

Grant Kim

Partner



Grant L. Kim has successfully represented clients from the U.S., Asia, and Europe in numerous international arbitrations, intellectual property lawsuits, and other commercial disputes. He regularly serves as an arbitrator under the rules of the International Chamber of Commerce (ICC), the International Centre for Dispute Resolution (ICDR), the American Arbitration Association (AAA), the CPR International Institute for Conflict Prevention and Resolution (CPR), and the Korean Commercial Arbitration Board (KCAB). He has also decided Internet domain names disputes for the ICDR and the World Intellectual Property Organization (WIPO). His experience as an arbitrator makes him a more effective advocate, as he understands what points are most likely to be persuasive to the arbitrators.

Mr. Kim has handled a wide range of commercial disputes before arbitral tribunals and federal and state courts, and has specific expertise with disputes involving intellectual property and complex technology. He excels at explaining technology in a clear and persuasive manner. He is familiar with diverse technology, including computer software and hardware, biotech, semiconductors, smartphones, and medical devices. Mr. Kim frequently speaks about international arbitration and intellectual property at conferences in the U.S. and Asia. He also has extensive experience with cross-border litigation and enforcement of foreign arbitral awards and judgments, including pursuing judgment debtors in bankruptcy proceedings.

Mr. Kim previously worked for many years at leading international law firms in the U.S. (Morrison & Foerster, 25 years) and in South Korea (Kim & Chang in Seoul, about 5 years). He also served as a Staff Attorney for the U.S. Court of Appeals for the Ninth Circuit. His grandparents were among the first wave of Korean immigrants to the U.S. in the early 1900's; he learned Korean as an adult while living and working in Korea, first as an English teacher and later as an attorney. He has also studied in France and has a working knowledge of Korean and French.

Representative Matters

- Chair of ICDR Tribunal, patent indemnity dispute between U.S. and Asian semiconductor companies.
- Chair, ICDR arbitration arising from Chinese investment in Las Vegas hotel project.
- One of three ICDR arbitrators in M&A dispute arising from \$100 million Put Option.
- One of three ICC arbitrators in dispute between U.S. and Korean partners to joint venture in Vietnam.
- Sole KCAB arbitrator in dispute arising from license to touchpad technology.
- Sole ICDR arbitrator in technology license dispute between parties from California, Hong Kong, and Taiwan.
- Obtained \$5 million award for Korean company in ICDR arbitration against its former North American distributor; enforced award in federal court and obtained favorable settlement in related fraudulent transfer litigation and bankruptcy proceedings.
- Obtained favorable award for European company in KCAB arbitration arising from \$400 million power plant construction project.



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Practice Areas

Litigation, Arbitration & Trial

- Commercial Litigation
- International Arbitration
- Domestic Arbitration
- Intellectual Property Disputes

Intellectual Property

- Copyright & Trademark Litigation

Education

University of California, Hastings College of Law, San Francisco, CA

- J.D. - 1984

University of Wisconsin, Madison, Wisconsin

- B.S. - 1980

Foreign Languages

- Korean
- French

- Obtained favorable award for Silicon Valley molecular diagnostics company in ICC arbitration in Switzerland arising from patent license.
- Obtained favorable arbitral award for Chinese investor in U.S. aviation company.
- Obtained \$8.2 million U.S. judgment enforcing Chinese arbitral award in favor of British Virgin Island company against Chinese party.
- Obtained order compelling discovery from third parties for use in arbitration in China under 28 U.S.C. § 1782 (issue of first impression in the Ninth Circuit on which other circuits have split) .
- Negotiated favorable settlement of JAMS arbitration involving allocation of large contingent fee award between U.S. and Korean counsel.
- Counsel in very large ICC arbitration arising from billion-dollar M&A deal between parties from Korea and China.
- Represented Korean companies in multiple state and federal lawsuits involving breach of contract, business tort, and IP claims.
- Trial counsel in ITC patent case involving video chip technology.
- Trial counsel in patent jury trial involving computer technology.
- Counsel in numerous other patents, copyright, and trade secret lawsuits, as well as other cross-border disputes.

Bar Admissions

- California, 1984
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, 9th Circuit
- U.S. Court of Appeals, 10th Circuit
- U.S. Supreme Court

Published Works

- Author, California: The Next Hub for International Arbitration, KOREAN ARBITRATION REVIEW (2018)
- Author, Korea's "Bali Bali" Growth in International Arbitration, 15 PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL 615 (2015)
- Author, Winning an International Arbitration: Key Points for Korean Companies, KOREAN ARBITRATION REVIEW (2013)
- Author, East Asian Cultural Influences, Asian Leading Arbitrators' Guide to International Arbitration (2007)

Classes/Seminars

- Speaker, Challenges and Best Practices in International Arbitration of Patent Validity Disputes, JAMS and SVAMC (Webinar, 2020)
- Speaker, Transparency in International Arbitration, CPR Annual Conference (Florida 2020)
- Speaker and Primary Organizer, Arbitration: a Better Way to Resolve IP and Tech Disputes, SVAMC and KCAB (Seoul 2019)
- Speaker, Effective Advocacy in International Commercial Arbitration, California Lawyers' Association (Los Angeles 2019)
- Co-Moderator, Roundtable on ADR for IP and IT Disputes, International Bar Association Annual Conference (Seoul 2019)
- Speaker, Appealing Arbitration Awards, USC-JAMS Arbitration Institute (Los Angeles 2018)
- Faculty, Chartered Institute of Arbitrators, Accelerated Route to Fellow (2016, 2017, 2019)

- Faculty, ICC Advanced Level Arbitration Training (San Francisco 2017)

Professional Associations and Membership

- Panel of Arbitrators, ICDR, AAA, KCAB, CPR, WIPO, and Hong Kong International Arbitration Centre
- Chartered Institute of Arbitrators, Fellow and Former Chair of the Northern California Chapter and Member of the North American Branch Board of Directors
- Silicon Valley Arbitration and Mediation Center, Board Member and Tech List Appointee
- California International Arbitration Center, Board Member
- International Association of Korean Lawyers, Former Overseas President
- Council of Korean Americans, Member

Pro-bono Activities

- Obtained dismissal of defamation lawsuit against small Korean community newspaper
- Obtained favorable results in proceedings to expel or suspend Korean American high school and middle school students

Awards & Accolades

- Northern California Super Lawyer, International, 2013-Present