

FEATURES

Concentrated Professionalism

—An Interview with the Unitalen Litigation Team

By Jessie Chen, China IP



In recent years, the cases represented by Beijing Unitalen Law Office (Unitalen) has been frequently selected in the top 10 IP cases and 50 model IP cases of the Supreme People's Court of the People's Republic of China.

China IP had an opportunity to have a face-to-face conversation with the Unitalen litigation team including Li Yongbo, Wu Shuchen, Zhang Yazhou,

Gui Qingkai, Li Hongjiang, Kong Fanwen, Zhou Dandan, Jing Can, Sun Changlong, Wang Heshu and many other lawyers and patent agents.

Organizational Structure Determines the Development of the Team.

Founded in 1998, Unitalen has been focusing on IP issues and has earned a high reputation in the IP field. Especially after China joining the WTO,

their concentration on IP law issues made Unitalen develop outstanding achievements in the IP field and earned them fame as "expert in IP litigation."

As the team leader, Li Yongbo said, "Our most precious treasure is the talents. The cornerstone of our international reputation is our scientific management. Our motivation is to move forward with the entrepreneurial culture. Our team efficiency is powerfully guaranteed by our systematic approach and structure. All of the above elements enable us to offer IP legal services of high quality."

Supported by the overall structure of IP system in Unitalen, the litigation team takes full advantages their resources, which include nearly 600 patent agents, patent engineers, trademark agents and associates.

"There are some differences between IP cases and traditional civil and commercial cases. IP lawyers are required to have technical knowledge. Moreover, IP cases, especially IP litigation cases, involve many technical issues and tremendous document retrieval work. Thus, clients give more attention to the precision of the organizational system and comprehensiveness of the services of a law firm rather than an individual in the team," Zhang Yazhou said.

Gui Qingkai and Li Hongjiang, lead counsels for trademark and patent litigation, have their own perspectives after year's representation of litigation cases: "Compared with other law firms, with our specialized attorneys, Unitalen is more than just a law firm. Unitalen can offer one-stop IP services from application, composition, litigation, invalidation, investigation, and reexamination to strategic planning and eventually forming a multi-party, cooperative, commercial agreement."

Service Concepts Determine the Direction of Cases

"Standing in clients' shoes" is a

faith held by lawyers from Unitalen. In their eyes, IP litigation is more than just a legal battle. It focuses not just on the immediate economic benefits the clients can obtain, but also on how to make the clients effectively reach or advance their overall operating strategy of increasing their market share through litigation.

Quan You Furniture Co. Ltd. V. Foshan Quan You Sanitary Ware Co. Ltd. involving the infringement of an exclusive use of a registered trademark and unfair competition represented by Zhang Yazhou, won the first instance trial in Shandong Higher People's Court and was awarded compensation of 14 million yuan. The compensation of this case was the highest one, following "the Great Wall Wine case" (compensation of more than 10 million yuan) and "the YAMAHA case" (compensation of more than 8 million yuan).

As the lawyer of the above case, Zhang Yazhou who also represented BMW and LAFITE in cases of trademark infringement and unfair competition, said that Quan You Furniture Co. Ltd. lost the initial and secondary trials of trademark opposition and reexamination. However, despite under great pressure the Unitalen litigation team won the final victory because of their well-designed litigation strategies, as well as a precise understanding of the judicial trial trend in such cases, especially the judicial trend in such cases from the Supreme People's Court.

Professional Competence Determines the Success of a Case.

Emergencies usually make one anxious, especially when facing a patent litigation started by a large foreign enterprise against a Chinese company, which has gradually grown into an industry leader. When this happens, an outstanding lawyer can not only settle the case itself, but can also play the role of a psychologist as needed.

"In my opinion, a qualified lawyer merely cares about the case itself, while an outstanding lawyer helps the customer out of complicated situations and lets the customer figure the problems out by providing a better, more beneficial perspective," said Li Hongjiang, who represented Smarter Group in the infringement case of *Smarter Group Corporation v. British BWE Co. Ltd.*

On April 16th 2013, He Fei Smarter Group Corporation (Smarter Group), a

was suspected of infringing BWE's three patents. Thus, BWE sought an injunction and damages of 27 million yuan.

"The Unitalen litigation team first had to conduct its due diligence investigation on the patents of the plaintiff's claim to fully understand the actual scope of protection," Li Hongjiang stated. After a detailed analysis of the specifications of the three patents involved, the Unitalen litigation team eventually ascertained



subsidiary of China National Building Material Group Corporation, received a civil pleading from Wu Xi Intermediate People's Court. The British BWE Co. Ltd. (BWE) claimed that "350*2/450 aluminum tube continuous extrusion cladding machine production line" Smarter Group produced, offered for sale and sold, which Wu Xi Jiangnan Cable Co. Ltd. (Jiangnan Company) purchased and employed

the protection scope and the extent of BWE Company's three patents. Meanwhile, the litigation team conducted invalidity search and prior art search on the three patents and managed to acquire the references, which could undermine the validity of the patents involved.

Practice trial, similar to moot court practice, is an essential procedure when dealing with significant and