





Christian Chu

Principal

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Overview

About Christian

Christian Chu is a principal in the Washington, D.C., office of Fish & Richardson P.C. His practice emphasizes intellectual property and technology licensing and litigation, in a vast range of technical areas, including in the areas of chemistry, biotechnology, mechanical and electrical engineering, semiconductor, non-volatile memory, software, displays, and wireless technologies. A trial attorney experienced in all phases of litigation, Mr. Chu has tried many cases, including before the U.S. International Trade Commission where he is considered one of the top patent litigators.

Mr. Chu's work at the ITC has led him to be recognized as one of the best international trade patent attorneys in the country. He was named to the IAM Patent 1000: The World's Leading Patent Professionals (2016-2021) and to "The Best Lawyers in America" list by The Best Lawyers in America© (2021). He was also selected as an International Trade "Rising Star" by Law360 and as a D.C. Rising Star by National Law Journal in 2014.

Mr. Chu is active as a writer and lecturer on issues relevant to the intellectual property bar. For example, he was the author of a widely cited article in the *Berkeley Technology Law Journal* that analyzed statistical trends in Federal Circuit jurisprudence. Mr. Chu previously served as the vice chair and co-chair of the law clerks and students committee of the Federal Circuit Bar Association and was a faculty member at the Minnesota Bar CLE seminar "Patent Enforcement and Defense."

Cognizant of the importance of promoting diversity and inclusion within the firm, Mr. Chu actively mentors diverse attorneys. He is a supporter of the Lambda Legal Defense Fund, which works to ensure that the rights of all LGBTQ individuals are protected, and AHC Inc., which develops affordable housing in the Greater Washington DC region.

Mr. Chu was previously a judicial clerk for the Honorable Raymond C. Clevenger III of the U.S. Court

of Appeals for the Federal Circuit (2002-2003), and for Chief Judge Marilyn L. Huff of the U.S. District Court for the Southern District of California (2001-2002). He also worked as a litigation law clerk and summer associate for Fish & Richardson (1999-2001). Mr. Chu has technical experience as an associate consultant for the healthcare and pharmaceutical management consulting firm Axon Group Inc. (1997-1998), as a research associate for Howard Hughes Medical Institute (1995-1997), and as a research assistant for the University of California at Irvine (1992-93).

Focus Areas

Services

- Litigation
- Appellate
- ITC Litigation
- Patent Litigation

Industries

- Chemicals
- Electrical and Computer Technology
- Hardware
- Life Sciences
- Semiconductors
- Software

Education

J.D. *Order of the Coif*, University of California, Berkeley School of Law (2001) Article Editor, Development Editor *Berkeley Technology Law Journal* (1999-2000)

B.A. *magna cum laude*, Biochemical Sciences, Harvard University (1997)

Experience

U.S. District Court Cases

LG Electronics Inc. v. Saint Lawrence Commc'ns, LLC (S.D.N.Y) and *EVS Codec Techs. et al. v. LG Electronics Inc.* (E.D. Tex.) – Represented defendant LGE and its subsidiaries in a patent litigation related to voice codec technology originally filed in E.D. Tex. Successfully transferred the E.D. Tex. patent litigation to S.D.N.Y. where LGE had raised a license defense related to the same patents and technologies. Case favorably settled for LGE after E.D. Tex. case was transferred to New York and while LGE's motion for summary judgment was pending in the S.D.N.Y. matter.

Taiwan Semiconductor Mfg. Co. Ltd. v. GlobalFoundries U.S. Inc. – (D. Del.) Represented TSMC in filing four separate lawsuits asserting a total of 16 patents against GlobalFoundries in response to ITC complaint brought against TSMC and its customers. Case settled favorably for TSMC shortly after the filing of these district court complaints.

Bell Northern Research LLC v. LG Electronics Inc. et al. – (S.D. Cal.) Represented defendant LGE and its subsidiaries against patents related to Wi-Fi, cellular, and sensor technologies. Case settled favorably for LGE after securing a claim construction ruling that eliminated the broadest asserted patents, convincing the PTAB to institute IPR proceedings against all remaining patents despite the approaching trial date, and weakening other patents based on a license defense.

Technology Properties Ltd. LLC v LG Electronics Inc. et al. – (N.D. Cal.) Represented defendant LGE and its subsidiaries against patent allegedly covering phase-lock loop technologies. After the district court granted summary judgment based on a narrow construction and the plaintiff stipulated to noninfringement, the Federal Circuit modified the construction and remanded for application of the construction. *Tech. Props. Ltd. LLC v. Huawei Techs. Co., Ltd., et al.*, 849 F.3d 1349 (Fed. Cir. 2017). On remand, the district court against granted summary judgment under the modified construction, and the Federal Circuit affirmed the ruling in favor of LGE and its co-defendants. *Tech. Props. Ltd. LLC v. Huawei Techs. Co., Ltd., et al.*, 750 F. App'x 1003 (Fed. Cir. 2019).

Vizio, Inc. v. LG Electronics Inc. et al. – (D. Md.) – Represented defendant LGE and its subsidiaries against patents related to forward error correction. Case settled favorably for LGE after district court granted summary judgment in its favor on its licensing defense, and court was considering LGE's pending motion to dismiss challenging ownership of the patents-in-suit.

SoftVault Sys., Inc. v. Microsoft Corp. – (E.D. Tex.) – Represented defendant Microsoft against patents generally related to software security. Case settled favorably for Microsoft shortly after it filed a motion challenging SoftVault's ownership and standing to assert the patents-in-suit.

International Business Machine Corp. v. Amazon.com, Inc. (E.D. Tex.) – Represented Amazon.com against IBM's infringement allegations regarding Amazon.com's popular Internet shopping website. Case settled favorably for Amazon.com soon after it served its invalidity contentions against IBM's patents.

Seagate Technology v. Cornice – (D. Del.) – Represented plaintiff Seagate Technology in enforcing hard disc drive-related patents, including patents covering magnetic recording media, servo control systems, and internal mechanical components. Case settled favorably for Seagate shortly after oral arguments on claim construction and summary judgment.

Unither Pharmaceuticals v. Herbalife et al. – (N.D. Cal.) – Represented plaintiff Unither in enforcement of patents related to use of L-arginine for treatment of vascular disorders. Case favorably settled for Unither.

AllVoice Computing PLC v. Nuance Communications, Inc. – (S.D. Tex.) – Represented defendant Nuance Communications against patent related to speech-recognition interface software. District court granted summary judgment of invalidity.

Adaptec v. Globalnet et al. – (N.D. Cal.) – Represented plaintiff Adaptec in enforcing and protecting its copyrights and trademarks from infringement and counterfeiting. District court entered judgment in favor of Adaptec against all defendants who refused to settle out-of-court, found certain defendants in contempt for violating preliminary injunctive relief, awarded Adaptec multi-million dollars in compensatory awards and attorney fees awards, and entered a permanent injunction.

International Trade Commission, Section 337 Investigations

Certain Digital Video-Capable Devices and Components Thereof, Inv. No. 337-TA-1224 — Represented LGE and its subsidiaries in ITC investigation as respondents against complainant Koninklijke Philips N.V. in ITC investigation directed at HDCP digital rights management technology. Case settled favorably for LGE shortly before the evidentiary hearing was scheduled to start.

Certain Non-Volatile Memory Devices and Products Containing the Same, Inv. No. 337-TA-1046 – Represented complainant Macronix in an ITC investigation against Toshiba Corp. and its subsidiaries with respect to Toshiba's infringing flash memory chips. Despite an initial determination in which the Administrative Law Judge adopted an unconventional statutory interpretation with respect to economic domestic industry, the Commission issued a final determination reversing the ALJ's decision, finding that Toshiba violated the trade statute, and issuing an exclusion order and cease & desist orders against Toshiba and its named subsidiaries.

Certain Nanopores and Products Containing Same, Inv. No. 337-TA-991 – Represented complainants Illumina, the University of Washington, and the University of Alabama in the ITC against British respondents related to nanopore biotechnology. The respondents agreed to enter into a strict

ITC consent order barring them and related individuals from importing any product containing the patented nanopore technology and from challenging the validity of the patent in any enforcement proceedings.

Certain Wireless Consumer Electronics Devices and Components Thereof, Inv. No. 337-TA-853 — represented LGE and its subsidiaries in ITC investigation as respondents against complainants TPL, Patriot Scientific, and Phoenix Digital System and their infringement assertion of a patent related to variable speed system clocks in microprocessors. After a seven-day trial in the ITC, the Administrative Law Judge issued an initial determination in September 2013 in which he found that LG did not infringe the asserted patent claims. Although the complainants challenged the ALJ's initial determination, the full Commission issued a determination in February 2013 that affirmed the ALJ's ruling of noninfringement in LG's favor.

Certain Wireless Devices with 3G Capabilities and Components Thereof, Inv. No. 337-TA-800 – Represented LGE in ITC investigation as respondents against InterDigital in ITC investigation related to patents directed at wireless technology. The Administrative Law Judge and the Commission granted LGE's motion terminate the investigation as to LGE based on arbitration clause in a prior LGE-InterDigital license agreement. Although the Federal Circuit disagreed with the Commission's termination, the Supreme Court vacated the Federal Circuit decision and remanded with instructions to dismiss the case. *LG Electronics Inc. et al. v. InterDigital Comm., LLC et al.*, 572 U.S. 1056 (2014) (vacating *InterDigital Commc'ns, LLC et al. v. Int'l Trade Comm'n*, 718 F.3d 1336 (Fed. Cir. 2013)).

Certain Flat Panel Digital Televisions and Components Thereof (ITC Inv. No. 337-TA-733) — Represented respondents LG Electronics and its subsidiaries against patent infringement claims accusing cellular telephones based on cable transmission technology. Litigation favorably settled after Markman hearing.

Certain Mobile Telephones and Modems (ITC Inv. No. 337-TA-758) – Represented respondents LG Electronics and its subsidiaries in proceeding in which complainant Sony Corp. asserted patents related to wireless technology (UMTS/WCDMA, LTE, and CDMA2000), camera technology, voice recording, and caller identification features. Litigation settled favorably as discovery was closing.

Certain Mobile Telephones and Wireless Communication Devices Featuring Cameras, and Components Thereof (ITC Inv. 337-TA-663) – Represented respondents LG Electronics and its subsidiaries against patent infringement claims brought by Eastman Kodak accusing LGE's popular cellular telephone products. Litigation favorably settled after the evidentiary hearing.

Certain Liquid Crystal Display Devices and Products Containing The Same (ITC Inv. 337-TA-631) – Represented complainant Samsung Electronics in enforcing patents related to liquid crystal display. The Chief ALJ found in Samsung's favor after a full evidentiary hearing on the merits, and the full Commission issued an exclusion order barring the importation of Sharp's infringing LCD products.

In re Certain Unified Communications Systems and Components Thereof (ITC Inv. 337-TA-598) – Represented complainant Microsoft in enforcing patents related to unified communications systems. After a full hearing on the merits, the ALJ ruled in favor of Microsoft. Litigation favorably settled while on appeal.

Certain Flash Memory Devices and Components Thereof, and Products Containing Such Devices and Components – (ITC Inv. 337-TA-552) – Represented respondents Hynix Semiconductor and its subsidiary against three Toshiba Corp. patents related to flash memory technology. The Hynix respondents prevailed on all patents after a full hearing on the merits, and the full Commission sustained the ALJ's ruling.

Certain Disc Drives, Components Thereof, and Products Containing Same – (ITC Inv. 337-TA-516) – Represented complainant Seagate Technology in enforcing hard disc drive-related patents, including patents related to magnetic recording media, servo control systems, and internal mechanical components. Case settled favorably just days before start of hearing.

U.S. Appellate Cases

B. Braun Melsugen AG et al. v. Terumo Med. Corp. et al. – (Fed. Cir.) – represented appellant Terumo in appeal related to safety IV catheter. Appeal settled favorably.

Samsung Elects. Co., Ltd. v. Int'l Trade Comm'n & Sharp Corp. et al. – (Fed. Cir.) – Represented appellant Samsung Electronics in appeal related liquid crystal display technology. Appeal settled favorably.

Sharp Corp. et al. v. Int'l Trade Comm'n & Samsung Elects. Co., Ltd. – (Fed. Cir.) – Represented intervenor Samsung Electronics in support of ITC's determination that Sharp and its subsidiaries infringed Samsung's patent related to liquid crystal display technology. Appeal settled favorably.

Voda v. Cordis Corp. – (Fed. Cir.) – Represented third-party amicus Boston Scientific Scimed, Inc. in support of plaintiff's request related to the district court's remedy order. The Federal Circuit clarified the application of the Supreme Court's opinion in *eBay Inc. v. MercExchange, L.L.C.*

In re Bilski & Warsaw. – (Fed. Cir.) – Represented third-party amicus SAP America, Inc. in en banc case related to the patentability of business method patents.

MStar Semiconductor v. Int'l Trade Comm'n & Genesis Microchip – (Fed. Cir.) – Represented intervenor Genesis Microchip in support of ITC's enforcement of Genesis's patent related to upscaling semiconductor chips. The Federal Circuit affirmed the ITC's favorable findings in Genesis's favor.

Symbol Technology v. Lemelson Med., Educ., and Research Fdn. – (Fed. Cir.) – Represented third-party amici in support of adoption of strong prosecution laches doctrine and judgment of unenforceability against the Lemelson machine vision patents. The Federal Circuit affirmed the district

court's application of prosecution laches and declared all claims of the Lemelson machine vision patents to be unenforceable.

Insights

Publications

- "Antitrust Issues with "No-Poaching" Agreements," *Fish IP Law Essentials Blog* (October 2020)
- "NPE activity still rising, but Obama executive order attempts to curb that," *Fish Litigation Blog* (June 2013)
- "FTC announces investigation and possible antitrust action," *Fish Litigation Blog* (June 2013)
- "Empirical Analysis of the Federal Circuit's Claim Construction Trends," 16 *Berkeley Tech. L.J.* 1075, 1103 (2001)
- "Dickinson v. Zurko," 15 *Berkeley Tech. L.J.* 209 (2000)
- "Identification of a gene encoding a novel protein-tyrosine kinase containing SH2 domains and ankyrin-like repeats," *Oncogene* (4):1253-9 (April 1994)

Recognition

- Named to "The Best Lawyers in America" list by *The Best Lawyers in America*® Magazine (2022)
- Named a "South Trailblazer," *The American Lawyer* (2021)
- Named a DC Super Lawyer (2017-2021)
- Named as a Top Rated Intellectual Property Attorney by *Super Lawyers Magazine* (2017-2021)
- Named to "*The World's Leading Patent Professionals*" by *IAM Patent 1000* (2016-2021)
- Selected a "D.C. Rising Star" by the *National Law Journal* (2014)
- Named an International Trade "Rising Star" by *Law360* and is considered one of the top patent litigators practicing at the U.S. International Trade Commission (2014)

Clerkships

U.S. District Court for the Southern District of California, The Honorable Marilyn L. Huff, 2001 - 2002

U.S. Court of Appeals for the Federal Circuit, The Honorable Raymond C. Clevenger III, 2002 - 2003

Memberships & Affiliations

Berkeley Technology Law Journal, article editor (2000) and development editor (1999)

Law Clerks and Students Standing Committee of the Federal Circuit Bar Association (co-chair 2004-2006)

Harvard Alumni Association Board of Directors (Recent Graduates Committee chair from 2000-2002, Recent Graduates Committee Member 1997-2000, and member of the Clubs and Communications committees 2002-2004)

Board of Trustees for the Phillips Brooks House Association, Inc. (Trustee and Fundraising Co-Chair, 1996)

Adviser for students in the Law and Technology Writing Seminar (2000-2001)

Languages

- Vietnamese
- English
- French