

MALCOLM GAO

Counsel·Shanghai

+86 21 6263 5995

Malcolm.gao@fangdalaw.com

PRACTICE AREA

MR. GAO SPECIALIZES IN INTELLECTUAL PROPERTY LITIGATION AND NON-LITIGATION MATTERS, INCLUDING PATENT AND TRADE SECRET INFRINGEMENT LITIGATION, PATENT INVALIDATION PROCEDURES, STANDARD ESSENTIAL PATENT LICENSE FEE LITIGATION, IP LICENSING AND IP DUE DILIGENCE, FTO.

Education

- Shanghai Jiao Tong University, School of Microelectronics, B.E. (2012)
- Peking University, School of Law, J.M. (2015)
- Duke University, School of Law, LL.M. (2016)

Professional Qualification

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

Work Language

- English
- Chinese

Professional Background

- Mr. Gao joined Fangda in 2019. Before joining the firm, he worked at another leading Chinese law firm. Mr. Gao has been appointed as a guiding expert by the National Overseas Intellectual Property Dispute Response Guidance Center.

REPRESENTATIVE MATTERS AND CASES

- Represented InterDigital in a series of patent invalidation proceedings in China, obtaining multiple favorable decisions and/or judgments and maintaining the validity of most of the patents
- Represented Valeo in multiple patent infringement litigations and patent invalidation proceedings in China
- Obtained winning judgments for Intel in patent infringement litigations and patent invalidation proceedings
- Represented OPPO in reaching global settlements in standard essential patent license fee disputes against foreign patentees
- Represented Transsion in a standard essential patent infringement dispute against a patentee, and facilitated the parties' reaching a license agreement
- Represented PAX Technology in a standard essential patent infringement dispute against a patentee, and facilitated the parties' reaching a license agreement
- Represented ViVest in a trade secret infringement dispute against its US competitor in China, and facilitated the parties' reaching a comprehensive settlement
- Represented a famous Chinese chip design company in filing trade secret infringement lawsuits against its former employees and competitors, obtaining ownership of patents applied for by the defendant and compensation
- Represented a famous US entertainment media company in reaching settlements in multiple patent infringement lawsuits
- Represented a famous Chinese new energy company in reaching a licensing agreement in a cross-border intellectual property licensing negotiation with European, Middle Eastern, and Korean companies
- Provided intellectual property legal consulting services to many well-known domestic and foreign technology companies
- Represented multiple famous investors in conducting IP due diligence and patent free-to-operate (FTO) analysis on target companies in new energy, semiconductors, medical devices, and robotics