

ALEXANDRA P. YANG

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PRACTICE AREAS

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

Alexandra Yang is one of China's premier IP 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, such as *Apple v. Qualcomm*, *Apple v. Ericsson*, *Apple v. IWNCOMM*, *Apple v. Corephotonics*, *Apple v. Unwire Planet*, *Apple v. IPCOM*, *Intel v. VSLI*, *Intel v. Yide*, *Microsoft v. Neodron*, *Microsoft v. WSOU*, *LinkedIn v. WSOU*, *Cisco v. Dunjun*, *Meta v. Wireless Wonders*, *IBM v. IVTC*, *OPPO v. Sharp*, *VIVO v. Nokia*, *Xperi v. Samsung*, *Astellas v Chia Tai-Tianqing*, *Pfizer v. CNIPA*, *Eli Lilly v. Watson*, *New Balance v. Zhou*. Many cases led by Ms. Yang are groundbreaking in furthering development of the intellectual property and competition laws in China. She has taken more than thirty cases to trial in the Supreme Court, with four recognized as "Annual Top Cases" by the Supreme Court. She argued the *Eli Lilly v. Watson* case before the Supreme Court which is the only invention patent case being recognized as a "Guidance Case" by the Supreme Court from 2010 to 2020.

Ms. Yang has been consistently ranked as a leading IP litigator in *Chambers*, *Legal 500*, *IAM Patent 1000*, *WTR*, *Managing IP*, *Benchmark litigation* for her IP practice in China. The most recent awards include: Band 1, Intellectual Property Litigation, Chambers & Partners (2023), Band 1 Patent Litigator, IAM Patent 1000 (2023), Band 1 trademark Litigator, WTR (2023), Patent Star, Managing IP (2023), litigation Star, Benchmark (2023) 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." Ms. Yang is the only Chinese lawyer ranked in Tier 1 by both IAM Patent 1000 for patent litigation and WTR for trademark litigation through 2019 to 2023. The IP litigation team she leads at Fangda has been consecutively named as "Band 1 China IP Litigation Firms" ten years in a row from 2014 to 2023 by *Chambers & Partners*.

REPRESENTATIVE MATTERS AND CASES

Many cases led by Ms. Yang are groundbreaking in furthering development of the intellectual property and competition laws in China. Recent representative cases include:

- Represented **Apple** in *Apple v. Qualcomm* for disputes against Qualcomm’s standard essential patent (“SEP”) licensing scheme. The civil actions covered a wide range of causes of action, including anti-monopoly action, determination of FRAND terms, and declaratory judgment of non-infringement and in addition defended more than thirty patent infringement cases before more than ten major IP Courts and High Courts and the Supreme People’s Court (“SPC”) in China. The damages claimed by the parties exceed RMB 1.6 billion. Apple challenged the legitimacy of Qualcomm’s business model to defend its rights and protect the downstream market from Qualcomm’s certain abusive activities. This challenge is also a protest to Qualcomm’s licensing scheme since the 2014 NDRC antitrust investigation against Qualcomm. THIS IS THE TRIAL OF THE CENTURY.
- Represents **Apple Inc.** in *iRobot v. Apple* patent infringement case. The dispute has been going on for nearly a decade. The allegations are made against Apple SIRI system, a substantially valued artificial intelligent assistant carried by multiple Apple product lines. The first round invalidation decision against iRobot patent was selected as the “Yearly Case” by the CNIPA and the infringement case was dismissed. The second round actions started with Zhizhen requesting the **highest damage claim in history** in China, i.e. 10 billion RMB, before the Shanghai High Court. As for today, multiple actions are running in parallel before several courts in important jurisdictions, such as Fuzhou, Suzhou and Shanghai.
- Represents **NavInfo** Co. Ltd., a market-leading Chinese navigation software and map company, on its successful copyright infringement claim against three Baidu companies found to be using “substantially similar navigation software” without permission. The Beijing Intellectual Property Court awarded NavInfo RMB64.5 million (US\$9.8 million) in damages, the **highest ever damages** award for copyright infringement cases in China to date.
- Represents **Intel** defending multiple patent infringement actions filed by VLSI Technology LLC, an NPE and a subsidiary of Fortress Investment. This is the first time Intel has faced large-scale patent litigation filed by an NPE in China. VLSI also tried to obtain unreasonably high license fees by suing Intel for patent infringement in multiple U.S. procedures. As a counter measure, Intel and Apple have filed an antitrust complaint against VLSI in the U.S. This is a novel and creative litigation strategy for large technology companies to counteract NPEs.
- Represents **Microsoft** defending multiple patent infringement actions filed by Neodron. This is the first time in recent years that Microsoft has faced large-scale patent litigation filed by an NPE in China. Neodron has also filed patent infringement lawsuits in multiple courts and administrative agencies in the U.S. and Germany as a coercive means to obtain steep license fees. Novel litigation strategies and global unified strategy coordination are employed in this case in order to maximize the interest of the client.
- Represents **Cisco** in the patent infringement action filed by Dunjun before the Suzhou IP Tribunal. This case presents itself with important legal issues includes proper infringement standard for a use method and proper standard for indirect patent infringement. Dunjun may be a so-called non-practicing entity (NPE) suing

the largest networking company in the world. As NPEs transitioned from an emerging phenomenon to becoming increasingly popular in China, the outcome of this case will likely help shape the landscape of future patent litigation and dispute resolution involving NPEs.

- Represents **Facebook** in patent infringement action filed by Wireless Wonders. The patent at issue relates to VoIP communication technology. Wireless Wonders claimed that Facebook's core App WhatsApp's act of manufacturing, selling, and offering to sell certain application programs allegedly using the technology at issue had infringed on Wireless Wonders' patent, seeking for injunction against Facebook's star app Whatsapp plus RMB 10 million. This case is Facebook's first patent infringement lawsuit in mainland, China. The outcome of this case will likely help shape the strategy of future patent litigation involving Facebook. We successfully invalidated the asserted patent entirely.
- Represents **LinkedIn** in the patent infringement action filed by WSOU Investment, a globally active patent assertion entity. The patent at issue relates to presence notifications on instant messaging devices. WSOU Investment, LLC claimed that LinkedIn's certain products allegedly infringed on its patent. This case presents itself with important legal issues including proper infringement standards in the communication and social networking industry. Also notably in this case, WSOU may be a so-called non-practicing entity (NPE) suing one of the largest networking companies. As NPEs transitioned from an emerging phenomenon to becoming increasingly popular in China, the outcome of this case will likely help shape the landscape of future patent litigation and dispute resolution involving NPEs.
- Represents **Apple Inc.** in the accused patent infringement case filed by Xidian (IWNCOMM) before the Shaanxi High Court, where IWNCOMM demanded for excessive royalties. As part of its defense, Apple brought the FRAND/SEP action and anti-monopoly action with the Beijing IP Court against Xidian, which is the second case in China, following Huawei v. InterDigital case, brought by the standard implementers against the standard essential patent (SEP) holder, alleging anti-monopoly violation and demanding FRAND royalties. Later, realizing its lack of basis in pending actions, IWNCOMM asserted a trade secret infringement action as retaliation. Many important legal issues are involved in the actions against IWNCOMM, including the analysis of essentiality of the declared standard essential patent, test of patent exhaustion, determination of excessive and discriminatory royalties, and the implied license issue.
- Represented **Meizu** defending the AML and FRAND lawsuit initiated by Qualcomm, in which Qualcomm claimed USD 65 million damages and requested the court to determine a FRAND rate for its wireless telecommunications SEPs. The civil actions include the first declaratory judgment for non-infringement action in AML in China. Creative strategies were designed and implemented which lead to a favorable settlement for the client.
- Represented **Watson** in *Eli Lilly v. Watson Pharmaceuticals* patent infringement case successfully reversing the first instance judgment. This case was selected as the first "Model IP Case" of the SPC, and the trial was broadcasted nationwide on the International IP Day of April 26, 2014. The SPC issued a second instance judgment in favor of Watson in 2017 where the court found Watson did not practice the patent-at-issue. Both injunction and RMB 151 million damages awarded by the first instance court were reversed. The case was selected as one of the annual "TOP 10 IP Cases" of the SPC.

- Represented **Astellas**, Japan's second largest pharmaceutical company, in patent infringement cases before six major IP Courts and High Courts in China, seeking for damages in excess of RMB 180 million, against dozens of Chinese generic drug companies. Enzalutamide, protected by the asserted patent, is one of the top 10 anti-tumor drugs in the world, with global sales exceeding USD 2.5 billion in 2018. The highlights in this case include: oppositions were creatively filed to suspend CFDA's review of drug applications filed by the accused infringers, and interim measures were successfully exploited in civil litigation to collect evidence.
- Represented **Apple** in a large number of patent infringement and invalidation lawsuits related to wireless communication technology, mobile device construction and manufacturing technology in mainland China, Hong Kong, and Taiwan. Represented Apple in handling over one hundred copyright infringement, trademark infringement, and unfair competition disputes related to Apple App Store in the past ten years. The courts involved in these cases include the SPC, the Beijing High Court, the Shanghai High Court, the IP Courts in Beijing and Shanghai, and the Taiwan Intellectual Property Court. Many of these cases were selected as the annual "Top 10 IP Cases" by the National Intellectual Property Administration and the Beijing High Court.
- 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 Shanghai IP Court, Beijing IP Court, and Suzhou IP Court. Creative approaches were successfully adopted to collect key evidence and employed interim measures in IP litigation proceedings and have achieved favourable breakthroughs in these proceedings.
- Represented **Apple** to defend against design patent infringement action filed by Baili as well as the related declaratory judgment and invalidation actions. As the infringement action was brought before an administrative agency rather than a judicial authority, the case attracted large scale of discussions on the problematic bifurcated system for IP protection. In 2017, the Beijing IP Court formed a five-judge grand panel and found iPhone did not infringe the asserted patent. The grand panel's decision was upheld in the second instance by the Beijing High Court.
- Represented **New Balance** in New Balance v. Zhou trademark infringement case before Guangdong High Court and the SPC, in which a record-breaking RMB 98 million award was reduced to RMB 5 million. This case triggered extensive discussions on the issue of damages in trademark cases, and exemplified the importance of the court's deliberate consideration of the issue of compensation.
- Defended **Power Integrations** in four patent infringement actions against Fairchild before the Suzhou Intermediate Court for the first instance and the Jiangsu High Court for the second instance. Fairchild's claims of infringement based on four patents and RMB 120 million as damages were dismissed with prejudice. The four cases involve power control technology and had some of the longest and most complex trials in China. The case was selected as one of the annual "TOP 10 IP Cases" by the China Bar Association.
- Represented **Knowles** in patent dispute with one of its main competitors, as a part of the global patent litigations between the two companies. The dispute was the largest patent case at the time of 2014. The amount of controversy totals RMB 250 million for 8 patent infringement actions and more than 10 patent invalidity

actions before four different forums in China. In this extremely complicated patent dispute, creative strategies were designed and implemented which ultimately lead to a favorable settlement for the client.

- Represented **Shanghai Dangdang** Electronic Technology Inc. in a successful SPC Certiorari Petition for a trade secret misappropriation case. Through creative strategies in collecting new evidence, the SPC was convinced and vacated the second instance judgment, in which the Shanghai High Court found the client's behavior constituted infringement.

OTHER INFORMATION

Education

- Peking 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 State Intellectual Property Office