

楊明道

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#### 業務範圍

##### 專利訴訟

專利審判  
美國國際貿易委員會 337 法案專利訴訟

##### 專利局

專利申辦

##### 專利局審理程序

多方複審

專利組合管理、貨幣化、和交易

組合管理

授權、聯盟、和其他交易

##### 營業秘密

#### 專業領域

3D 列印與積層製造

汽車

商業方法專利

數位健康醫療

電子和電腦技術

物聯網

機器人

半導體及積體電路

運動與健身

#### 法院及律師資格

加州

哥倫比亞特區

美國專利商標局

#### 學歷

2002 年，喬治華盛頓大學法學院

法學博士

1995 年，臺灣國立交通大學 (新竹)

## 楊明道

### 合夥人

楊明道律師主要承接各法庭之專利與營業秘密訴訟案件，包括美國聯邦地院、美國國際貿易委員會、和聯邦巡迴上訴法院。

憑藉其智財訴訟經驗，楊律師為客戶提供多方複審程序、授權談判、智財組合管理、及策略規劃之服務。承辦業務涵蓋各技術領域，跨足電腦之硬體和軟體，以及消費性電子產品到健身器材。楊律師亦處理涉及電信、發光二極體、積體電路、功率放大器、電腦網路、觸控面板、及顯示器裝置的訴訟與授權案件。

楊律師定期往返亞洲各國，為亞洲客戶提供訴訟、授權、多方複審程序、和申辦業務的服務。楊律師也經常在美國和亞洲，就最有效的智財實務，以及企業如何針對其所擁有的智慧財產和智財訴訟作最適當的策略管理作演講、授課、並發表文章。

#### 重要經歷

- 承辦超過二十案件次之多法庭專利授權爭議之訴，獲得授權金大幅下降的合解條件。
- 針對單一專利之訴，代表可攜式電子產品領域的某小型創新公司，獲得該業界領導廠商擁有數百件專利的授權。
- 為某積體電路公司被無線技術領導廠商，於國際貿易委員會提起之專利侵權指控作辯護，並在不侵權、有效性、及國內產業三議題上大獲全勝。
- 代表客戶由非專利實施體在半導體、安全監控、和家電產業領域提起之訴作辯護，並獲得無條件的撤銷判決。
- 代表一大型類比積體電路公司對抗某類比積體電路新創公司提起之專利訴訟，並獲得無條件的撤銷判決。
- 代表客戶在州法院為營業秘密訴訟案作辯護。
- 獲得法院對外國專利權人不具有管轄權確認之訴的裁決，並在聯邦巡迴和最高法院上訴階段成功取得確認之訴駁回的判決。
- 代表一電腦網路設備供應商，就競爭對手提出專利侵權的指控作辯護，使得競爭對手-專利權人自願撤回所有請求。
- 2005-2016年，擔任國立交通大學科技法律研究所助理教授，教授專利訴訟課程。
- 2010年擔任上海交通大學凱原法學院兼任教授，教授“美國智慧財產權法和實務”的課程；2009年擔任中國人民大學法學院知識產權學院兼任教授，教授“美國智慧財產權法和實務”的課程；2009年任教於中國人民大學商學院，教授“企業成長之智慧財產權管理”的課程。

#### 專業認可

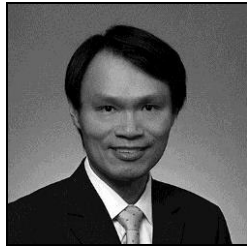
- 榮獲《智權管理》(Managing Intellectual Property) 雜誌評選為2014-

機械工程碩士  
1994年·臺灣國立交通大學(新竹)  
電子工程和機械工程學士

語言  
中文

#### 主要著作

- 2015年·美國加州帕羅奧圖區之「智權之星」。
- 榮獲《超級律師》(*Super Lawyers*) 雜誌評選為·2009年北加州區智財訴訟案之「後起之秀」。
- 合著“Suppliers’ Indemnity Risk for Patent Infringement Claims Against Customers”「客戶被控侵權時 供應商的賠償責任」·《工商時報》2016年4月12日。
- 合著“Security and Privacy: Storing Trade Secrets in the Cloud—Bad Idea?”「安全與隱私:營業秘密的雲端儲存是壞主意?」·《雲端運算期刊》2015年12月4日。
- 合著“Protecting Trade Secrets of Non-U.S. Companies—U.S. Law as an Additional, Stronger Safeguard”「美國營業秘密法 企業機密的守護者」·《工商時報》2015年6月9日。
- 合著“Combating Patent Litigation: The Dark Cloud Over Cloud Computing”「對付專利訴訟—雲端運算的專利烏雲」·《雲端運算期刊》2015年6月4日。
- 合著“Letting the Sun Shine: Getting IP Rights Despite Challenges”「讓陽光照進來—獲取智權·那怕有挑戰」·《雲端運算期刊》2015年4月10日。
- 合著“Patent Damages ‘Zero Out’ After IPRs—Intervening Rights and Patentees’ Admissions”「複審後專利賠償金可能歸零」·《工商時報》2014年12月9日。
- 合著“Recovering Attorney’s Fees from Patentees in U.S. Litigation” (在美惡意或無端興訟 被告反易求償費用)·《工商時報》·2014年6月24日。
- 合著發表於 *Corporate Counsel* 之“Increased Damages for Patent Infringement in Japan” (專利侵權的賠償在日本已增高)·2014年2月24日。
- 合著“Lowered Risks of U.S. Patent Infringement for Component Suppliers” (降低供應商在美專利侵權案之風險)·《工商時報》·2013年12月3日。
- 合著發表於 *Managing Intellectual Property* 中文版之“Bubbles Bursting for Indirect Infringement” (戳破索賠間接侵權的泡沫)·2013年9月。



## Ming-Tao Yang Partner

Ming-Tao Yang focuses on litigating patent and trade secret suits in various forums, including federal district courts across the United States, the U.S. International Trade Commission (ITC), and the U. S. Court of Appeals for Federal Circuit.

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### Areas of Practice

#### **Patent Litigation**

Patent Trial  
ITC Section 337

#### **Patent Office Examinations**

Prosecution

#### **Patent Office Trials**

Inter Partes Review

#### **Patent Portfolio Management, Monetization, and Transactions**

Portfolio Management  
Licensing, Pooling, and Other Transactions

#### **Trade Secrets**

### Industry Focus

3D Printing and Additive Manufacturing  
Automotive  
Business Method Patents  
Digital Health  
Electrical and Computer Technology  
Internet of Things  
Robotics  
Semiconductor and Integrated Circuits  
Sports and Fitness

### Bar and Court Admissions

California  
District of Columbia  
U.S. Patent and Trademark Office

### Education

George Washington University Law School  
J.D., with high honors, 2002  
National Chiao Tung University, Hsinchu, Taiwan  
M.S., Mechanical Engineering, 1995  
B.S., Electrical Engineering and  
Mechanical Engineering, 1994

### Languages

Chinese

Mr. Yang draws on his IP litigation experience to counsel clients on issues relating to inter partes reviews (IPRs), license negotiations, and IP portfolio management and strategic planning. He handles matters relating to various technical areas, from computing hardware to software, and from consumer electronics to fitness equipment. Mr. Yang has also handles litigation and license matters relating to telecommunications, light emitting diodes (LEDs), integrated circuits (ICs), power amplifiers, computer networking, touch panels, and display devices.

Mr. Yang regularly travels to Asia and counsels Asian clients on litigation, licensing, IPR, and prosecution matters. He frequently speaks, teaches, and publishes in the United States and Asia on best IP practices and how companies can strategically manage their IP and IP litigation matters.

### Highlights

- Managed and litigated a multi-forum patent license dispute, resulting in significantly discounted royalty obligations by over 20 times.
- Litigated a single-patent suit for a small innovative company in the portable electronics industry and gained a license of hundreds of patents from an industry leading player.
- Defended an integrated circuit company against patent infringement assertions in the ITC by a leader in wireless technologies and prevailed on non-infringement, invalidity, and domestic industry.
- Defended various assertions by non-practicing entities in the semiconductor, security surveillance, and home appliance industries and secured unconditional dismissals.
- Defended patent suit by a major analog IC company against a rising analog IC startup and secured an unconditional dismissal.
- Defended companies in trade-secret suits in state courts.
- Obtained the dismissal of a declaratory-judgment-action against a foreign patentee for lack of declaratory-judgment-action jurisdiction and successfully defended the dismissal during Federal Circuit and Supreme Court appeals.
- Defended a supplier of computer networking devices against a competitor's patent infringement assertions, leading to the voluntary dismissal of all claims by the competitor-patentee.
- Serves as an assistant professor at National Chiao Tung University Law School and teaches various patent litigation courses, 2005-2016.

**Ming-Tao Yang**  
Partner

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- Serves as an adjunct professor at the KoGuan Law School of Shanghai Jiao Tong University, teaching courses in “IP Law and Practice in the United States,” 2010; served as an adjunct professor at the Renmin University School of Law, IP Institute, teaching “IP Law and Practice in the United State,” 2009; and at the Renmin University Business School, teaching “Managing Intellectual Property for Business Growth,” 2009.

**Professional Recognition**

- Recognized as an “IP Star” in Palo Alto, California by *Managing Intellectual Property*, 2014-2015.
- Recognized as a Northern California “Rising Star” in Intellectual Property Litigation, *Super Lawyers*, 2009.

**Select Publications**

- Coauthor. “Suppliers’ Indemnity Risk for Patent Infringement Claims Against Customers,” *Commercial Times*, April 12, 2016.
- Coauthor. “Security and Privacy: Storing Trade Secrets in the Cloud—Bad Idea?” *Cloud Computing Journal*, Dec. 4, 2015.
- Coauthor. “Protecting Trade Secrets of Non-U.S. Companies—U.S. Law as an Additional, Stronger Safeguard,” *Commercial Times*, June 9, 2015.
- Coauthor. “Combating Patent Litigation: The Dark Cloud Over Cloud Computing,” *Cloud Computing Journal*, June 4, 2015.
- Coauthor. “Letting the Sun Shine: Getting IP Rights Despite Challenges,” *Cloud Computing Journal*, April 10, 2015.
- Coauthor. “Patent Damages ‘Zero Out’ After IPRs—Intervening Rights and Patentees’ Admissions,” *Commercial Times*, Dec. 9, 2014.
- Coauthor. “Recovering Attorney’s Fees from Patentees in U.S. Litigation,” *Commercial Times*, June 24, 2014.
- Coauthor. “Increased Damages for Patent Infringement in Japan,” *Corporate Counsel*, Feb. 24, 2014.
- Coauthor. “Lowered Risks of U.S. Patent Infringement for Component Suppliers,” *Commercial Times*, Dec. 3, 2013.
- Coauthor. “Bubbles Bursting for Indirect Infringement,” *Managing Intellectual Property* Chinese Edition, Sept. 2013.