



→ Harris Gao

Partner

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Harris Gao is a partner in the Intellectual Property, Business Trial and Corporate Practice Groups in the firm's Shanghai and Del Mar offices.

Areas of Practice

Harris is a registered U.S. patent attorney with a track record in international IP litigation and technology transactions, and he is particularly active in assisting Chinese companies and investors in strategic investments and critical technology acquisitions.

Harris' patent practice focuses on the high-tech and life science areas. He is experienced with a variety of technologies, including computer, software, semiconductor, telecommunication, the Internet and e-commerce, Cleantech, medical devices, chemistry, pharmaceutical and biotechnologies. Harris has a master's degree in physics, worked as a software engineer before law school, and has extensive experience representing life science companies. His in-depth knowledge of the U.S. and Chinese patent systems enables him to offer his clients comprehensive advice on their global IP strategies.

Harris' litigation practice encompasses a wide variety of cross-border disputes, including patent litigation, trade secrets, securities litigation and enforcement, FCPA investigation, antitrust, product liability, complex commercial litigation, and international arbitration. He is experienced with a wide variety of litigation forums, including the Hong Kong International Arbitration Centre (HKIAC), the China International Economic and Trade Arbitration Commission (CIETAC), and the United States International Trade Commission (USITC). He also advises clients on issues before various regulatory agencies in the United States and China. Harris' deep understanding of the cultural and legal differences between the U.S. and China enables him to offer his clients effective solutions to their cross-border disputes.

Harris' technology transaction practice includes IP licensing, technology alliance, research and development, outsourcing, and manufacturing and supply agreements. He has extensive experience assisting multinational companies and Chinese companies in structuring and negotiating cross-border transactions where intellectual property is a significant component.

Harris' corporate practice includes venture capital and private equity financing, cross-border mergers and acquisitions and strategic investments, and capital market transactions, with a focus on assisting clients acquiring critical technologies strategic to their business. Harris is also experienced on various regulatory issues involving in those transactions, including VIE, antitrust, and CFIUS review.

Before relocating to Shanghai, Harris practiced law with international law firms in New York City and California.

Honors

Top 15 IP Lawyers, *ALB China*, 2020

Experience

Representative Experiences

- Advised a number of leading handsets companies on various licensing and litigation issues, particularly on the fair, reasonable and non-discriminatory (FRAND) licensing of standard-essential patents (SEPs).
- Represented *Fudan University* in out-licensing its ex-China rights to a series of novel immuno-oncology drug candidates to a U.S. pharmaceutical company.
- Represented various Chinese companies, including *Hanergy*, *Apptronics*, *Youzu*, and *Ants Financial*, in overseas acquisitions and strategic investments to acquire critical technologies, such as in semiconductor, laser diode, photovoltaics, and artificial intelligence.
- Represented *ZTE* on patent prosecution on wireless technologies, and various patent litigation in the United States.
- Represented various Chinese companies, including *Longtop* and *Deer Consumer Products*, that were listed in the United States in securities litigation, SEC investigations, and regulatory compliance matters.
- Represented *Shanghai Institute of Biological Science*, *China Academy of Science* on IP and licensing issues.
- Represented *Motorola* in multi-district litigation against its competitors in the mobile computer business. The technologies involved include touch screen, user interface, operating system, signature capture, wireless communication, network management, bar code decoding, and ergonomics.
- Represented *Pfizer* before the Federal Circuit regarding the written description requirement for pharmaceutical inventions.

Articles

- The Revised Chinese Patent Law Enforcement Regulation, *China Legal Review*, March 2010
- The Impact of In re Bilski on Software Patents, *Morrison & Foerster China IP Newsletter*, 2009 Spring Edition
- Patent Filing Strategy for Chinese Companies after the Third Amendment: U.S. Provisional Patent
- Supreme People's Court Seeks to Harmonize Chinese Patent Litigation, with Michael W. Vella, *Morrison & Foerster China IP Newsletter*, 2009 Fall Edition
- Confidentiality Review for Foreign Patent Filing, *Morrison & Foerster China IP Newsletter*, 2010 Spring Edition

China Law Blog Posts

- "Highlights of Revised Regulations for Implementing Patent Law of China," March 28, 2024
- "SIPO's Draft Measures on Service Invention," December 11, 2012

Global Trade Law Blog Posts

- "Potential Sanctions for Alleged Intellectual Property Theft on the Horizon?," January 19, 2023

Real Estate, Land Use and Environmental Law Blog Posts

- "SB 1079: Changes to Nonjudicial Foreclosure Process Aim to Benefit Tenants, Primary Residence Occupants and Community Groups; Uncertainty Looms for Lenders and Debtors," November 9, 2020

Speaking Engagements

Co-Presenter, "Establish Your U.S. Compliance System: A Strategic View from China and the United States," China Intellectual Property Magazine, October 21, 2021

Panelist, "The Second SIPSA International Summit on IP Services," SIPSA's International Property Forum, Shanghai, China, October 20, 2021

Presenter, "Sanctions, Export Controls and CFIUS," The Hong Kong In-House Community eCongress 2021, October 13, 2021

Speaker, "Thinking Outside The Box: Proven Strategies for PRC Companies to Manage and Successfully Resolve U.S. Patent Lawsuits," The 5th China IP Counsel Congress 2013, Shanghai, China, May 22, 2013

Co-Presenter, "Strategies for the Counterattack in Section 337 Litigation," The 5th China IP Counsel Congress 2013, Shenzhen, China, March 2013

Moderator, "Copyright Protection in China," PT Intellectual Property Club Seminar, Shanghai, China, July 2012

Session Speaker, "Trade Secrets Case Study," IP China 2011, the 7th IP China Intellectual Property Forum, Beijing, China, November 2011

Session Speaker, "Is China an Integral Part of the Global IP Litigation Arena," PT Intellectual Property Club Seminar, Shanghai, China, September 2011

Session Speaker, "China-Related Patent Litigation," Asia IP Exchange, Hong Kong, May 2011

Session Speaker, "IP Strategies for Medical Device Companies," International Medical Device Forum 2011, Beijing, China, April 2011

Session Speaker, "China Related Patent Litigation: Recent Trends," 3rd China IP Counsel Conference, Shanghai, China, November 2010

Session Speaker, "Global IP Strategies for Metals, Minerals and Chemical Companies," 2009

CCCMC Annual Conference, Kunming, China, June, 2010

Session Speaker, "IP Strategy for Chinese Companies," National Yinhe IP Project, Dongguan, China, May 2010

Session Speaker, "IP Litigation as a Competitive Strategy," National Yinhe IP Project, Beijing, China, May 2010

Session Speaker, "Product Liability Litigation - Pitfalls and Strategies For Chinese Companies Facing Lawsuits in the United States," Lexis-Nexis Product Safety & Liability Conference, Shanghai, China, December 2009

Session Speaker, "Winning Expensive IP Disputes in a Changing and Competitive Global Environment Inexpensively," 3rd Annual China Intellectual Property Summit, Beijing, China, November 2009

Session Speaker, "Patent Strategy for Protecting Biotech Inventions in Multiple Jurisdictions," ChinaBio Suzhou Executive Workshop, Suzhou, China, July 2009

Session Speaker, "Offensive and Defensive Strategies for Chinese Companies in U.S. IP Litigation," 4th Annual LexisNexis Corporate Intellectual Property Conference, Beijing, China, April 2009

Session Speaker, "International Patent Strategies for Chinese Companies," 2009 International Summit on IP System, Strategies and Protection, Beijing, China, March 2009

Events

Invitation to Executive Orders Impacting Use of TikTok and WeChat in the U.S.
Webinar, 08.19.2020

Practices

CFIUS: Foreign Investment in the U.S.

Intellectual Property

IP Licensing, Technology and Commercial Transactions

Patent Litigation

Trade Secrets

International Reach

China

Litigation

Securities Litigation

Antitrust and Competition

Industries

CFIUS: Foreign Investment in the U.S.

Entertainment, Technology and Advertising

Life Sciences

Semiconductors

Education

J.D., Columbia University, 2002

M.S., Physics, Catholic University of America, 1997

B.S., Physics, Tsinghua University, 1994

Admissions

New York

United States Patent and Trademark Office