transactions, licensing and loans, and assignments. We meticulously analyze license agreements, assuring they clearly convey the rights and obligations of each party. We facilitate business assessments and negotiations, discussing the patent rights and other intellectual property rights our client will own upon completion of licensing agreements. We also guide clients in patent and other IP sales, to ensure they are protected through this process. Because our attorneys offer extensive inside experience as well as practical knowledge in issues surrounding patents, copyrights, and trademarks, we are often able to resolve IP transactions in an efficient manner.

We assist clients with achieving the most profitable arrangements in buying, selling, assigning, or licensing patents, copyrights, and trademarks. WHGC also has worldwide associates which we utilize to coordinate global transactional IP strategies.

## Business Organization & Transactions

**We help you achieve the most profitable arrangements in buying, selling, assigning, or licensing IP work.**

Our international business attorneys have experience conducting business affairs for many large international and multinational firms, including Medtronic, Inc., the Samsung Corporation, and the NASA Space Station. WHGC has served as general counsel to numerous publicly-traded corporations in both business organization and transactional matters.

In determining business organization for our start-up clients, our lawyers design the most suitable form of business entity for our clients' individual needs. We consider and find answers to the following issues: whether the business entity would protect personal assets from business debts and liabilities; whether the choice of business entity is sensible for tax purposes; whether the business entity would be realistically manageable; and whether the business entity allows for future growth.

Additionally, our international business attorneys have extensive experience in all aspects of corporate transactions, including:

- Acquisitions, mergers, reorganization, liquidations and private offerings
- Asset and stock purchase agreements
- Contract drafting and review
- Financing
- Governmental compliance
- Negotiating and structuring buy-sell agreements
- Preparing employment and independent contractor agreements
- Structuring and forming domestic and foreign corporations, limited liability companies, partnerships and joint ventures
- Trade secret policies
- Patent, trademark, and copyright

Because the business world is complex and dynamic, we employ a comprehensive view of each business entity and focus on issues that might otherwise elude the client, such as exit strategies. Further, high caliber business and corporate representation encompasses a wide range of interrelated issues; our international business attorneys work closely with lawyers in other divisions of our firm, including the international law, labor and employment, immigration, and intellectual property and technology lawyers, to provide our clients with optimal structures and strategies. Finally, we pride ourselves in our prompt, personal attorney-client communication. As a result, clients remain in control of their investments, finances, objectives, and other interests.

## International Law

WHGC has more than 15 years of experience with assisting foreign-based companies in business litigation, employment immigration matters, business transactions, and more. One foremost area of practice is in serving companies in their global ventures through international business transactions. Our international business law attorneys assist in-house counsel and business executives of multinational corporations in all levels of their international business transactions, including:

- Contracts
- Investment issues and options
- Imports and exports
- Joint ventures
- Mergers and acquisitions
- Real estate purchases and development
- Stock and asset purchases and sales
- Production distribution
- Encumbering assets abroad
- International collections and judgment enforcement
- Internet and e-commerce
- Registration and licensing of trademarks and other intellectual property

The international business law attorneys of WHGC are adept in navigating the complexities of laws and regulations governing international business transactions. Worldwide transactions such as the import and export of technology, products, or data require compliance with laws of commercial application, laws of public policy, and international agreements and initiatives. WHGC is capable of guiding our clients through this process as well as protecting our clients by managing the risks involved in international business transactions.

Expert in the laws of China, Taiwan, and the United States, members of our firm are also fluent in Mandarin and Chinese. Our services extend beyond mere translation; we bridge the global differences across culture, law, and language subtleties. We understand the importance of facilitating joint ventures, combinations, and licensing agreements between corporations throughout the world. The lawyers of our firm have worked with our clients to maximize their opportunities at home and abroad by assisting in the effective execution of such global combinations.

## Litigation & Appeals

Our professional team of experienced litigators own the experience coupled with diverse and highly specialized knowledge necessary to address a wide range of complex litigation and appeals. In the interests of international and multinational corporations, we have litigated and arbitrated a wide range of corporate, commercial, and labor disputes in international as well as U.S. Federal and California State courts.

The California litigation and appeals attorneys of our firm have extensive experience in many areas of litigation, including:

- Intellectual property, copyrights, patents, and trademarks
- Contract disputes
- Breach of fiduciary duty
- Fraud
- Conversion
- Unfair competition
- Trade secret misappropriation
- Shareholders' derivative actions
- Labor and employment disputes

Our firm has developed a broad network of lawyers to assist us in specialized areas of law. We approach intellectual property and business litigation with the singular goal of efficiently pursuing our clients' premium interests through aggressive, facilitative, and cost-effective means.

## Alternative Dispute Resolution

In settling disputes, WHGC works to preserve our clients' relationships with the opposing parties and uses Alternative Dispute Resolution (ADR) as a viable means to relatively amicable solutions. Our experienced ADR attorneys represent clients in the following areas of Alternative Dispute Resolution:

- Arbitration
- Mediation
- Conciliation
- Mock trials
- Risk analysis
- Mini and private trials

Alternative Dispute Resolution can be a cost-effective tool in international transactions. Our firm handles ADR both in the United States and abroad, in different forums, and under a variety of procedural rules. Our firm has in particular assisted foreign companies with business interests in Hong Kong, Japan, India, South Korea, Singapore, and all other major Asian countries.

## OPTIMAL PARTNERSHIP

**We support you in performing your job more effectively and efficiently.**

In partnering with our clients, Wang, Hartmann, Gibbs & Cauley, P.L.C. considers their satisfaction to be the critical measure of our firm's success. We strive to provide unparalleled service that exceeds the needs of our clients and continually serves their best business interests. Immediate accessibility is one quality which we offer our clients; we recognize the exigency of being available to respond to our clients' pressing matters with efficient answers or actions. Long-term stability is another area in which we endeavor to serve our clients; our legal teams are personally invested in our clients' cases and provide continuous comprehension

of their situations as well as an uninterrupted resource of information.

Our seriousness and our commitment toward our clients' interests foster long-term relationships of trust and respect. Utilizing personalized client attention, WHGC continues to work to support our clients in performing their jobs more effectively and efficiently.

### WHGC's Clients in Asia by Alphabetical Order:

ADLINK Technology, Inc.	Dr. JKL Limited	Infotrend Technology, Inc.	RichWave Technology Corp.
Anhui Juan Kuang Electronic Co., Ltd.	EnGenius Technologies, Inc.	JK Yaming International Holdings Ltd.	Ruoey Lung Enterprise Corp.
Asia Optical Co., Inc.	Evalue Technology Inc.	Lanner Electronics, Inc.	Solar Applied Material Technology Corp.
Askey Computer Corporation	First International Computer, Inc.	Magic Control Technology Corporation	Swit Electronics Co., Ltd.
Aurora Corp. Of America	Formosa Medical Devices, Inc.	Micro-Star International Co., Ltd.	Taiwan Semicon-Tech Service Company
Beyond Innovation Technology Co., Ltd.	Fujian Juan Kuang Yaming Electric Limited	Nakajima USA, Inc.	
Chroma Ate, Inc.	High Tech Computer Corp. (HTC )	New Focus Lighting and Power Technology	
Chunghwa Picture Tubes, Ltd.	Holy Stone Enterprise Company, Ltd.	Powerchip Semiconductor Corporation	

### WHGC's Clients in U.S. by Alphabetical Order:

Advanced Flow Engineering	Dynascan Technology, Inc.	Linksys Group, Inc.	Sprint Spectrum, LP
AmbiCom, Inc.	Engenius Technologies, Inc.	Nanya Technology Corporation USA	STEC , Inc.
Ampro ADLINK Technology, Inc.	Gabriel Technologies Corporation	Personal Communications Devices	Trillion Science, Inc.
Anaspec, Inc.	Gigastorage Corporation USA	Plasticolor Molded Products, Inc.	University of the Pacific
BigDataLabs, Inc.	IMPACT MFG.	Ralph's Grocery Company	UT Starcom, Inc.
Bushnell Corporation	Infection Prevention Systems, Inc.	Sanho Corporation	Vivitar Corporation
CellTech Systems, Inc.	Inventec Appliances Corporation	Solar Technologies, Inc	Westlake Financial Services
Champion Power Equipment, Inc.	Lanner Electronics (USA) Inc.	Sprint Nextel Corporation	Wrong Gear, Inc.
Dot Hill Systems Corporation	Legend Design Technology, Inc.	Sprint Solutions, Inc.	

# Wang, Hartmann, Gibbs & Cauley

INTELLECTUAL PROPERTY AND INTERNATIONAL LAW FIRM

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Founder and Chairman

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Jeffrey C.P. Wang's practice focuses on handling the legal concerns of international and domestic corporations, with a special emphasis on international technology corporations. In addition to his J.D., Mr. Wang has two advanced Masters of Law Degrees from the University of Washington and the Southern Methodist University School of Law. Mr. Wang started with the tax department of the public accounting firm of Pricewaterhouse in San Jose, California. He then became a litigation attorney at several reputable, AV-rated litigation law firms in Northern and Southern California. Mr. Wang started this firm in 1994, and has since built a substantial client portfolio in Northern and Southern California, as well as in the Pacific Rim countries.

In his legal career, Mr. Wang has engaged in dozens of intellectual property and business litigations that were filed both before federal and state courts in various states of the United States, as well as before the US International Trade Commission and other governmental agencies. Mr. Wang has successfully represented clients in Jury Trials and Court Trials, as well as in Arbitration and Mediation proceedings. The legal actions include sizable and high publicity business and patent infringement cases. For example, Mr. Wang has successfully defended Linksys Corporation against Northrop Grumman Corporation in a patent infringement litigation with a non-infringement ruling. Also, Mr. Wang successfully defended Linksys Corporation before USITC in a large wireless standard infringement investigation.

Mr. Wang has been a facilitator of foreign investment coming to the United States. He has helped to bring to America international banks, public technology companies, and European media firms. Mr. Wang has also served as General Counsel to several US-based corporations.

Mr. Wang has been a frequent commentator in Chinese language newspapers regarding the legal significance of recent events that have impacted trans-Pacific international commerce and the Chinese American business community. Mr. Wang has also been a frequent speaker in events and seminars sponsored by international government agencies, think tank, and public accounting firms that are designed for international corporations focused on the political, business, legal and intellectual property issues related to doing business in America.

**Publications**

- C. Wang, A Review of the Legal Regime for Enforcement of Vessel-Source Oil Pollution Control
- Ocean Development & International Law, Vol 16, No. 4, 305 (London, 1986)

**Recognitions**

- Congress of the U.S. Certificate of Recognition, May 2005
- The National Republican Party Businessman of the Year nominee, 2004
- Certificate of Special Congressional Recognition for being a Community Leader in the Area of International Law, June 2004
- The National Republican Congressional Committee for National Leadership Award in Recognition of Outstanding Service and Commitment to Republican Ideals, and in Particular for Assistance and Leadership in Promoting a Pro-business Agenda Including Tax Reform and Fiscal Responsibility by Tom Delay, 2002
- National Republican Party Businessman of the Year, 2003
- California Legislature Assembly for Outstanding Service as Director of the Orange Country Chinese American Chamber of Commerce by Curt Pringle (Former Speaker of the California State Legislature), 1996
- California Legislature for Outstanding Service as Director of the Orange County Chinese American Chamber of Commerce by 69th Assembly Member Jim Morrisson, 1996
- California Legislature for Outstanding Service as Director of the Orange County Chinese American Chamber of Commerce by 71st Assembly Member Mickey Conroy, 1996
- State of California for Outstanding Service as Director of the Orange Country Chinese American Chamber of Commerce by State Treasurer Matt Fong, 1995
- Board of Trustees, China International University
- Present and former Board of Directors, various Chamber of Commerce and Non-Profit organizations

**Presentations & Seminars**

- "Legal Developments in China: Recent Laws, Regulations and Litigation Affecting Doing Business in China by US Companies" for the Orange County Bar Association, July 2008
- "The International Licensing Workshop: Patent Trolls" in Taipei, Taiwan, October 2008
- "IP Commercialization and Practice Seminar" in Beijing, China, October 2008
- Speaker at the Washington in the West Conference sponsored by the Los Angeles Intellectual Property Law Association, January 2009
- "Winning the US Patent Damages Case" and "Management of IP Litigation in the US" in Beijing, China, March 2009
- "Innovative Patent Defense Strategies & Tactics for Taiwan IT Manufacturers" in Taipei, Taiwan, April 2009
- "Contributory Infringement and Inducement of Infringement: Analysis & Application" in Taipei, Taiwan, July 2009

**Education**

Santa Clara University School of Law, Juris Doctor 1998  
University of Washington School of Law, Master of Law 1984  
Southern Methodist University School of Law,  
Master of Comparative Law 1983  
National Taiwan University Department of Law,  
Bachelor of Law

**Areas of Law**

Patent Litigation  
Business Litigation  
International Litigation Management  
International Corporate and Business  
Risk Management

**Bar Admission**

California, 1989  
Southern District of CA, 1990  
Northern District of CA, 1989  
Central District of CA, 1990  
Court of Appeals for the Ninth Circuit, 1990

# Wang, Hartmann, Gibbs & Cauley

INTELLECTUAL PROPERTY AND INTERNATIONAL LAW FIRM

**Richard F. Cauley**  
Senior Attorney

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Richard F. Cauley is an experienced trial attorney, specializing in complex intellectual property and antitrust matters. He has particular expertise in matters requiring economic and financial analysis.

As a former partner at the law firm of McDermott Will & Emery, LLP, based in Palo Alto, California. Mr. Cauley has over 20 years of trial experience in complex patent infringement and other trademark and copyright litigation. He has successfully represented clients in the semiconductor, semiconductor equipment, computer and disk drive industries. He has prevailed in numerous important cases for major industrial clients throughout the U.S. Mr. Cauley has received recognition for his skill in patent litigation and has been featured in a number of publications, including the European Regulatory Affairs News and Intellectual Property Today. He is also the author of *Defending Your Turf: A Battle Plan for*

*Strategic Patent Development*, a guide for attorneys in strategic patent enforcement.

**Trial and Litigation Experience**

- Lead counsel for servomotor manufacturer in patent infringement action against competitor. Obtained JMOL of infringement after a three-week jury trial and an injunction against defendant's entire product line. Later obtained summary judgment ruling holding executives of defendant company and affiliated company and its executives responsible for judgment. Judgment of infringement upheld by Federal Circuit.
- Represented intellectual property holding company as defendant in licensing dispute regarding gene therapy patents involving allegations of inequitable conduct. Matter settled after mediation with no payment by client.
- Represented software manufacturer in contract dispute with shareholders of acquired corporation over profits from CD "ripping" technology. Case settled immediately before trial on terms very favorable to client.
- Represented computer mouse manufacturer in patent infringement action. Matter settled favorably to client immediately before trial.
- Represented disk drive manufacturer and semiconductor manufacturer in products liability case involving contaminated semiconductor mold compound.
- Represented medical device manufacturer in trade secret/antitrust action involving catheter technology.
- Represented patent holder in patent infringement action against snowmobile manufacturer and its engine manufacturer regarding innovative electronic fuel injection technology.
- Represented semiconductor manufacturer in action arising under the Semiconductor Chip Protection Act.
- Represented software modem manufacturer in antitrust/patent infringement matter involving allegations of misconduct in modem standard setting.
- Represented semiconductor manufacturers in patent infringement actions.
- Represented manufacturer of fiberglass highway delineators in trade dress/fraudulent patent mis-marking action. Jury returned defense verdict after only 40 minutes of deliberation.
- Represented beverage manufacturer in trade dress infringement action. Plaintiff dropped case after client defeated preliminary injunction motion.
- Represented software manufacturer in negotiation of licensing agreements and semiconductor manufacturer in negotiation of joint venture agreement.
- Represented pesticide manufacturer in 10-week Superfund trial.
- Represented St. Louis Convention and Visitors Bureau in antitrust action against National Football League.
- Represented firearm and ammunition manufacturer in products liability actions.
- Obtained defense verdict in bench trial of product liability case.
- Jury trials in trade secret case involving disk duplication software and accountant's malpractice.
- Represented semiconductor manufacturers in patent infringement and trade secret misappropriation cases.

**Publications and Awards**

- Named to 2004 "Superlawyer" list by Law & Politics Magazine
- Winning the Patent Damages Case, Oxford Press, November 2008
- *Defending Your Turf: A Battle Plan for Strategic Patent Deployment*, European Regulatory Affairs News (January 2004) and Intellectual Property Today (June 2004)
- California Antitrust Law (1991) (co-author)

**Education**

J.D., University of Michigan Law School,  
1981, Cum Laude  
B.A. in English, Haverford College,  
1976 with honors

**Areas of Law**

Alternative Dispute Resolution  
Intellectual Property  
International Law  
Litigation & Appeals

**Bar Admission**

California, 1983  
New York, 1982

# Wang, Hartmann, Gibbs & Cauley

INTELLECTUAL PROPERTY AND INTERNATIONAL LAW FIRM

**Franklin E. Gibbs**  
Registered Patent Attorney  
Senior Attorney



Franklin E. Gibbs is a patent attorney, registered with the United States Patent and Trademark Office, who specializes in the field of intellectual property law. Mr. Gibbs has fourteen years of practical engineering experience with The Hughes Aircraft Company and Raytheon. He is also experienced in the litigation and prosecution of patents, trademarks, and copyrights. Furthermore, Mr. Gibbs has advised numerous corporate clients on the development and implementation of intellectual property policies and procedures that further include the identification and safeguarding of trade secrets.

In his practice, Mr. Gibbs has worked with a wide range of clients from the individual inventor seeking intellectual property protection for simple inventions, to medium size and large-scale corporations, to multi-million dollar aerospace companies in complex patent licensing negotiations with entities such as NASA. Additionally, Mr. Gibbs was responsible for securing the intellectual property rights for Bigelow Airspace, a space technology company that pioneers work on expandable space station modules. He brings not only a diverse and rich educational and practical background to the firm, but an approach to intellectual property that focuses on the needs and individuality of each client. Mr. Gibbs views intellectual property as an integrated body of laws that requires a practitioner to not only be concerned with the requirements in obtaining such property rights, but also demands that a practitioner have an understanding of long term strategies and analysis of licensing, cross-licensing, litigation, and negotiation that traverses any single area of the intellectual property field.

At WHGC, Mr. Gibbs is credited with implementing a patent prosecution process that focuses on client needs including developing patent applications with a focus on litigation, licensing, international portfolio and management, and securing venture capital. Mr. Gibbs has also been successful in working with other firms on complex patent matters and coordinating efforts to defeat what has recently been coined as "patent trolls."

### Intellectual Property Experience

Mr. Gibbs has proven success in working with experts from among the nation's top universities such as MIT, Cal Tech and Berkley on technically challenging patent cases.

Mr. Gibbs has prosecuted or defended in patent, trademark, and copyright infringement litigations. He has advised clients on intellectual property matters including trade secrets and unfair competition issues as well as patentability of inventions, trademarks and copyright items. Mr. Gibbs also has experience in drafting licensing agreements for patents and copyrights.

### Professional Associations and Memberships

- American Intellectual Property Lawyers Association (AIPLA)
- Orange County Patent Lawyers Association (OCPLA)
- Institute of Electrical and Electronics Engineers (IEEE)
- Orange County Bar Association

### Honors & Awards

Mr. Gibbs was a recipient of the Hughes Aircraft Company's Superior Performance Award for identifying and spearheading a project engineering change that improved performance while reducing program cost by several million dollars, 1985

Mr. Gibbs also received the Hughes Aircraft Company's Division 16 Employee of the Year Award, 1985.

### Presentations & Seminars

- "The New Private Ordering of Intellectual Property: The Emergence of Contracts as the Drivers of Intellectual Property Rights" at the University of Maryland School of Law, April 2008
- "The International Licensing Workshop: Patent Trolls" in Taipei, Taiwan, October 2008
- "IP Commercialization and Practice Seminar" in Beijing, China, October 2008

### Education

J.D., Western State University, College of Law 1966  
Master of Science in Physics, California State University,  
Long Beach 1990  
Bachelor of Physics, California State University,  
Fullerton 1983  
Fullerton Junior College 1978

### Areas of Law

Patent Prosecution and Litigation  
Trademark Prosecution and Litigation  
Copyright Applications and Litigation  
Intellectual Property Licensing  
Unfair Competition and Trade Secret Litigation

### Bar Admission

California, 1997  
U.S. Patent and Trademark Office, 1998

**Peter O. Huang**  
Senior Associate



Peter O. Huang's practice focuses primarily on civil litigation, with an emphasis on intellectual property and business litigation. He has experience in all aspects of managing and preparing cases, including intake, discovery, law and motion, trial, and appellate work. Mr. Huang has worked on cases involving patents, copyrights, trademarks, trade secrets, breach of contract, fraud, employment law, and transactional issues. In addition, he has performed basic transactional work involving items such as non-disclosure agreements and license agreements.

Mr. Huang attended the University of California at Berkeley for his undergraduate studies in Chemical Engineering and Chemistry. He attended the law school at the University of California Davis for one year before returning to the University of California at Berkeley to complete his legal education. During law school, he was a member of the California Law Review and received numerous academic awards.

Upon graduation, Mr. Huang was admitted to the California Bar in 1999. He served for a year as a research attorney at the Sonoma County Superior court. Afterwards, he spent four years as an associate at the international law firm of McDermott, Will, and Emery in its Palo Alto Office. He has been working at Wang, Hartmann, Gibbs and Cauley since 2005.

### Education

J.D., Boalt Hall School of Law at the University  
of California, Berkeley, 1999  
B.S. in Chemical Engineering & Chemistry,  
University of California, Berkeley, 1995

### Areas of Law

Alternative Dispute Resolution  
Intellectual Property  
IP Litigation  
IP Transactions & Business Licensing  
Litigation & Appeals

### Bar Admission

California, 1999  
U.S. District Court Northern District of California, 2001  
U.S. Court of Appeals 9th Circuit, 2002  
U.S. Supreme Court, 2004  
U.S. District Court Central District of California, 2005

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# Wang, Hartmann, Gibbs & Cauley

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**John D. van Loben Sels**  
Registered Patent Attorney  
Senior Attorney

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John D. van Loben Sels has over 13 years of experience working on a wide variety of complex patent infringement and other intellectual property litigation matters in both federal district court and the U.S. International Trade Commission. In those cases, Mr. van Loben Sels had a substantial leadership position on the teams. The technologies for the cases he has worked on range from semiconductor design to wireless telephony to software and computer design. Mr. van Loben Sels also has experience with copyright, trademark and trade secret claims. In addition, his work has included licensing negotiations with U.S. and international patent holding companies, as well as several pre-litigation patent infringement and licensing counseling matters concerning LCD technology.

In addition, he has experience in securities matters involving federal and state shareholder class actions and corporate control contests. He has represented securities issuers before a variety of parallel securities investigations by government agencies, including the SEC, United States Attorney, Office of the Comptroller of Currency, and FDIC.

## Professional Experience

Prior to joining Wang, Hartmann, Gibbs & Cauley, Mr. van Loben Sels worked for several prestigious law firms, including Dechert LLP. As a Senior Associate at Dechert, he specialized in patent litigation, representing an international computer maker in multiple patent actions in both the Western District of Wisconsin and the U.S. International Trade Commission. His work included representation of an electronic design automation provider in two complex multi-patent actions pending in the Northern District of California and the District of Delaware. He gained additional experience conducting trade secret representations for an electronic design automation software tool provider. While at Dechert, Mr. van Loben Sels supervised multiple senior and junior associates conducting various pretrial projects.

Prior to attending law school, Mr. van Loben Sels served on active duty in the U.S. Air Force as a Captain and project engineer designing and managing heavy construction projects in Korea, Japan, Okinawa and The Philippines.

Mr. van Loben Sels also worked as a legislative assistant for Missouri Congressman Ike Skelton, Chairman of the House Armed Services Committee.

## Representative Highlights

- Represented an international computer company in multi-patent infringement actions in both the U.S. International Trade Commission and the Western District of Wisconsin. The cases included patents for semiconductor design and power management.
- Represented a U.S. computer company in multi-patent infringement action pending in the Southern District of California. The patents in this case concerned audio coding and digital video media inventions.
- Represented a semiconductor design company in multi-patent infringement actions pending in the Northern District of California and the District of Delaware. The patents in that case concerned software design inventions for data management.
- Represented a U.S. electronic design automation company in multi-patent infringement actions pending in the Northern District of California and the District of Delaware. The patents in that case concerned software design inventions for data management.
- Represented a Taiwanese semiconductor fabricator in a patent infringement action in the Northern District of California. The case involved two patents: one for SRAM and one for DRAM.
- Represented an optical router company in the Eastern District of Texas against claims of trade secret misappropriation related to the design and construction of the client's optical internet router.
- Represented a medical device company in a patent infringement action in the Northern District of California on a patent dealing with LCD and software controls for kidney dialysis machines.
- Represented an international gaming company in a multiple patent action in the District of Nevada involving patents for cashless slot machines and video slot machines. Worked closely with the client's designers and other fact witnesses to defend against patent infringement claims.
- Represented an agricultural technology company in a patent infringement action in the Northern District of California for a technology involving the production through recombinant DNA technology of bovine growth hormone.
- Represented a software security company in a patent infringement action in the Northern District of California. The patent involved technology for defending against Internet viruses and worms.
- Represented a national catalog retailer in a trade secret, copyright and trade dress complaint arising out of a key manager's move to the client.
- Represented a national wireless telephone company in a multiple patent infringement action in the District of Massachusetts. The patents concerned a method for billing and regulating pre-paid cellular calls.
- Represented a software company in its defense of a competitor's hostile takeover action.

## Publications

- Note, From Watergate to Whitewater: Congressional Use Immunity and Its Impact on the Independent Counsel, 83 GEO. L.J. 2385 (1995)
- Note, Habeas Rights for State Prisoner; Habeas Rights for Federal Prisoners, 82 GEO. L.J. 1300, 1348 (1994) (with J. Turitz)

## Memberships

Palo Alto Area Bar Association

## Presentations & Seminars

- "Winning the US Patent Damages Case" and "Management of IP Litigation in the US" in Beijing, China, March 2009
- "Innovative Patent Defense Strategies & Tactics for Taiwan IT Manufacturers" in Taipei, Taiwan, April 2009

## Education

J.D., Georgetown University Law Center 1995  
B.S. in Civil Engineering, Stanford University 1987  
B.A. in Political Science, Stanford University 1987

## Areas of Law

Patent Litigation  
Trademark Prosecution and Litigation  
Copyright Applications and Litigation  
Intellectual Property Licensing  
Unfair Competition and Trade Secret Litigation

## Bar Admission

Texas, 1995  
California, 1999  
U.S. Patent and Trademark Office, 2006  
Court of Appeals for the Federal Circuit  
Court of Appeals for the Third Circuit  
Court of Appeals for the Ninth Circuit  
York, 1982

# Wang, Hartmann, Gibbs & Cauley

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Senior Associate

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Jason Witten's practice concentrates on business litigation and corporate guidance with an emphasis on international transactions, intellectual property, real property and contracts. Specifically, he litigates a variety of business matters including intellectual property, corporate fraud, labor issues, and commercial transactions, as well as providing day-to-day advice in how to avoid litigation in these areas of law. Further, Mr. Witten has handled a number of corporate transactions, including mergers and acquisitions. In addition, he is the contact window for the majority of WHGC's corporate clients. Mr. Witten has significant lead trial experience and has represented large domestic and overseas companies in their day-to-day business dealings. In addition to being a licensed California attorney, he was added to the United Kingdom Roll of Solicitors in 2008. Some examples of his work experience include:

**Trials**

Represented large tech company lessee against property owner lessor in a triple net lease action resulting in jury verdict that saved his client over a million dollars which accounted for 80% of the demand. Represented a land owner against his partner at trial severing their partnership, retaining 80% of the land, and defeating a claim for fraud. Represented an Asian tech company against its US customer at trial obtaining a verdict for the full amount owed of \$520,000 owed and fraud.

Obtained a \$2.7M jury verdict in favor of the client for breach of contract and breach of the implied covenant of good faith and fair dealing arising from the defendant's refusal to honor a \$1.3M promissory note between defendant and the widow's late husband. The jury rejected the defendant's claim that the note had been cancelled by the late husband, instead finding the writing of the alleged cancellation to be a forgery and refusing to believe the defendant's story.

**Notable Litigation Resolutions**

May 2008, defeated patent holder in mobile phone patent litigation in North Carolina; May 2008, defeated mobile phone patent holder in litigation in Eastern District of Texas; June 2008, successful negotiation and settlement of securities and fraud litigation for defendant client California State Court; June 2008, successful negotiation and settlement of copyright and contract litigation with licensee in Central District of California; Large settlement representing Plaintiff in Patent Litigation; May 2008, successful negotiation and settlement of labor litigation in Central District of California; March 2008, successful negotiation and settlement of German corporation – US subsidiary dispute in California State Court.

**2008 Non-Litigation Representations**

Represent 2 dozen Asian and US companies in ongoing commercial transactions including OEM, ODM, Master Purchase/Sale Agreements, Indemnity Agreements, LOI, Consumer/ Customer issues, Mergers & Acquisitions, Corporate Governance, Shareholder Disputes, Issuance of Stock, Formation, and Licensing.

**Seminars Written and/or Taught**

- "Winning the US Patent Damages Case" and "Management of IP Litigation in the US" in Beijing, China, March 2009
- "Innovative Patent Defense Strategies & Tactics for Taiwan IT Manufacturers" in Taipei, Taiwan, April 2009
- 12th Annual Washington in the West Conference sponsored by the Los Angeles Intellectual Property Law Association, Los Angeles, 2009
- IP Commercialization & Practice Seminar sponsored by the Beijing IP Protection Association, Beijing, China, 2008
- 2008 Supreme Court Updates in Patent Litigation, Raworth, Moss & Cook, London, England, 2008
- 2008 Supreme Court Updates in Patent Litigation, Taiwan Intellectual Property Association, Taipei, Taiwan, 2008
- Introduction to U.S. Patent Litigation, Dongguan, China, 2005
- Strategy - Analysis Process: An Introduction to Intellectual Property Litigation in the United States, Intellectual Properties Committee of Beijing Bar Association, Beijing, China, 2004
- Introduction to Patent Litigation in the United States, Asia Pacific Intellectual Property Association Summer Lecture, Taiwan, 2002
- 4th Amendment, Florida Association of Criminal Defense Lawyers, Summer Lecture, Dade County Chapter, 1997

**Honors and Awards**

- Certificates of Recognition for Outstanding Academics and Community Service, California State Senate and California Legislature Assembly, 1990
- Dean's Honor Roll, University of Miami School of Law, 1995
- Dean's Honor Roll, University of California Santa Barbara, 1990 - 1991
- United Nations Model Debate, First Place, Harvard University, 1990
- United Nations Model Debate, First Place, University of California, Berkeley, 1990
- United Nations Model Debate, First Place, University of California, San Diego, 1990
- Superior Academics and Community Service, City of Huntington Beach Chamber of Commerce, Ted Bartlett Memorial, 1990

**Education**

University of Miami School of Law, Coral Gables, Florida, 1998, J.D.  
Honors: First Place, Litigation Skills Workshop, 1997 / Dean's Honor Roll, 1995  
University of California, Santa Barbara, 1994,  
B.A. in Law & Society

**Areas of Law**

Intellectual Property  
Business Litigation  
Corporate Guidance

**Bar Admission**

California, 2002  
UK, 2008

# Wang, Hartmann, Gibbs & Cauley

INTELLECTUAL PROPERTY AND INTERNATIONAL LAW FIRM

## George Chen

Senior Associate

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George C.C. Chen has been practicing law for over 25 years. In his experience, he has rendered legal services to TSMC, UMC, Mosel Vitelec, ProMOS Tech, Inventec, Apple Computer, Yahoo Taiwan, AMD, Microsoft Taiwan, Hewlett Packard Taiwan, Autodesk, Borland, Adobe, SAS Computer, Trend Micro, MiTAC International, Asus, Quanta, BenQ, Invetec, Compal Electronics, First International Computer, Walsin Tech, Teco, Chunghwa Telecom (Hinet), Digital United (SeedNet) all with respect to Intellectual Property matters, General Business matters, Litigation and/or Contract and Employment Law.

Mr. Chen has represented numerous high technology companies in patent licensing and negotiation against companies such as IBM, AT&T, Lucent, Philips, Intel, Siemens, Micron, Kodak, Hitachi, Toshiba, Seiko and Rockwell, among many others.

In 1996, Mr. Chen founded the Science & Technology Law Center at the Institute for Information Industry. While there, Mr. Chen assisted 100 local high technology companies in Taiwan build-up a task force for "Corporate Internal Management of Intellectual Property & Patents."

### Published Books- English

- Online Service Providers: International Law & Regulations (Co-author), Oceana Publications, Inc., Dobbs Ferry NY, 2003
- China's Information Technology Policy & Legislation Volume II, (Co-author), TransAsia Publishing, Hong Kong, 2001)

### Published Books- Chinese

- Review and Comment on the Copyright Law (Co-author, Taipei, 2005)
- Fair Trade Law & Intellectual Property (Co-author, Taipei, 1999)
- Internet vs. Law (Co-author, Taipei, 1998)
- Legal Guide Book on Multi-media works (Co-author, Taipei, 1995)
- Copyright Law Practice (Co-author, Taipei, 1992)
- Copyright Contracts (Co-author, Taipei, 1992)
- Sixty Lectures on Trade Secrets (Co-author, Taipei Computer Association, 1993)
- Comment on Parallel Imports (Co-author, Chinese National Federation of Industries, 1991)
- Computer Intellectual Property Law (Taipei, 1990)
- Copyright of Computer Software (Co-author, Taipei, 1989)
- Practice on Copyright (Co-author, Taipei, 1988)

### Additional Publications

- ADR System in Taiwan, Dispute Resolution Mechanism in Information Technology Age, Japan SOFTIC Symposium, Published by Software Information Center, Tokyo, 2002
- The Present and Future of Internet and Electronic Commerce in Taiwan --- The Current Status of Legislation and The Future Measures for Electronic Commerce, The Present Status of Use of Internet in Asia and Oceania, Japan SOFTIC Symposium 2000, Tokyo
- Int'l Response to Cyber Crime: Asian Perspective --- Taiwan, Japan, Hong Kong, Singapore, China, Vietnam, and Thailand, Conference on International Cooperation to Combat Cyber Crime and Terrorism, Published by Stanford Univ., Palo Alto, 1999
- Software Development and Exclusive Distribution Agreements, Japan SOFTIC Symposium, Published by Software Information Center, Tokyo, 1998
- Electronic Commerce on the Internet: Legal Development in Taiwan, John Marshall Journal of Computer & Information Law, Volume XVI, Number 1, Fall 1997
- The Internet and its Legal Ramifications in Taiwan, Seattle University Law Reviews, Volume 20, Number 3, Spring 1997
- Legal Protection of Computer Software in Both Sides of Taiwan Straits, LES (Licensing Executives Society), Urumuqi, China, 1997
- A Balance between Protection and Exploitation of Digital Content, Japan SOFTIC Symposium, Published by Software Information Center, Tokyo, 1997
- Networks Related Copyright Issues in Taiwan SOFTIC Roundtables Intellectual Property Protection in Asia, Published by Software Information Center, Tokyo, Nov. 28-29, 1996
- Copyright Protection of Computer Software in Taiwan and Its Enforcement by the Information Product Anti-Piracy Alliance Hastings International and Comparative Law Review, Vol.19, Number 4, Summer 1996

### Research Projects for Taiwan Government Agencies

- Research on Copyright Issues Relating to New Use of Internet Technology (Intellectual Property Office, 2006)
- Technological Protection Measure for Copyright (Intellectual Property Office, 2004)
- Research on Electronic Commerce Related Legal System (Council for Economic Planning & Development, Cabinet 2002)
- Complete Legal Research on Taiwan Copyright Law System (Intellectual Property Office, 2002)
- NII Related Legal Infrastructure Establishment Project (Council for Economic Planning & Development, Cabinet 1998)
- Examination Guideline for Computer Software Related Invention (Intellectual Property Office, 1998)
- Electronic (Digital) Signature Law (Ministry of Economic Affairs, 1998)
- Science and Technology Fundamental Law (National Science Council, Cabinet 1997)
- The Response and Solution of Copyright Law to Developments in High-Technology and Internet (Copyright Office, 1996)
- Research on the Application of the Fair Trade Law with regard to Technical Licensing (Fair Trade Commission, 1994)
- Research on Related Legal Problems for Article 24 of the Fair Trade Law (Fair Trade Commission, 1994)

### Co-Drafted Law Provisions & Amendments for the Taiwan Government

- Copyright Law (WIPO Digital Treaty, Draft)
- Electronic (Digital) Signature Act (Draft)
- Science & Technology Fundamental Law
- Trade Secret Law
- Draft of Industrial Technology Development Law
- Examination Guideline for Computer Software Related Invention

### Education

LL.M., University of Washington School of Law  
LL.B., National Taiwan University School of Law

### Areas of Law

Trademark Prosecution and Litigation  
Copyright Applications and Litigation  
Intellectual Property Licensing  
Unfair Competition and Trade Secret Litigation

### Bar Admission

Taiwan, 1982  
Taiwan Intellectual Property Office, 1982

# Wang, Hartmann, Gibbs & Cauley

INTELLECTUAL PROPERTY AND INTERNATIONAL LAW FIRM

**John F. O'Rourke**  
Of Counsel  
Registered Patent Attorney  
Senior Associate



John F. O'Rourke is a registered patent attorney with over 35 years of experience in the applied sciences, including nearly 25 years as an electrical/computer engineer. He counsels and represents clients in matters concerning technology and intellectual property law, particularly in the areas of patent assertion, validity, right-to-use, claim coverage, infringement, and enforcement; strategic foreign patent filing; design patents and trademark selection; and the identification and preservation of trade secrets.

Mr. O'Rourke has prepared several hundred original U.S. patent applications across a spectrum of technical disciplines, including semiconductor and optical devices, materials, and fabrication; computer, communication and network components, interfaces, systems, and protocols; multidimensional and adaptive signal processing architectures and techniques; embedded systems and multimode human-computer interfaces; operating systems, compilers, and applications programs; biometric, secure communication, and cryptographic systems; biomedical and radiological devices; biological and molecular computing; and simple mechanical devices.

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## IC- and Computer-Related Experience

Advanced processor and controller architectures: MIMD, SIMD, VLIW, RISC; Multiprocessing and multithreading techniques and strategies; Speculative, branch prediction, and ILP techniques and strategies; Cache memories and buffers: hierarchical, multiport, associative, CAM designs; Shared memory multiprocessing and memory management units; SOC, multi-core and MCM devices and techniques; Electrical, optical, RF/microwave and multimode signaling methods; VLSI design, fabrication, packaging, testing and production: CMOS, GaAs, SiC; Busses, bus interfaces, multilevel signaling, I/O processing and optimization; and Low power methods- power, floor plan, layout, and instruction set to optimization.

## Communications and Network Experience

Adaptive signal processing and architectures; spatial and frequency diversity; multidimensional and array signal processing, including image processing; ISO/OSI Reference Model Layer 1 and 2, including PHY & MAC; ISO/OSI Reference Model Layer 3 & 4, including IEEE 802.x; Bluetooth; Signal conditioning and timing management: ADC, A/D filters, VCO, C/PLL; Modulation devices and methods: AM, FM, n-PSK, -FSK, -QAM, -PAM, OFDM; Broadcast/access techniques and architectures: TDMA, FDMA; Mobile telecommunications networks: 2G/2.5G/3G (IMT-2000); Coding techniques: Reed-Solomon, BCH, Turbo, and Viterbi techniques; Components: FEC; interleavers, constellation map/mux; clocks, CDR, oscillators; and Audio/Video amplifiers, filters, and coding; Acoustic techniques.

## Professional Legal Experience

- Corporation Patent Counsel, Unisys Corporation, Blue Bell, Pennsylvania
- Associate Attorney, Christie, Parker & Hale, PC, Newport Beach, California
- Associate Attorney, Buchanan Ingersoll, PC, Pittsburgh, Pennsylvania

## Education

J.D., Temple University School of Law, 1993  
M.S. in Electrical Engineering, Villanova University, 1989  
B.S. in Electrical Engineering, Villanova University, 1984

## Areas of Law

Intellectual Property  
Technology Transfer and  
Competitive Intelligence

## Bar Admission

Pennsylvania, 1993  
District of Columbia, 1995  
US Patent & Trademark Office, 1995

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Jennifer Ishimoto concentrates her practice on complex intellectual property disputes, particularly focusing on litigation. She has vast experience in commercial disputes involving patents, trademarks, trade secrets, contract disputes and licenses. Ms. Ishimoto has represented clients in a wide range of technology areas, including computer disk drives, various mechanical motors, computer cameras, electronic design automation software, medical devices, electrical, telecommunications, golf balls, material composition, and networking. Ms. Ishimoto has also handled numerous cases involving design patents and represented clients in front of the Trademark Trial and Appeal Board involving trademark opposition.

She is experienced in all aspects of managing and preparing cases for trial, including: pre-suit investigation, client counseling, formulating case strategy, engaging in and directing all phases of discovery, retaining and working with experts, motion practice, and pre-trial filings. She has successfully briefed and argued various motions before federal and state courts. She has also represented clients in mediation, arbitration, and early neutral evaluation. In addition to her expertise in intellectual property, Ms. Ishimoto also represents clients in family law disputes. She has represented dozens of clients, working on difficult issues regarding child custody and division of property.

**Representative Highlights**

- Successfully represented sunglass company in over a dozen cases in both federal district court alleging design patent infringement and/or trademark infringement and before the Patent Trademark Trial and Appeal Board opposing marks for registration.
- Represented disk drive company against claims of patent infringement and trade secret misappropriation where the plaintiff has alleged \$800 million in damages. The case involved a landmark decision, where the Federal Circuit overturned 24 years of precedent in client's favor, preserving the attorney-client privilege and abolishing the duty of care standard for defendants on notice of a patent claim.
- Advised technology company regarding validity of various licenses after corporate restructuring.
- Represented client in defense of patent infringement claims against its automated semiconductor chip design software. Case settled after Markman and expert reports.
- Represented client in a joint venture dispute concerning the terms of the parties' agreement. Case settled before arbitration favorably to client.
- Represented patent holder in patent infringement action against golf company regarding innovative golf ball construction. Defendant conceded infringement and jury found that the patents were valid. Damages trial pending.
- Represented patent holder in patent infringement action against snowmobile manufacturer and its engine manufacturer regarding innovative electronic fuel injection technology.
- Represented medical device manufacturer in patent litigation involving catheter technology.
- Successfully represented semiconductor company against claims of patent infringement relating to video compression and networking technology through trial. After a three-week trial, the jury found the client had not infringed the patents in question, finding one of the patents invalid as well. The case was described as one of the top 20 defense verdicts of 2001 by the National Law Journal.

**Awards and Recognition**

- 2nd Place West Regionals Saul Lefkowitz Moot Court Competition, 1999. Placed 6th nationwide in the brief portion of the competition
- Best Oral Advocate Team, West Regionals Saul Lefkowitz Moot Court Competition, 2000
- Certification of Excellence and Top Oral Advocate in Legal Analysis, Research and Writing, 1998

**Education**

J.D., Santa Clara University School of Law, 2000  
B.S. in Mechanical Engineering, University of California at Berkeley, 1997

**Areas of Law**

Intellectual Property  
Patents  
Trademarks  
Litigation

**Bar Admission**

California, 2000

# Wang, Hartmann, Gibbs & Cauley

INTELLECTUAL PROPERTY AND INTERNATIONAL LAW FIRM

**Kenneth A. Ohashi**  
Senior Associate

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**Telecommunications**

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Mr. Ohashi focuses his practice on general business litigation matters, and has handled a broad range of cases ranging from breach of contract to Unfair Competition claims such as the misappropriation of trade secrets and tortious interference with economic relationships. Mr. Ohashi specializes in the area of research and law and motion, and has successfully argued before the State and Appellate courts of California on behalf of both plaintiffs and defendants. Although an aggressive litigator for his clients, Mr. Ohashi is also an advocate of negotiation and alternative forms of dispute resolution where they are available and appropriate. Mr. Ohashi is a graduate of the Center for Conflict Resolution at Loyola Law School, and has been certified through its Advanced Mediation Training program.

Prior to joining WHGC, Mr. Ohashi was employed by the AV-rated law firm of Dapeer, Rosenblit & Litvak, LLP. As a principal research and law and motion attorney, Mr. Ohashi represented a broad range of both private clients and municipal agencies in various litigation matters from business torts to public nuisance violations.

Mr. Ohashi has also served as a Deputy City Attorney with the AV-rated law firm of Woodruff, Spradlin & Smart, APC, where he focused upon civil, criminal, and administrative code enforcement litigation and prepared legal opinions and research memoranda for municipal agencies throughout California.

Mr. Ohashi is also an accomplished musician, having obtained a Masters in Music in performance from the University of Southern California. He has performed at various venues throughout California, and has taught the piano, clarinet, and music theory to students of all ages for over twenty years. He continues to enjoy imparting his knowledge of the arts to students outside his law practice.

**Past Employment Positions**

- Dapeer, Rosenblit & Litvak, LLP (AV), Litigation Attorney
- Woodruff, Spradlin & Smart, APC (AV), Deputy City Attorney
- Los Angeles County Employees Retirement Association, Law Clerk
- Robinson & Pearman, LLP (AV), Law Clerk

**Professional Organizations**

- American Bar Association
- Los Angeles County Bar Association
- Orange County Bar Association
- Japanese American Bar Association.

**Education**

Loyola Law School, Los Angeles, California, May, 2003  
Juris Doctor  
Law Review: International and Comparative Law,  
2002 - 2003

University of Southern California,  
Los Angeles, CA, USA, 2004  
Master of Arts in Music  
University of California at Los Angeles,  
Los Angeles, CA, USA, 1994  
Bachelor of Arts in Music

**Bar Admission**

California, 2004

**Erick P. Wolf**

Registered Patent Attorney  
Senior Associate

**Address**

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Erick Wolf is a patent attorney registered with the United States Patent and Trademark Office who focuses primarily on patent litigation, patent prosecution, and complex business litigation. Over the past 5 years as an associate in WHGC's patent litigation practice, Mr. Wolf has been extensively involved in all aspects of litigation, including pre-litigation counseling, discovery, summary judgment, and trial preparation, argument and examination. He has been counsel in numerous patent infringement actions in federal district courts, and has successfully argued motions in district courts across the United States.

Mr. Wolf has litigated and prosecuted patents in a wide variety of technical areas with particular focus on mechanical and electrical technologies. In particular, he has handled and been involved with numerous litigation and other matters involving mobile phones, video adapters, digital cameras, optical lenses, storage routers, paper shredders, and medical devices. He is adept at dealing with the complex and dynamic interplay of issues that arise in patent litigation including those involving multiple defendants, indemnity, and foreign client and patent-related matters. Mr. Wolf has also prepared numerous patent application including applications for medical devices, automotive accessories, industrial equipment, optical lenses, and food-processing equipment.

**Litigation & Prosecution**

Mr. Wolf has enjoyed considerable success on both the litigation and prosecution sides of IP law. For instance, Mr. Wolf successfully argued a motion to dismiss for lack of personal jurisdiction in a heated copyright dispute over medical coders. In that litigation, the court dismissed the case from Pennsylvania, allowing WHGC's client to file in California. After further litigation, the client ended up settling on favorable terms. Similarly, on the patent front, Mr. Wolf recently authored a food processing patent application involving a new type of vegetable cutting apparatus that was successfully licensed. The licensed device is now in widespread use in the food processing industry.

Prior to joining WHGC, Mr. Wolf worked for one of Los Angeles' premier intellectual property law firms where he gathered an extensive amount of experience in both patent prosecution and litigation. During that time, Mr. Wolf drafted numerous patent applications and participated in patent litigation involving Fortune 500 companies. Mr. Wolf also draws from his civil litigation expertise stemming from a significant amount of experience acquired during his time at one of Southern California's leading automotive defense firms.

**Recognition & Awards**

- CALI Award – Patent Law
- Named a 2009 Southern California Rising Star by Super Lawyer Magazine

**Presentations & Seminars**

- "Contributory Infringement and Inducement of Infringement: Analysis & Application" in Taipei, Taiwan, July 2009

**Education**

J.D., Whittier Law School, 2001  
B.S. in Mechanical Engineering, Rensselaer  
Polytechnic Institute, 1997

**Areas of Law**

Intellectual Property  
Alternative Dispute Resolution  
Business Organization & Transaction  
Employment Law  
IP Litigation  
IP Prosecution- Patents & Trademarks  
IP Transactions & Business Licensing  
Litigation & Appeals

**Bar Admission**

California, 2003  
US Patent & Trademark Office, 2004

# Wang, Hartmann, Gibbs & Cauley

INTELLECTUAL PROPERTY AND INTERNATIONAL LAW FIRM

**Victor S.Y. Cheng**  
Attorney



Victor Cheng was first admitted into the Taiwan Bar Association in 2002 and later admitted to the New York Bar in July 2008. Mr. Cheng primarily practices in the area of international business litigations and intellectual property law. Specifically, he handles a variety of cross-border matters, including multi million international business litigations involving US, China, Taiwan, and BVI defendants; shareholder disputes and corporate law litigations; and represents many US based corporations dealing with contract disputes with Taiwan based companies. He also represents a Taiwanese publicly traded company in litigation against Fujifilm Group for breach of contract. Prior to joining WHGC, Mr. Cheng practiced law in Taiwan for many years. Because of his experience in both Asia and North America, he is able to integrate the strength of different legal proceedings and provide our customers with cross-border solution. Mr. Cheng counsels clients involved in cross-boarder matters in legal strategies and also works to bridge the gap that results from the differences between legal systems and cultures. He is also familiar with alternative resolution of the litigations, such as arbitration and mediation.

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**Past Employment Positions:**

Taiwan Shihlin District Court, Public Defender, 2004 - 2006  
Chen and Lin Law Firm, Attorney at Law, 2002 – 2003

**Languages:**

- Chinese
- English

**Education**

LL.M., Northwestern University School of Law, 2007  
LL.M, National Taipei University, 2004  
B.A. in Law, National Taipei University, 2000

**Areas of Law**

Intellectual Property  
Business Litigation  
International Litigation

**Bar Admission**

New York, 2008  
Taipei, 2002

**Jiong Ming Hu**  
Senior Associate



Jiong Ming Hu serves as WHGC's affiliate of Shanghai-based clients and potential clients. He supports business transactions, conducts patent infringement enforcement and other legal matters in Shanghai. Mr. Hu has been working with WHGC since 2006 to protect American companies doing business in China.

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Mr. Hu has an impressive list of representative clients including but not limited to Duracell (China) Ltd., Gillette (Shanghai) Limited, Braun (Shanghai) Co., Ltd., Shanghai International Aero-Technology Trading Corporation, Clean China Limited and Jian Shu Shin Chang Jian Industrial Group, Co., Ltd.

Mr. Hu is also a partner at the Shanghai Gong Yuan Law Firm. He serves as legal counsel to Clean China Limited, the first public company registered with the Shanghai Stock Exchange. Mr. Hu has gained many favorable results in cases for Clean China. In addition, he facilitated the purchase of the Shanghai A8 (Hua Han) Highway Shanghai with the purchase price of 3,200,000,000 RMB and the expansion of construction work on the Shanghai stretch of the A8 highway for his client.

From 1992 to 1995, Mr. Hu provided legal representation to Gillette (Shanghai) Limited and Braun (Shanghai) Co., Ltd. along with other large corporations.

Between 1986 and 1992, Mr. Hu served as a legal consultant and managing attorney for the following: Shanghai International Aero-Technology Trade Corporation, Shanghai Seven Hundred Group, Ltd., Shanghai Shin Kai Fu Hotel, Shanghai Number Seven Hundred Department Store, Shanghai New Century Cultural Products Ltd., Shanghai International Aero Science Technology Trading Co., Ltd., Shanghai Hon Ko Service Co. Headquarters, Shanghai Ten Long Non-Weave Fabric Company, Shanghai Yi Mai Fiber Ltd., Shanghai Business Assets Management Company, Shanghai Pu Don New District Lin Kong Corporation Development Ltd., Shanghai Jin Jong Business Development Co. and others.

**Education**

East China University of Science and  
Technology School of Law, Master of Law  
East China University of Political Science and  
Law, Bachelor of Law

**Areas of Law**

Business Transactions  
Patent Infringement  
Securities Law

**Bar Admission**

China