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PERSPECTIVE

FedArb aims to be leader in global patent and tech disputes

By Douglas Saunders

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FedArb is positioning itself as a leader in international arbitrations involving patents and technology disputes.

The company points to the presence of Cedric C. Chao and recently Jerry Roth on its panel as testaments to an elite talent pool it has created to handle high-end cases around the world.

“We are a focused player; we’re not trying to be all things to all people,” Ken Hagen, president and CEO of FedArb Inc., said in an interview. “We only get involved in the most complicated disputes in the international arena.”

While some international arbitrations take place in the United States, the market is robust in several places in the world, including Singapore and London.

“One of the messages that I’ve tried to deliver is that we want to partner with the international bar,” Hagen said. “Our panelists have a lot of expertise in technology disputes, not just because our company is headquartered in Silicon Valley, but because we happen to have a number of people throughout the country who have that expertise. These are the very complicated, very sophisticated technology disputes which have become one of the leading issues in the world today that we want to take on.”



CHAO

Chao, a veteran of international litigation and arbitration, joined FedArb in San Francisco and Silicon Valley more than a year ago. He is now head of FedArb’s practice for Asia.

“If you look at the top 30 law firms in the United States, most of them have an international practice,” Chao said. “Some of the biggest pharmaceuticals in Switzerland now have one company sitting in Switzerland and one company sitting in California and then who handles that if there is a dispute?”

“We know one advantage of arbitration is you can elect to be heard in a neutral forum, as opposed to it being heard in a courtroom,” Chao continued. “Do they really feel comfortable with a jury trial where there are no guarantees? The other issue is enforce-



ROTH

ability. This may not be a problem in Switzerland, but it is a problem going to other nations who don’t recognize U.S. law or judicial rulings. For example, if you went to China, they do not recognize the U.S. rulings, so you have to arbitrate with the Chinese and maybe some other countries in the region, which would be recognized by the world court.”

Chao was formerly U.S. head of DLA Piper’s international arbitration practice. He also practiced at Morrison & Foerster LLP for 29 years.

Roth joined the panel earlier this year and heads FedArb’s European practice. He is based in France and California.

“International arbitration is an incredibly important alternative to litigation in courts that has been really developing since the mid-

20th century but has accelerated dramatically in the past 10 to 20 years and now in particular in California over the past five years,” Roth said. “Businesses and lawyers of the world developed an entirely alternative system, which is international arbitration established by a treaty among practically every country around the globe.”

Roth was a partner with Munger, Tolles & Olson LLP for 30 years. He oversaw complex international litigation, arbitration, mediation, as well as governmental and internal investigation concerns for significant national and multinational corporations, boards of directors, and individuals. Prior to that, he was a federal prosecutor in the Eastern District of New York.

“Anywhere in the world that has ratified this treaty, offers the option to choose your own qualified judges, which will be enforceable regardless of the outcome. Because of the globalization of arbitration, major and even smaller businesses no longer want to appear before judges in foreign courts. This has led to the development of an alternative system and the explosion of this procedure,” Roth said. “Numerous institutions have created private and occasionally public institutions where these arbitrations are administered outside of the judicial system.”

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