



Fei KOU

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OVERVIEW

Dr. Kou joined NTD as a patent attorney in 2014 and handled patent filings and prosecuting cases. He became a patent litigator in 2016 and provides legal services relating to patent invalidation, administrative litigation, civil litigation, FTO search, patent landscape analysis, IP strategy consulting, etc. in various practice areas including Pharmaceuticals & Medical, Life Health, New plant variety, Chemistry, etc.

Before joining NTD, Dr. Kou started his career as a patent examiner in China National Intellectual Property Administration, where he received professional training of IP and handled hundreds of patent examination on medical apparatus, analytical and detecting instruments, biological detection, etc. for four years.

After the role transitions among scientific researcher, patent examiner, patent attorney and patent litigator as well as more than ten years of IP practicing experience, Dr. Kou is committed to customizing strategy and comprehensive problem solutions from an entire perspective for various clients like Pfizer, Novartis, Roche, DuPont, IFF, Syngenta, etc.

EDUCATION AND TRAINING:

- Juris Master -- China University of Political Science and Law (2016-2018)
- Doctor degree in Biochemistry and Molecular biology -- Shanghai Institute for Biological Sciences, CAS (2003-2010)
- B.S. degree in Biological Sciences -- Sichuan University (1999-2003)

TECHNICAL AREAS:

IP-related affairs (patents, trademarks, anti-unfair competition, data protection (RDP), etc.) in the pharmaceutical and medical field (pharmaceutical registration, review and approval, management, centralized procurement, bidding, NRDL negotiation, etc.); Patent-related affairs in Life Health (genetic engineering, cellular immunotherapy, biopharmaceuticals, vaccines, antibodies, etc.); Patent invalidation, administrative litigation, civil litigation, administrative enforcement; FTO, patent landscape analysis, patent valuation; IP strategy consultation, patent portfolio and prosecution.

PROFESSIONAL AFFILIATIONS:

- Member of Pharmaceutical Professional Committee of China Patent Protection Association
- Foreign lawyer talents of Beijing Lawyers Association
- Member of Special Committee on Medicine and Health Law of Beijing Lawyers Association

WORKING LANGUAGE

REPRESENTATIVE CASES:

- Representative of Danisco (plaintiff) in a biosequence-related patent infringement case, which is very rare in China; the first case of punitive damages for patent infringement by Shanghai courts, awarding monetary compensation of 11 million RMB, selected into the "2021 Shanghai Court Intellectual Property Judgment White Paper" issued by the Shanghai High Court, featured case of "Shanghai Intellectual Property Court Judicial Protection of Intellectual Property Rights (2021)"; the supreme court fully supports the plaintiff's damage claims of 20 million RMB, selected into "100 typical cases of five years after founding of the Intellectual Property Tribunal of the Supreme People's Court (2024)"; "Supreme People's Court Summary of Intellectual Property Court Judgments (2023)".
- Representative of Warner-Lambert (plaintiff) in a drug patent linkage case, selected into the "Supreme People's Court Summary of Intellectual Property Court Judgments (2023)";
- Representative of VEECO (defendant) in a series of semiconductor processing equipment related patent infringement and patent invalidation cases, selected into "Supreme People's Court Summary of Intellectual Property Court Judgments (2023)", "featured cases of IP protection by China Customs (2017)", "top ten IP cases in Shanghai (2017), and top ten cases in Fujian courts (2018)", "top ten cases of judicial protection of intellectual property rights in Fujian courts (2018)",
- Representative of Warner-Lambert (plaintiff) in an API-related patent infringement case, which was selected into the "Top Ten Featured Intellectual Property Cases in Jinan Court (2021)";
- Representative of Pfizer (petitioner) in a drug patent administrative enforcement case, and successfully took down the generic drug from the centralized procurement platforms of more than 30 provinces;
- Representative of Wyeth (plaintiff) in a series of pneumococcal vaccine-related administrative litigation, and successfully revoked the unfavorable invalidation and reexamination decisions, established a good patent portfolio;
- Representative of Pfizer Products (plaintiff) in a series of drug patent infringement and anti-unfair competition cases;
- Representative of AMBRX (plaintiff) in a biopeptide-related administrative litigation, and successfully revoked the unfavorable reexamination decisions;

SELECT SEMINARS & EVENTS:

- Leading the research project on the scientific characterization methods of patent agency quality for the China National Patent Agents Association.
- Invited by CNIPA into the project of revision of Guidelines for Patent Examination (2021)
- AIPPI Group Report: 2019, 2021
- AIPPI China Youth IP Seminar, Moderator (2021), Speaker (2017)
- Speaker, Academic Annual Conference of New plant variety protection (2018) and the 10th National Agricultural IP Forum, November, 2018

SELECTED PUBLICATIONS:

- Consideration of the adjustment scope and object of the early resolution mechanism of drug patent disputes. IPHouse MED+ (2022)
- 27 noteworthy things about China's PTA and PTE system. 《Asia IP》 (2021)
- The ingenuity of lawyers in the era of big data. IPHouse (2021)
- The initial experience of published patent certifications on China's listed drug-related patent information registration platform. IPHouse (2021)
- Call for allowing the patent term compensation system to be "favorably retroactive" within a reasonable range. IPHouse (2021)
- Research on Hot Legal Issues of Intellectual Property (Volume 6) (2021)
- China's Establishing Patent Linkage System More Favorable to Generic Drug

- Companies or Innovator Drug Companies? Biospace (2020)
- Brief introduction of PTA and PTE in the U.S. (I) (2020)
- Brief introduction of PTA and PTE in the U.S. (II) (2020)
- Spotlight on China - Generics' goal. Intellectual Property (2020)
- The architecture and future of the patent linkage system with Chinese characteristics. IPHouse (2020)
- Spotlight on Asia - Medical patents in China. Intellectual Property (2019)
- Why the brand-name drugs and the generic drugs fight with each other so fiercely? IPHouse (2019)
- Why the invalidation procedure becomes more and more complicated? IPRdaily (2019)
- Is it really necessary for the invalidation petition to be longer and longer? IPRDaily (2019)
- Criteria For Secrecy Elements of Trade Secrets and Infringement of Trade Secrets. China Invention & Patent. (2019)
- Study on the application of Guidelines for Patent Examination in the patent litigation. China Invention & Patent (2019)
- Analysis of the application of the Act Preservation during the trial in the context of partial judgment -- Taking the "wiper case" as an example, IPHouse (2018)
- The first show of the new judicial interpretation of Act Preservation in Intellectual Property Disputes , IPHouse (2018)
- Judicial Trends and Prospects of Hot Issues in Pharmaceutical Patent, IPHouse (2018)
- Discrimination of the Boundary of "Sales" in the sense of Patent Law, IPHouse (2018)
- The Present Situation and Prospect of the Judicial Practice of Infringement of the Right of New Variety of Plants——The Latest Development of the Judicial Practice of Variety Right from the Perspective of the Pioneer Case. China Patents & Trademarks (2017)
- Several issues on the application of Guidelines for Patent Examination in the patent litigation. China Invention & Patent (2016)
- The status and development trend of Patented technology about disease-related biomarker, Report on the status and development trend of Patented (2013-2014). Intellectual Property Publishing House
- The effect of insufficient disclosure of prior art on the assessment of the novelty/inventiveness. China Invention & Patent. (2014)
- Redetermination of disclosure time of non-patent literature in CNKI. China Invention & Patent (2014)
- Study on the criterion of patentability of the detection method against samples in vitro. China Invention & Patent. (2013)
- Supplementation of experimental data about technical effect during assessment of inventive step. Proceedings of excellent papers of 4th IP Forum. Intellectual Property Publishing House. (2013)
- Supplementation of experimental data during examination of whether the claims being supported by the description, Selected papers of High Level symposium of patent examination and agency, 2012. Intellectual Property Publishing House. (2013)
- Study on the examination strategy of diagnostic methods in the field of detection against samples in vitro, Self-investigation items of academic board, SIPO (2012)