

誠邀您參加

YOU ARE CORDIALLY INVITED

2011 台灣高科技產業對美國專利訴訟及反壟斷研討會 2011 Symposium on Patent Litigation and Antitrust Issues for Taiwanese Technology Companies

Friday, 16 September 2011 - Hsinchu

Sheraton Hsinchu Hotel, Taiwan, Ballroom III (3F), No. 265, Dong Sec. 1, Guangming 6th Road, Zhubei City, 302, Taiwan

As Taiwanese technology companies continue to grow their presence in the international market, they face the constant threat of patent litigation and antitrust investigations. Wilson Sonsini Goodrich & Rosati and Asia Pacific Intellectual Property Association (APIPA) are pleased to co-host a symposium to discuss the following key issues that every technology company should be aware of when facing such threats:

- Recent Trends in Patent Law – New Case Law and What to Expect from the Patent Reform Act
專利法之最新趨勢 – 最新案例分析及專利改革法案的影響
- Global Patent Enforcement – A Comparison of the Most Active Patent Litigation Fora, and Strategies for Deciding Where to Seek Patent Protection
世界性專利策略 – 全球最活躍的專利訴訟地點，及如何取決尋求專利保護的最佳地點
- Best Practices for Handling Indemnification Issues in Patent litigation
如何在專利訴訟中處理第三方公司補償問題
- Taking Control of Patent Litigation Cost: Case Management, Alternative Billing and the Benefit of Insourcing
控制專利訴訟花費：案件預算管理，另類計費方式，及利用公司內部資源
- Best Practices for Avoiding Antitrust Issues for Component Manufacturers
台灣高科技組件供應商如何避免美國政府採取反壟斷調查

聯合主辦單位：
Co-sponsored by:



Wilson Sonsini Goodrich & Rosati
ATTORNEYS AT LAW

威爾遜·桑西尼·古奇·羅沙迪律師事務所

09:00 - 09:30	Registration and Opening Remarks
09:30 - 10:15	Recent Trends in Patent Law – New Case Law and What to Expect from the Patent Reform Act <i>Presented by Jose Villarreal, Esq., Wilson Sonsini Goodrich & Rosati</i>
10:15 - 10:30	Question & Break
10:30 - 11:15	Global Patent Enforcement – A Comparison of the Most Active Patent Litigation Fora, and Strategies for Deciding Where to Seek Patent Protection <i>Presented by M. Craig Tyler, Esq., Wilson Sonsini Goodrich & Rosati</i>
11:15 - 11:30	Question & Break
11:30 - 12:00	Best Practices for Handling Indemnification Issues in Patent Litigation <i>Presented by James C. Yoon, Esq., Wilson Sonsini Goodrich & Rosati</i>
12:00 - 13:30	Lunch
13:30 - 14:15	Taking Control of Patent Litigation Cost: Case Management, Alternative Billing and the Benefit of Insourcing <i>Presented by James C. Yoon, Esq., Wilson Sonsini Goodrich & Rosati</i>
14:15 - 14:30	Question & Break
14:30 - 15:15	Best Practices for Avoiding Antitrust Issues for Component Manufacturers <i>Presented by Mark Rosman Esq. and Scott Sher Esq., Wilson Sonsini Goodrich & Rosati</i>
15:15 - 15:30	Question & Break
15:30 - 16:30	Q & A with all speakers

This one day session is free of charge and lunch will be provided. Space is limited to three attendees per company. We will accommodate additional attendees on a first-come, first-served basis.

If you wish to attend this event, please complete the attached registration form and email or fax it to:

Catherine Chen, Manager
Asia Pacific Intellectual Property Association (APIPA)
Tel: + 886 3 591 9082
Fax: + 886 3 583 3325
Email: YHChen@apipa.org.tw

**Mark R. Rosman**, *Partner*, Wilson Sonsini Goodrich & Rosati

Mark Rosman is a partner in the Washington, D.C., office of Wilson Sonsini Goodrich & Rosati and a member of the firm's antitrust practice. With nearly 20 years of experience as a trial attorney and prosecutor in the Antitrust Division of the U.S. Department of Justice, Mark is well positioned to represent and counsel clients in connection with a variety of national and international antitrust matters, including cartel defense, criminal enforcement investigations, and merger and civil non-merger cases. Prior to joining the firm, Mark served as Assistant Chief of the National Criminal Enforcement Section in the U.S. Department of Justice's Antitrust Division. Previously, Mark was Special Assistant to the Directors of Enforcement in the Antitrust Division's Office of Operations, where he assisted Directors and Deputy Assistant Attorneys General in criminal matters and merger and civil non-merger cases.

**Scott Andrew Sher**, *Partner*, Wilson Sonsini Goodrich & Rosati

Scott Sher is a partner in Wilson Sonsini Goodrich & Rosati's Washington, D.C., office, where his practice focuses on antitrust counseling and litigation. He represents technology clients in connection with antitrust issues that arise throughout the merger and acquisition process, from pre-merger counseling through investigations conducted by the Department of Justice, the Federal Trade Commission, and foreign regulatory agencies. In addition, Scott has significant experience providing both day-to-day counseling and litigation representation to clients on issues pertaining to joint ventures, the Robinson-Patman Act, pricing and distribution, trade association and patent pooling matters, and the Sherman Act. Scott currently serves as vice chair of the Intellectual Property Committee within the American Bar Association's Section of Antitrust Law, and previously served as vice chair of the Mergers and Acquisitions Committee.

**M. Craig Tyler**, *Partner*, Wilson Sonsini Goodrich & Rosati

M. Craig Tyler is the head of Wilson Sonsini Goodrich Rosati's intellectual property litigation practice in Austin, Texas, where he specializes in intellectual property litigation involving complicated technology in a variety of industries. Representative matters include patent infringement and validity matters for clients in the LCD, software, Internet, telecommunications, pharmaceutical, gaming, e-learning, semiconductor, VoIP, medical, computer-associated hardware, and oil and gas industries. In his 16-year career, Craig has litigated over 120 patent infringement cases, including 7 trials, in federal courts in Texas, Delaware, California, New York, New Jersey, Massachusetts, Florida, Kansas, Utah, Michigan, Minnesota, Wisconsin, Nebraska, Oregon, Oklahoma, Arizona, and Nevada.

**Jose C. Villarreal**, *Partner*, Wilson Sonsini Goodrich & Rosati

Jose Villarreal is a partner in the IP Litigation group of Wilson Sonsini Goodrich & Rosati. His practice focuses on patent litigation in federal courts and the International Trade Commission (ITC), intellectual property investigations, and strategic IP counseling. He has experience with varied technologies including IEEE 802.11, CDMA, Ethernet, CRM, Asynchronous Transfer Mode (ATM), semiconductor processes and packaging, DVD/CD technologies, flash memory, and software technologies. He is a member of the AIPLA committee on IP Practice in the Far East and the Special Subcommittee on IP Practice in China. He is also a member of the AIPLA litigation subcommittee drafting the AIPLA's Revised Model Patent Jury Instructions. Before embarking in his legal career, Jose worked in the telecommunications industry in the area of network infrastructure and telecommunications protocols.

**James C. Yoon**, *Partner*, Wilson Sonsini Goodrich & Rosati

James is a partner in Wilson Sonsini Goodrich & Rosati's litigation department. James' practice focuses on intellectual property litigation and counseling. He is the practice development leader of the firm's IP litigation practice. James has more than 15 years of experience as an intellectual property litigator and counselor. He has litigated over 50 cases and has tried numerous cases in federal courts, state courts, and the International Trade Commission (ITC). James has an active counseling practice. He has advised over 40 companies on IP issues on transactions ranging from patent licensing to asset purchase agreements to initial public offerings (IPOs) to corporate mergers and acquisitions. James is frequently involved in IP risk assessments and valuations. He is a member of the committee that developed the original and the revised Model Patent Jury Instructions for the Northern District of California. He is a columnist on patent law and litigation for the ABTL

Report of the Northern California Chapter of the Association of Business Trial Lawyers. He is a lecturer at the Stanford Law School at Stanford University and an Adjunct Professor, IP Litigation, at Santa Clara University Law School.

Firm Overview

Our Services

Designed to advise clients at every stage of growth, our broad range of services and legal disciplines include:

Antitrust
Complex Business Litigation & Counseling
Consumer Litigation
Consumer Regulatory & Privacy
Corporate Finance
Corporate Law & Governance
Employee Benefits & Compensation
Employment Law & Litigation
Energy & Clean Technology
Entrepreneurial Services
Export Controls
Fund Services
Global Generics
Global Outsourcing Transactions
Intellectual Property Counseling & Patents
Intellectual Property Litigation
Internet & Copyright Litigation
Life Sciences
Litigation
Mergers & Acquisitions
Privacy & Data Security
Project Development & Finance
Real Estate & Environmental
Retail, Consumer & Advertising
Securities Litigation
Tax
Technology Transactions
Trade Secrets & Employee Mobility Litigation
Trademarks, Copyrights & Advertising
Venture Capital
White Collar Crime & Government Investigations

Wilson Sonsini Goodrich & Rosati

Wilson Sonsini Goodrich & Rosati is the premier provider of legal services to technology, life sciences, and growth enterprises worldwide, as well as the public and private capital markets that finance them. The firm's broad array of services and practice areas focuses on addressing the principal challenges faced by our clients' management, boards of directors, shareholders, and in-house counsel. We represent companies at every stage of development, from entrepreneurial start-ups to multibillion-dollar global corporations. Our distinguished international roster of clients includes leaders in a wide variety of industries, including information technology, life sciences, energy and clean technology, media and entertainment, communications, retail, and financial services.

Client service is the cornerstone of our practice, and we leverage our expertise to provide innovative, responsive, and cost-effective legal services as a strategic partner to our clients. We understand that the law is often a means to accomplish our clients' business objectives, and we pride ourselves on having an intimate understanding of their industries and marketplaces.

Since our inception in the early days of Silicon Valley, we have grown alongside our entrepreneurial clients, expanding our legal services and business acumen to serve their evolving needs. We also have held steadfast to the core values that add strength and perspective to our practice, including a commitment to diversity, the establishment of a women's initiative, and a desire to give back to the community through a robust pro bono practice, charitable foundation, and firm-wide volunteer network.

The firm has offices in Austin, Hong Kong, Palo Alto, New York City, San Diego, San Francisco, Seattle, Shanghai, and Washington, D.C.

Our Track Record

- Advise more than 300 public enterprises and 3,000 private companies
- Consistently named one of "America's Best Corporate Law Firms" by *Corporate Board Member*
- Ranked No. 1 on *Private Equity Analyst's* most active law firm list for private equity and venture capital deals, with 827 deals negotiated and closed in 2009
- Ranked No. 1 for the number of issuer-side IPOs represented in the last 10 years by *IPO Vital Signs*
- Consistently ranked among the top 10 M&A advisors in the United States by such authoritative sources as *Bloomberg and Thomson Reuters*
- Consistently ranked as the most frequently hired and/or busiest securities litigation firm in the country according to *Securities Law360's* securities litigation survey
- Annually recognized among the top law firms for number of patent cases defended and handled in *IP Law & Business' Patent Litigation Survey*
- Named one of the most sought-after and fastest-growing antitrust practices in the country by *Competition Law360*
- Ranked No. 1 in *Minority Law Journal's* 2010 "Diversity Scorecard" based on a survey of the nation's 250 largest and highest-grossing law firms

事務所簡介

我們的服務項目

反壟斷

複雜商務訴訟及諮詢

消費者訴訟

消費者法規及隱私權

公司融資

公司法及管理

員工福利及薪酬

勞動法及訴訟

能源及清潔技術

創業服務

出口控制

基金服務

全球學名藥

全球外包交易

智慧知識產權諮詢及專利

智慧知識產權訴訟

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訴訟

兼併及收購

隱私權及數據安全

項目開發及融資

不動產及環境

零售, 消費者及廣告

證券訴訟

稅務

技術交易

商業機密及員工流動訴訟

商標, 著作權及廣告

風險投資

白領犯罪及政府調查

威爾遜·桑西尼·古奇·羅沙迪

威爾遜·桑西尼·古奇·羅沙迪是一家全球性的律師事務所。我們專精為科技公司，生物科學企業，及其投資公司提供各式的法律服務。我們的服務範圍廣泛，從提供董事會，股東與其內部法律顧問的各式諮詢，至代表客戶進行智慧財產權和商業訴訟，我們的律師都有著豐富的經驗。我們的客戶涵蓋在各個不同發展階段的公司，從起步階段的小型公司到資產數十億的全球性公司。也涵蓋各行各業的傑出企業，如：全球信息技術、生命科學、環保技術、媒體和娛樂、通訊、零售和金融服務等。

客戶服務是我們的業務基礎，我們力爭成為客戶的戰略合作夥伴，利用我們的專業知識為客戶提供創新、及時且高效的法律服務。我們深知，法律通常是客戶實現業務目標的一種途徑，同時我們對客戶所在行業和市場有著深入的了解，這使我們深感自豪。當今企業在業務、法規和全球格局方面正面臨著前所未有的變化，我們所具有的知識和經驗可幫助我們的客戶找到最新解決方案，信心十足地應對這些變化。

我們成立在矽谷發展的早期，伴隨企業客戶一起成長，延伸我們的法律服務和商業才智，以滿足客戶不斷變化的需求。我們始終秉持多元化發展的核心價值觀，據此來增強我們的業務實力並開拓業務前景。同時我們也致力發展慈善基金會，女性權益活動和其他公益活動來回饋社會。

我們的業績紀錄

- 諮詢超過三百家上市公司及三千家私人企業
- 被企業董事 (Corporate Board Member) 雜誌一致認定為全美國頂尖的企業法律事務所
- 在私人股權分析師 (Private Equity Analyst) 雜誌在私人股權及風險投資交易中最活躍的律師事務所名單排名第一，在2009年中談判和成交了827項交易
- 被初始股命徵 (IPO Vital Signs) 雜誌在過去十年中代表發行者方發行初始股的數目排名中列為第一
- 被如彭博 (Bloomberg) 及湯森路透 (Thomson Reuters) 的權威性來源一致列為在美國前十名的頂尖併購諮詢顧問
- 被證券法360 (Securities Law360) 雜誌的證券訴訟意見調查中一致列為國內最常被雇用及/或最忙碌的證券訴訟律師事務所
- 在智權法及商務 (IP Law & Business) 雜誌的專利訴訟意見調查中每年被列為在辯護及處理專利案件的數目中的頂尖律師事務所
- 被競爭法360 (Competition Law360) 雜誌列為在國內最爭相聘請及成長最快的反壟斷律師事務所之一
- 在少數民族法雜誌 (Minority Law Journal) 2010年的在基於對國內250個最大及收入最高的律師事務所的意見調查得到的“多元化計分表”中排名第一

Intellectual Property Litigation Practice Overview

WSGR's Taiwan Practice

- Over the years, WSGR has developed a broad international practice serving the needs of our clients in Taiwan
- For the last five years, WSGR has represented a number of Taiwanese companies in over a dozen IP litigation proceedings
- WSGR's IP litigation team is experienced in working with Taiwanese companies' in-house IP counsels to develop a winning strategy that stay within budget

IP Litigation Team at a Glance

- Deep bench of 60+ IP Litigation attorneys
 - Nearly 20 partners and 40+ associates/counsel
 - 15+ attorneys with electrical engineering or computer science degrees
 - 65+ attorneys admitted to practice before the U.S. PTO
- Extensive nationwide patent trial experience, including California, Delaware, New York, Texas, and the International Trade Commission
 - Focus on endgame for effective, cost-effective discovery and pretrial
 - Ensures case ready for trial or settlement
- Focus on client business objectives
 - Early risk & strategy assessment (e.g., reexam/stay, design-around, key terms, early motions)
 - Core team approach with frequent communication

Wilson Sonsini Goodrich & Rosati's IP litigation practice is national in scope and includes cases in federal and state courts throughout the United States, including the U.S. International Trade Commission (ITC). We handle a significant number of matters before judicial districts with patent-intensive dockets, such as the Eastern District of Texas and the Northern District of California, where our attorneys have been instrumental in drafting the district's Patent Local Rules and Model Patent Jury Instructions, which are increasingly being adopted by other courts nationwide. We also regularly handle IP matters before administrative tribunals such as the ITC and the Federal Trade Commission (FTC).

Our attorneys enforce and defend all types of sophisticated IP litigation matters. We also advise our clients on other types of high-technology legal concerns, such as:

- Patent, trade secret, copyright, and trademark cases;
- Patent infringement "notice letters," and strategies for patent enforcement campaigns;
- Unfair-competition and antitrust issues related to patent enforcement;
- "Essential patents" and issues relating to standards bodies;
- "Design-arounds" and "cleanrooms" to avoid claims of infringement or to minimize the impact of potential injunctions and damages;
- IP crisis management and related issues regarding employee mobility;
- Strategic IP counseling, IP due diligence, and IP audits;
- Internet law and related issues including First Amendment, email abuse, regulatory compliance, and privacy; and
- International issues and expertise with legal systems in Asia and the European Union.

Highlights and Recognition

- Named the No. 1 IP law practice in Silicon Valley (ranked by number of lawyers) (*San Jose Business Journal*, 2011)
- Top ranked by Chambers and Partners:
 - "Wilson Sonsini Goodrich & Rosati's ITC attorneys are 'experienced, and a solid team' and 'clearly have a good practice.'" (*Chambers USA Guide*, 2010)
- Ranked among the top 20 firms for number of patent infringement cases defended in 2009 (*IP Law & Business*, July 2010)
- Successfully litigated more than 100 patent-infringement lawsuits throughout the U.S. over the last five years
- Ranked as a top firm for IP Litigation (ITC) and Patent Litigation (high technology/electronics) (*The Legal 500 US – Volume III (Litigation)*, June 2007)
- Recognized as an active law firm at the ITC in 2006 (*IP Law & Business*, June 2007)

知識財產權訴訟業務概述

WSGR (威爾遜·桑西尼·古奇·羅沙迪) 的台灣業務經驗

- WSGR 對國際公司訴訟事務有著豐富的經驗，也對台灣高科技產業有一定程度的了解
- 過去五年來，WSGR 曾多次代表台灣公司在美國取得佳績
- WSGR 的智權訴訟團隊了解台灣高科技產業的需求及顧慮

業務一覽

- 實力雄厚：六十多位律師，擁有豐富的知識產權訴訟庭審經驗：
 - 近二十位合夥人和及四十多位律師
 - 十多位律師擁有電機或電腦工程學位
 - 六十多位律師擁有美國專利局驗證
- 豐富的陪審經驗，包括在加州，德拉維爾州，紐約州，德州及 ITC
 - 提供高效率的證據發現及審判前服務
 - 尋求最佳和解或庭審方式
- 幫助客戶尋求最佳利益
 - 初期風險及策略評估（重審，回避設計，權限術語評估，案件延緩執行或撤銷）
 - 隨時注意客戶需求，保持緊密聯繫

威爾遜·桑西尼·古奇·羅沙迪的智慧知識產權訴訟業務遍及全美國，涵蓋州立法院，聯邦法院，及上訴法院的訴訟，和美國國際貿易委員會 (ITC) 的調查。我們長年在專利訴訟集中的地方法院處理大量的案件，例如在德州東區和加州北區法院。我們的律師甚至協助制定這些地方法院的《專利訴訟地方規則》和《實用新型專利庭審指南》，並被全美的其它法庭採用。我們也參與過多次 ITC 及聯盟貿易委員會 (FTC) 的行政法庭案件調查。

威爾遜·桑西尼·古奇·羅沙迪的智慧知識產權訴訟團隊專精各類複雜的知識產權訴訟事務，並時常為客戶提供高科技法律問題諮詢及建議，例如：

- 專利、商業機密、版權和商標訴訟；
- 專利侵權“通知信”，以及專利實施活動的策略；
- 與專利實施有關的不公平競爭和反壟斷業務；
- 與標準有關的“必要專利”和業務；
- 以“回避設計”和“清潔室”來避免或減少侵權索賠和禁令範圍；
- 有關員工流動的知識產權危機管理和相關問題；
- 知識產權策略諮詢、盡職調查和審計；
- 網路法律和相關的問題，包括第一修正案、電子郵件濫用、法規符合性和隱私權；以及
- 國際問題以及在亞洲和歐盟法律體系的專業經驗。

主要成績與榮譽

- 矽谷第一的知識產權法律事務所 (*San Jose Business Journal*, 2011)
- 得到 Chambers and Partners 的高度評價：
 - “威爾遜·桑西尼·古奇·羅沙迪的 ITC 律師群是‘有經驗的堅強團隊’及‘顯然擁有優良業務。’” (*Chambers USA Guide*, 2010)
- 名列 2009 年辯護專利侵權案件數量前 20 家事務所 (*IP Law & Business*, 2010 年 7 月)
- 過去五年中，在全美成功贏得了 100 多件專利侵權訴訟
- 榮膺知識產權訴訟 (ITC) 和專利訴訟 (高科技/電子) 的頂尖事務所 (*The Legal 500 US* — 第 3 卷 (訴訟), 2007 年 6 月)
- 2006 年被 ITC 譽為活躍的法律事務所 (*IP Law & Business*, 2007 年 6 月)