

Legal Times

November 2024 Article: Best Law Firms Directory – ENGLISH TRANSLATION

Reported by Jinwon Kim

U.S. Litigation Solvers Led By Korean Trial Lawyers

Which law firm has the largest Korean team and has the highest winning-rate for American law firms that handle U.S. litigation involving Korean corporations? Bird Marella cannot be left out of this list. The firm specializes in their work as trial and litigation counsel and has been noted for their competitiveness by Chambers, etc.

The Korea practice team consists of nearly 10 Korean attorneys and is co-led by Harvard Law graduate Ekwan Rhow and IP litigation specialist Timothy Yoo. Bird Marella successfully represented HYBE and CJ ENM in a U.S. District Court case alleging that the reality show *I-Land*, co-produced by HYBE and CJ ENM, had stolen the idea for a TV series. The firm achieved an early dismissal of the plaintiff's claims through a motion to dismiss. Bird Marella also secured a jury verdict dismissing Microsoft's \$175 million damages claim against SK hynix, which alleged that SK hynix had violated a semiconductor chip supply agreement and disrupted the launch of Microsoft's Xbox One gaming console.

According to Bird Marella's Korea practice team, the number and variety of lawsuits involving Korean companies have been increasing. A more frequently filed type of suit in recent years involves Section 1782 in regards to requests for the disclosure of personal information to identify malicious commenters (“internet trolls”) by famous Korean entertainment companies. Bird Marella has also worked as a regular agent for Korean companies in U.S. lawsuits.

“Don’t worry about U.S. lawsuits. Bird Marella will provide close support as if you’re trying [the case] in Korea.” (Timothy Yoo)

Bird Marella’s Korea Practice Team holds a major advantage with their U.S. trial expertise and Korean-speaking attorneys. While continuously recruiting Korean lawyers, they are also operating an exchange program with major Korean law firms.

Korea Law Times

November 2024 Article: “Hiring a Trial Lawyer Key to Persuading Juries: Ekwan Rhow of Bird Marella” – ENGLISH TRANSLATION

Reported by Lim Hyeon-gyeong

Korea is at the center of the global content market. Two years ago, exports of K-content reached a record high of \$13.2 billion (approximately 18.5 trillion won). At the same time, the risk of Korean companies being exposed to international disputes has increased. I spoke with Ekwan Rhow, a U.S.

attorney and head of the Korea Practice Group at Bird Marella, a boutique law firm specializing in intellectual property litigation near Hollywood, to discuss the legal risks and strategies Korean companies should consider in U.S. litigation.

Mr. Rhow has represented major Korean companies such as HYBE, CJ E&M, Samsung, and Hyundai Motors. He also secured a \$92 million (approximately 129 billion won) settlement in a class-action lawsuit brought by users against TikTok's operator, ByteDance, over alleged personal data breaches.

He emphasized, "If you want the best results, you must show willingness to take the case to trial." He said, "Korean companies should hire trial lawyers who can develop strategies with the end trial in mind, rather than mere litigators." In the U.S., litigators generally manage legal procedures and aim for settlements, whereas trial lawyers focus on winning in court by persuading juries and presenting arguments.

Attorney Lee noted the tangible influence of the "Korean Wave" in the content market. He stated, "With Netflix expanding its investment in Korean content, more Korean production companies are collaborating while traveling between Korea and LA." Last year, Netflix announced plans to invest \$2.5 billion (approximately 3.5 trillion won) in Korean content over four years.

In U.S. litigation, Mr. Rhow highlighted the importance of the "discovery process" as a critical strategic element. Regarding discovery, he explained, "It means the company must submit a large volume of documents from years ago and even have executives testify." He advised companies to establish thorough document management systems and identify key employees who may serve as witnesses in advance.

He stated on the outlook for content disputes, "The advancement of AI and the growth of social media are driving a surge in copyright and trademark lawsuits." He also noted, "There is an increasing trend of copyright lawsuits targeting content providers like Meta and Instagram."