

7th Annual Advanced Forum on ITC Litigation & Enforcement

February 24 - 25, 2015

Conducting Effective Discovery in Asia: A Unique Perspective on Data Collection in China, Japan and Korea

John Flock
Moderator
Kenyon & Kenyon LLP

Ruixue Ran
Panelist
Covington & Burling LLP

Steven E. Adkins
Panelist
Steptoe & Johnson LLP

Tweeting about this conference?

#ACIITCLit



Conducting Effective Discovery in Asia

CHINA

Overview

No equivalence of US discovery in China

➤ Document Requests

➤ Interrogatories

➤ Depositions

Deposition in HK



Conducting Effective Discovery in Asia

CHINA

Discovery obligation

- Working with Chinese companies—Lysine case



#ACITCLIC



Conducting Effective Discovery in Asia

CHINA

Discovery Obligation

- Dealing with state secrets—Sino Legend Case



Conducting Effective Discovery in Asia Japan/Korea

- Dealing with broad discovery obligations
- Litigation hold
- Point person for discovery gathering

Conducting Effective Discovery in Asia Japan/Korea

- Depositions logistics/ restrictions
(U.S. Embassy/ Consulate)

Conducting Effective Discovery in Asia

Japan/Korea

- Be aware: culture of sharing information is different (East v. West)
- Confidential Business Information (CBI)
 - Trust lawyers to know CBI
 - Violations of the Protective Order can result in millions in costs
 - Attorney Fees
 - Sanctions

Conducting Effective Discovery in Asia

Questions?

#ACIITCLit

