

## Korea Practice

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Bird Marella is recognized as one of the top trial and litigation boutiques in the U.S. It has seen wide-ranging commercial success in complex business disputes as well as white-collar criminal matters, garnering it a Chambers USA designation as Elite for Litigation: General Commercial, Media and Entertainment: Litigation, and a Band 1 ranking in White-Collar Crime and Governmental Investigations.

**Due to its Korea Practice Group—which is comprised of an all-star bench of Korean fluent native speakers and trial lawyers—Bird Marella has become the go-to firm for Korean companies seeking to resolve their U.S.-facing disputes, particularly trials.** Its recent successes in this area include a complete defense verdict on behalf of Samsung Electronics in a \$50 million (USD) federal jury trial and a dismissal with prejudice of copyright claims in a federal lawsuit against global stars BTS and HYBE Corporation.

**Bird Marella's Korea Practice Group co-chairs Ekwon Rhow and Timothy Yoo were recognized by The Legal Times, Korea's foremost legal ranking source, in its directory of the "Best Law Firms in Korea" for Korean companies. Bird Marella was the only trial boutique firm on the list. The profile—headlined "Making U.S. Litigation a Home Game"—touted Bird Marella's recent wins on behalf of prominent Korean companies.**

Some of Bird Marella's public clients include Fortune 500, industry-leading companies, and high-profile figures including:

- **Hyundai Motor Company**
- **BTS**
- **HYBE Corporation**
- **Huobi Korea**
- Seegene, Inc.
- LG UPlus
  
- **Samsung**
- DoubleDown Interactive
- **CJ Entertainment & Media**
- ICure Pharmaceutical
- GeneMedicine
- Pacific Coast Co., Ltd.

- SK hynix
- TV Chosun Corporation
- CJ Logistics
- Kakao Entertainment
- Humax
- MBC Corporation

The firm has been recognized nationally by its peers, clients, and legal publications and has received numerous awards, notices of distinction, and accolades. Chambers and Partners, internationally regarded as one of the primary arbiters of achievement in the legal profession, has consistently recognized Bird Marella as a premier law firm in Chambers USA. **The firm has earned practice rankings in the selective Litigation: General Commercial: The Elite category and in the Band 1 group of Litigation: White-Collar Crime & Government Investigations.**

Various media outlets have also sought out Bird Marella's expertise on Korean business culture and the global landscape. Most notably, Mr. Yoo authored the article "K-Pop to Parasite – Navigating South Korean Business Culture" in Bloomberg Law, and associate Christopher Jumin Lee was interviewed on the South Korean current affairs radio show, "This Morning," and published the book *가* ("Why Anti-Discrimination Law?") with Book Journalism.

## Experience

Won copyright-infringement lawsuit on behalf of international K-pop sensation BTS and its label, HYBE Corporation. The plaintiff alleged that the idea for CJ E&M and HYBE's reality show I-Land was stolen from a written treatment for his original television series idea. The district court granted the firm's motion to dismiss – in a rare occurrence, without leave to amend – and dismissed the entire case with prejudice. In addition, Bird Marella handled several cease-and-desist/takedown notices for BTS against various entities improperly exploiting BTS trademarks or implying false endorsements.

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Complete defense verdict in \$175 million trial for Global Fortune 500 semiconductor company, SK hynix. After a four-week trial, Bird Marella convinced a federal court jury in Seattle to find for SK hynix against claims brought by Microsoft. Microsoft alleged that SK hynix breached a semiconductor chip supply contract and jeopardized the launch of its Xbox One gaming console. The jury sided with Bird Marella and determined that SK hynix had not committed any wrongdoing and denied all of Microsoft's damages claims.

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Won federal class action on behalf of Hyundai Motor America, continuing a string of victories for the global automobile manufacturer. The original complaint, filed on behalf of a nationwide class, alleged that Hyundai sold vehicles with defective wheels. The action included claims of breach of

warranty, violations of various state consumer protection laws, and unjust enrichment.

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Won copyright-infringement lawsuit in favor of a joint defense group comprised of some of South Korea's largest media companies – Kakao Entertainment, Genie Music, NHN Bugs, TJ Media, Keum Young, MBC, and TV Chosun – concerning the works of South Korean composer Jae-Ho Lee. Successfully prevailed on successive motions to dismiss, securing a dismissal with prejudice.

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Won a unanimous jury verdict on behalf of Samsung Electronics Co., Ltd. in the Central District of California. The plaintiff sought over \$50 million in damages for Samsung's purported breach of contract from an agreement that the two companies had entered.

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Completely defended a \$50-million copyright-infringement lawsuit on behalf of CJ Entertainment & Media, Korea's largest media conglomerate, concerning the distribution of "K-pop" songs in the U.S. over the Beats Music platform. Prior to the commencement of extensive international discovery, Bird Marella successfully got the case dismissed in its entirety based on the doctrine of forum non conveniens, which the Ninth Circuit has noted is an "exceptional" remedy that is rarely to be used.

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As lead counsel, represented one of Asia's leading social gaming companies headquartered in Korea in a national class action brought under Washington's Recovery of Money Lost at Gambling Act (RMLGA). The case presented cutting-edge legal issues involving the proper interpretation of the RMLGA and involved potential damages of over \$2 billion.

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Representing Galaxia Electronics, an LED-display manufacturer and subsidiary of Hyosung Corporation, in a breach of contract matter that has been pending in the Central District of California since 2016. Bird Marella was able to recover millions of U.S. dollars from the client's bankruptcy estates after the firm obtained pre-judgment writs of attachment, forcing two of the main defendants to declare bankruptcy.

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Obtained TRO in multimillion-dollar breach of contract suit on behalf of large-cap company, ICure Pharmaceutical. Successfully impelled the defendant to arbitrate the case before the ICC.

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Represented South Korean blockchain-based “decentralized finance (DeFi)” company Pacific Coast Co., Ltd. against its former Chief Technology Officer, who hacked smart contracts to embezzle customer funds.

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Obtained a favorable settlement on behalf of Huobi Korea, the Korean branch of an international cryptocurrency exchange, in a case adverse to a NY-based investment fund, involving the management of Huobi’s cryptocurrency trust account.

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Representing South Korean consumer electronics company Humax in a subpoena against multiple cable companies, including AT&T and Comcast, involving a patent-infringement action related to cable boxes.

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Represented Seegene Technologies, Inc. in an international arbitration matter. Additionally, with the city of Los Angeles facing an increasingly growing demand for testing at the onset of the COVID-19 pandemic in 2020, principal Ekwon Rhoo worked alongside Seegene and Los Angeles Councilman David Ryu to fulfill agreements to produce 100,000 testing kits per week for Los Angeles County. The initiative provided much-needed aid for county health officials and residents, allowing for faster diagnosis and treatment.

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Defended one of the largest South Korean companies in tort and contract claims related to a \$100 million resort development in Guam and claiming damages in excess of \$100 million. The firm achieved a walk-away settlement that was favorable to the client.

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Obtained dismissal of consumer class action lawsuits on behalf of Hyundai and Kia Motors without leave to amend. The class action suits were filed against almost all of the major automotive manufacturers, alleging that the keyless entry system in vehicles was inherently dangerous and potentially could lead to monoxide poisoning.

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Successfully defended Hanmi Bank (an American community bank focusing on the Korean American community) and its parent company, Hanmi Financial Corporation, against claims of fraudulent and negligent misrepresentation brought by its former Chairman and largest individual shareholder.

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Defended South Korean pop star Rain (Jung Ji-hoon) in concert-related litigation.

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Consulted for an e-sports management firm in Korea and assisted with demand letters to various U.S.-based e-sports teams and their operating entities regarding the purported inducement of several players and coaches to breach their contracts and move to the U.S.

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Advised a South Korean medical devices manufacturer on patent infringement risks with the company's strategic move into the United States market.

## Media and Publications

- Cover Story, "Bird Marella: Specializing in U.S. Trials for Korean Companies," *The Legal Times*, July 2023
- Interviewee (Christopher Jumin Lee), "This Morning with Henry Shinn," TBS eFM 101.3, January 2022
- Featured, "Best Law Firms in Korea for Korean companies," *The Legal Times*, November 2022
- Author (Christopher Jumin Lee), "가 " (Why Anti-Discrimination Law?), Book Journalism, May 2021
- Featured, "Settlement of TikTok class action lawsuit led by a Korean lawyer," *Korea Daily*, March 2021
- Author, (Timothy B. Yoo): "K-Pop to Parasite – Navigating South Korean Business Culture," Bloomberg Law, May 2020
- Featured, "SK Hynix dismisses all 200 billion won in hand compensation paid by Microsoft," *The Legal Times*, April 2019
- Featured, "Second generation Korean lawyers win \$175 million lawsuit against Microsoft," Radio Seoul, April 2019

## Affiliations

- Korean American Bar Association
- Korean Commercial Arbitration Board, Panel of International Arbitrators
- Korean American Coalition
- International Association of Korean Lawyers
- Korean American League for Civic Action
- Adjunct Board of Advisors to the US-Korea Law Foundation, University of California Irvine Law School

- Network of Korean American Leaders (NETKAL), University of Southern California
- Council of Korean Americans
- US-Korea Law Foundation
- Korean Community Lawyers Association (KCLA)