

ALEXANDRA P. YANG

Partner

Fangda Partners

+86 10 5769 5600

pu.yang@fangdalaw.com



PRACTICE AREAS

MS. YANG IS A PREEMINENT IP TRIAL LAWYER FOCUSING HER PRACTICE ON HIGH-PROFILE IP AND ANTITRUST LITIGATION. MS. YANG DEALS WITH GLOBAL IP ISSUES IN ADVISING AND WORKING WITH MULTINATIONAL AND HIGH-TECH COMPANIES IN INDUSTRIES SUCH AS TELECOMMUNICATIONS, ELECTRONICS, PHARMACEUTICALS AND IT.

Alexandra Yang is one of China's premier patent litigators. As a recognized consulting expert to the Chinese Supreme Court's IP Research Center, she has extensive experience in every area of IP law, including patent, copyright, trademark and trade secrets. Ms. Yang represents many Fortune 500 companies and leading technology companies in their most important matters and cases, such as Apple v. Qualcomm, Apple v. IWNCOMM, Intel v. VSLI, Microsoft v. Neodron, Cisco v. Dunjun, Eli Lilly v. Watson, and New Balance v. Zhou.

Many of Ms. Yang's cases have been groundbreaking in furthering the development of the intellectual property and competition laws in China. She has argued more than 10 cases before the Supreme Court, with four cases being recognized as "top cases" by the Supreme Court. And the Eli Lilly v. Watson case was the only invention patent case recognized as a "Guidance Case" by the Supreme Court from 2010 to 2020.

Ms. Yang has been consistently ranked as a leading lawyer in Chambers, IAM Patent 1000, Managing IP, and Benchmark litigation for her IP practice in China. The most recent awards include Tier 1 Patent Litigator, IAM Patent 1000 (2020), Tier 1 trademark Litigator, WTR (2020), Patent Star, Managing IP (2020), Litigation Star, Benchmark (2020), and others.

IAM recognizes Ms. Yang as one of the "the country's most formidable patent litigators." WTR has also recognized Ms. Yang as "the crème de la crème of Chinese IP litigators" who "is heavily involved in multiple high-profile disputes" and "the teams she develops always create and execute winning legal strategies that yield outstanding results."

REPRESENTATIVE MATTERS AND CASES

- Represented Apple in Apple v. Qualcomm in challenging Qualcomm's abusive SEP licensing scheme in order for Apple to protect its downstream market. Apple brought a series of civil actions covering a wide range of causes of action, including anti-monopoly, determination of FRAND terms, and declaratory judgment of non-infringement. These actions were in addition to defending more than 30 patent infringement cases brought by Qualcomm before more than 10 major IP courts and High Courts, including the Supreme People's Court. The parties combined claimed more than RMB 1.6 billion in damages against each other. This is the trial of the century .
- Represented Intel in defending two patent infringement actions filed by VLSI Technology LLC, a non-practicing entity (NPE) and a subsidiary of Fortress Investment, before the Shanghai Intellectual Property Court and the Shenzhen Intermediate Court, respectively. The infringement action in these two cases and other patent infringement suits filed by VSLI against Intel around the world represents a common tactic used by NPEs to force a defendant to accept its license terms.
- Represented Watson in Eli Lilly v. Watson Pharmaceuticals, a patent infringement case in which the Supreme Court found Watson did not practice the patent-at-issue and reversed an injunction and the RMB 151 million in damages awarded by the first instance court. As the first Model IP Case of the Supreme Court, the trial was broadcast nationwide on International IP Day, April 26, 2014. (Selected as one of the annual TOP 10 IP cases of the PRC Supreme Court.).
- Represented New Balance in New Balance v. Zhou, a trademark infringement case before the Guangdong High Court and the Supreme Court in which a record-breaking RMB 98 million award was reduced to RMB 5 million.
- Represented Ralph Lauren Corporation against various trademark squatters and infringers in over a hundred litigation proceedings, including trademark infringement lawsuits, copyright infringement lawsuits, unfair competition lawsuits and administrative litigation proceedings before multiple forums including the Shanghai IP Court, the Beijing IP Court and the Suzhou IP Court. Creative approaches were successfully adopted to collect evidence and capitalize on interim measures to achieve favorable results for the client in the IP litigation proceedings.
- Represented Astellas, Japan's second-largest pharmaceutical company, in seven patent infringement cases before six courts in China, seeking RMB 180 million in damages from 10 Chinese generic drug companies, included creatively filed oppositions to suspend CFDA review of infringer-filed applications and successfully filed interim measures to collect evidence .

- Represented Apple in defending against a design patent infringement action filed by Baili as well as against the related declaratory judgment and invalidation actions. As the infringement action was brought before an administrative agency rather than a judicial body, the case involved lengthy discussions on the problems with the bifurcated IP protection system. In 2017, the Beijing IP Court formed a grand panel that found the iPhone does not infringe the asserted Baili patent, which decision was upheld in the second instance by the Beijing High Court.
- Represented Power Integrations in successfully obtaining the dismissal with prejudice of four patent infringement actions brought by Fairchild before the Suzhou Intermediate Court and the Jiangsu High Court on appeal to claim infringement of four patents and RMB 120 million in damages. (Selected as one of the annual TOP 10 IP cases by the China Bar Association.)
- Represented Apple in Apple v. iRobot in the Supreme Court retrial proceeding affirming the Beijing High Court declaration that Shanghai Zhizhen's patent for a chatting robot with multiple servers was invalid and therefore Apple's Siri software was non-infringing. (Selected as one of the annual Top 10 IP Cases by the Beijing High Court.)
- Represented Knowles in successfully obtaining a favorable settlement in an RMB 250 million patent dispute (the largest ever at the time) with one of its main competitors. The dispute involved eight patent infringement actions and more than 10 patent invalidity actions before four different forums in China .
- Represented Meizu in favorably settling the AML and FRAND lawsuit brought by Qualcomm, in which Qualcomm claimed US\$65 million in damages and sought a court determination of a FRAND rate for its wireless telecommunications standard essential patents .
- Represented Shanghai Dangdang Electronic Technology Inc. in a successful Supreme Court certiorari petition for a trade secret misappropriation case. Upon hearing new evidence collected through creative strategies and presented by counsel, the Supreme Court reversed the second instance judgment declaring Shanghai Dangdang to have infringed a trade secret .

OTHER INFORMATION

Education

- Beijing University, School of Law, LL.M
- Yanshan University, School of Materials Science and Chemical Engineering, B.E.

Professional Qualification

- Admitted to practice in the PRC
- Admitted to practice before the SIPO