|  |  |
| --- | --- |
| craig I.celnikerPartner, Hong Kong/Tokyo/Singapore,+852 2585 0842/ +81 3 3214 6522/ +65 6922 2000, ccelniker@mofo.com | C:\Users\lxk6\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\WMVKOT32\Craig Celniker (Option 1).jpg |

Craig Celniker has extensive international commercial litigation and arbitration experience, with a particular emphasis on intellectual property issues. After spending 10 years in the litigation department of the firm’s Tokyo office, where he developed his reputation as one of the leading international dispute lawyers in Japan, Mr. Celniker now divides his time between the firm’s Hong Kong, Tokyo and Singapore offices.

EDUCATION

University of California,
San Diego (B.A., 1985)

John Hopkins University,
(M.A., 1987)

Columbia Law School
(J.D., 1990)

RANKINGS

*Chambers Asia Pacific 2016*Ranked as a leading individual for Dispute Resolution: Arbitration

*Japan’s Best Lawyers*’ 2015

Tokyo Litigation “Lawyer of the Year”

*Japan’s Best Lawyers*

Listed in the categories of Intellectual Property, Litigation, and Arbitration and Mediation since 2009

*Chambers Global* and *Chambers Asia’s* 2013 - 2015

Only attorney rated as a “Star Individual” for Dispute Resolution: International Firms: Japan (the level above Band 1)

Mr. Celniker leads Morrison & Foerster’s international arbitration practice. He also heads the firm’s Asia dispute resolution practice and is a former co-chair of our commercial litigation group.

Mr. Celniker is a member of the Panel of Arbitrators for the Japan Commercial Arbitration Association (JCAA), as well as a member of the IP Panel of Arbitrators for the Singapore International Arbitration Centre (SIAC).

Mr. Celniker represents individuals and companies from every continent in the world in the litigation and arbitration of intellectual property, construction and commercial issues in a wide variety of industries before U.S. courts and administrative agencies (TTAB, ITC), American Arbitration Association (AAA), International Chamber of Commerce (ICC), London Court of International Arbitration (LCIA), Hong Kong International Arbitration Centre (HKIAC), JCAA, SIAC, China International Economic and Trade Arbitration Commission (CIETAC), Iran-U.S. Claims Tribunal and others. He also assists foreign clients in litigation in Japanese Courts. In addition, Mr. Celniker’s experience includes participation in a variety of international litigation issues, for example, Foreign Sovereign Immunities Act, Act of State, United States Arbitration Act, international arbitration conventions, Hague Convention and international discovery issues. He regularly advises multinational clients with respect to commercial and intellectual property litigation in Japan and Chinese courts.

Mr. Celniker has been named *Japan’s Best Lawyers*’ 2015 Tokyo Litigation “Lawyer of the Year”; since its inception in 2009, *Japan’s Best Lawyers* has listed Mr. Celniker in the categories of Intellectual Property, Litigation, and Arbitration and Mediation. Mr. Celniker is the only attorney rated as a “Star Individual” for Dispute Resolution: International Firms: Japan (the level above Band 1) by *Chambers Global* and *Chambers Asia*’s 2013 - 2015 editions, making him their highest-rated foreign Dispute Resolution specialist in Japan. In Chambers Asia Pacific 2016, he was described as “a world-class lawyer – highly experienced, knowledgeable and business-minded. His strategies make you feel safe.” He was previously ranked in Band 1 for Dispute Resolution in each of the prior five years and was the only international attorney to be consistently ranked at this level. He is described by *Asia-Pacific Legal 500—*which has recognized him as a Leading Lawyer for Dispute Resolution in Japan in several recent editions, as well as for IP in 2011 — as “*an exceptional strategist on both the legal and business levels.*” Mr. Celniker was chosen two years in a row as the exclusive winner in the Litigation category for Japan in the 2010 and 2011 *International Law Office’s* “Client Choice Award” for excellence in client services (based on a survey of 2,000 in-house counsels). He is recommended in *Intellectual Asset Management*’s IAM Patent 1000: The World’s Leading Patent Practitioners in the Litigation category for its 2012–2014 editions, calling him a “*bona fide* IP authority” in the 2014 edition. *Benchmark: Asia Pacific—*the definitive guide to the leading litigation and dispute resolution firms and individuals in the Asia Pacific region—has selected Mr. Celniker as a leading litigation star in Japan in its 2013 edition. *Asialaw* 2013 selected Mr. Celniker as a Leading Lawyer, making him one of the most highly acclaimed legal experts in the Asia Pacific region. The *Lawyer Monthly*’s Legal Awards 2013 recognized Mr. Celniker as the winner in the category of Biotechnology Lawyer of the Year for Japan.

admissIONS

California

New York

Representative Matters

Significant Asia-Based Litigation Engagements

* Global representation of **the largest American consumer electronics and software manufacturer and its subsidiaries** in a series of patent infringement actions and preliminary injunction actions, including in the Tokyo District Court and a separate patent invalidity trial in the Japanese Patent Office against the largest Korean electronics company; and representation of its Japanese subsidiary in a Customs Office Proceeding and related $150 million patent infringement action in the Tokyo District Court in which the petitioner alleged that certain portable music players infringed its Japanese Patent.
* **Smartphone Litigation.** Member of team that successfully handled high-profile smartphone cases in Japan.
* **Yomiuri Shinbun v. Accenture.** Litigation in Tokyo district court arising out of IT project. Favorable settlement after trial.
* **FKK v. Accenture.** Litigation in Tokyo district court arising out of IT project. Ongoing.
* **Temenos v. IBM.** Litigation in Tokyo district court arising out of IT project. Ongoing.
* **A major American financial institution** in a proceeding to set aside an adverse $500 million award. Ongoing.
* **A major European-based pharmaceuticals company** in a High IP Court Appeal and a separate invalidity trial in front of the JPO regarding assays for the detection of Hepatitis C.
* **Oracle and its Japanese Subsidiary** in a proceeding brought by a patentee who sought an opinion from the Japanese Patent Office that Oracle’s datagrid software infringes a Japanese patent. We obtained a finding of noninfringement.
* **Lehman Bros.** in $400 million contract and fraud case in Tokyo District Court.
* **Colgate-Palmolive** in a products liability case before the Osaka District Court involving Hills’ Science Diet pet food. .
* **Albemarle Corp.** in a series of petitions for invalidity filed with the JPO, and a patent infringement suit filed against Kaneko in Tokyo District Court.
* **Dell** in a $100 million dispute in Tokyo and Osaka district courts relating to transactions involving Dell goods and services.
* **Motorola Japan** in a $40 million dispute concerning a telecommunications equipment lease in Japan.
* **AIG** in a series of disputes regarding real estate transactions with value of more than $100 million in Tokyo District Court.
* **Limerick** in a $700 million dispute regarding construction of office tower complex in Tokyo District Court.
* **Capmark** in dispute regarding enforcement of guarantee in Guernsey Royal Court and Tokyo District Court.
* **CB Richard Ellis** in dispute in Tokyo District Court regarding purchase and sale contracts for land and buildings in Tokyo.

SIGNIFICANT ARBITRATION CASES

* (CIETAC, Beijing) – **U.S. industrial gases company** in an arbitration with a Chinese state-owned oil and gas corporation arising out of an agreement to build an industrial gas plant.
* (CIETAC, Beijing) – **U.S. industrial gases company** in an arbitration with a Chinese municipality and arising out of a joint venture for the production of industrial gases.
* (SIAC, Singapore)— **Chinese home appliance manufacturer** in two arbitrations seated in Singapore arising from alleged breaches of distribution agreements with an Israeli company.
* (HKIAC, Hong Kong) – **Manufacturer of technical and creative paper stock** in an HKIAC arbitration arising out of a dispute related to a joint venture agreement in China to manufacture specialty paper.
* (SIAC, Singapore) – **Chinese energy company** in an arbitration against an Indonesian mining company arising out of a coal supply agreement
* (CIETAC, Beijing) – **NBA subsidiary** in a dispute with a state-owned enterprise arising out of a marketing agreement.
* (ICC, Brazil) – **Major Japanese conglomerate** in ICC arbitration arising out of biofuel investment and development project.
* (KLRCA, Kuala Lumpur) – **Japanese conglomerate** in dispute with power plant owner arising out of EPC contract for construction of a steam turbine power plant.
* (HKIAC, Hong Kong) – **Chinese battery company** in dispute with corporate headset consumer call center regarding alleged breach of warranty and products.
* (JCAA, Tokyo) – **Biotech startup** in dispute with licensor arising out of a license and development agreement for a new drug product.
* (JCAA, Tokyo) – **Indian software development company** in dispute with US Insurance company arising out of software development agreement.
* (JAMS, Los Angeles) – **A Chinese telecommunications company** in a dispute arising out of an investment transaction.
* (AAA, New York) – **A Japanese aircraft engine manufacturer** in a dispute with aircraft leasing company arising out of the repair of aircraft engines.
* (HKIAC, Hong Kong) – **Japanese electronics company** in dispute with sellers of Chinese battery company in an arbitration involving the breach of a share purchase agreement.
* (HKIAC, Hong Kong) – **An offshore telecommunications company** in dispute with Chinese telecommunications company in an arbitration involving the breach of an asset purchase agreement.
* (JCAA, Tokyo) – **A Japanese joint venture partner** in a dispute between the U.S. partner and joint venture regarding technology licensing with respect to semiconductor manufacturing equipment.
* (SIAC, Singapore) – **Luxury hotel chain** in dispute with developers regarding potential hotel development in Africa.
* (CIETAC, Beijing) – **WFOE** **and** **offshore parent** in arbitration $350 million dispute arising out of a real estate development and sales agreement.
* (ICC, New York) – **Global Japanese equipment manufacturer** in dispute concerning steam turbine power plant in Brazil.
* (ICC, Paris) – U.S. manufacturer of global satellite equipment against former distributor.
* (ICC, Zurich) – **Global Japanese conglomerate** in arbitration relating to steel mill construction project in Brazil.
* (UNCITRAL arbitration, Kuala Lumpur) – **Major Korean conglomerate** in construction dispute involving natural gas project in Indonesia.
* ***Deloitte Noraudit v. Deloitte Touche Tohmatsu International*** (United States Court of Appeals, Second Circuit) – Successfully obtained published opinion unanimously reversing District Court order denying petition to compel arbitration on novel grounds.
* (AAA, New York) – Series of 35 arbitrations on behalf of **major international bank** against its political risk insurer, AIG, for losses occurring in several African countries.
* (LCIA, London) – **Big four accounting firm** in dispute involving use of the client’s name in Cyprus by former member of the organization which was not selected to be the organization member in the new organization resulting from merger with another big six accounting firm.
* (ICC, Paris, France) – **One of largest Italian pharmaceutical companies** in a breach of contract and patent infringement arbitration against an Irish company involving controlled release technology for medical devices, i.e., the nicotine patch.
* (ICC, New York) – **California software developer** in a breach of product development contract arbitration claims against British set-top box manufacturer involving interactive educational software and set-top box technology.
* (AAA, San Diego, CA) – **Individual inventor** in a breach of contract and declaratory judgment action, involving the ownership of optical scanning technology, including more than two dozen patents obtained by him. Two separate cases, one against one defendant in federal court and one by another company against the inventor in state court, were successfully consolidated over the opposition of the defendants into a single arbitration.
* (Iran-U.S. Claims Tribunal, Hague, Netherlands) – **American citizen** in claims for compensation for confiscated chemical and textile plants.
* (AAA, New York) – Arbitration involving breach of partnership agreement.
* (AAA, Riverside County) – Organization and consolidation of several disputes into an arbitration before the AAA.

other arbitration experience

Participated in more than 80 international arbitrations. Advised numerous clients on particular arbitration issues, including enforcement of arbitration awards, and the benefits of arbitration under different regimes. Drafted more than 300 arbitration clauses, and made presentations to dozens of clients and potential clients concerning arbitration law and procedure.

recent published articles

* “Country Q&A, Japan,” *PLC Dispute Resolution Handbook* 2010/2011, 2011/2012, 2012/2013, 2013/2014 and 2014/2015
* “Global IP Enforcement Strategies,” *Asia Law Dispute Resolution Guide* 2008

recent representative speaking engagements

* “Dispute Resolution: Protecting Your Investment” – global arbitration trends, Asialaw Asia Pacific In-House Counsel Summit 2014
* “Ins and Outs of Drafting Specific Arbitration Agreements”, ALM US-China Legal Summit 2014
* “Joinder and Consolidation” – mock arbitration, HKIAC ADR in Asia Conference 2013
* “The Role of the Arbitrator in International Arbitration,” 2008 Asia Pacific Dispute Resolution Summit
* “Japan Civil Litigation System,” 2008 Asia Pacific Dispute Resolution Summit
* “Electronic Discovery in International Arbitration,” 3rd Annual Asia Leading Arbitrators Symposium