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## Korea Practice Overview

Inside Korea, inside the US, and around the globe, Steptoe attorneys have the experience, knowledge and network to serve our Korean and international clients' needs. With offices in Washington DC, New York City, Chicago, Los Angeles, and Phoenix, as well as in London and Brussels, we provide global legal services. Our lawyers have experience with international arbitrations, cross border litigation, international trade and regulatory issues, antitrust competition law, customs, tax, intellectual property as well as cross-border mergers and acquisitions, new investments, joint ventures, and global sourcing and manufacturing throughout Asia. Our dedication to client service has made Steptoe the law firm of choice for many leading Korean, Asian and US companies, financial institutions, and investors.

### ANTITRUST COMPETITION LAW

Steptoe provides a full range of advice and assistance in US antitrust and EU competition law matters. We are very active in helping companies defend US, EU, and multi-jurisdictional cartel matters, handling all aspects, including US grand juries, civil and criminal investigations in the EU, and criminal trials. We have represented US, European, and Asian clients in such international cartel matters. Cartel cases almost always lead to massive civil lawsuits in the US seeking treble damages, which our experienced litigators handle in conjunction with the criminal matters. In addition, we regularly advise on the antitrust and competition law implications of proposed corporate transactions, including mergers, acquisitions, joint ventures, and strategic alliances. Many such transactions involve coordinating merger reviews and related governmental investigations in the US, EU and various Asian jurisdictions, including Korea, Japan, and China, where we work with local experts. Finally, as part of our antitrust counseling practice, we have helped several multilateral corporations establish sound antitrust compliance programs that take into account the bewildering array of global antitrust and competition law obligations.

### INTELLECTUAL PROPERTY LITIGATION

Steptoe's intellectual property attorneys represent a wide range of industries in the US and around the world—including electronics, computer software and hardware, semiconductors, manufacturing, nanotechnology, optics, healthcare, life sciences, biotechnology, pharmaceuticals, medical devices, telecommunications, entertainment, and financial services—providing practical advice and innovative strategies that address all aspects of intellectual property protection and results in commercial solutions to the problems faced in today's marketplaces. Steptoe's attorneys have been, and are, engaged in numerous cases, administrative proceedings, and other forums respecting the protection of virtually the entire gamut of IP rights including patent, trade secret, copyright, trademark, and privacy.

IP litigators at Steptoe know how to try cases to a jury, a judge, or an administrative panel. Steptoe blends its litigation know-how with attorneys who have great experience in the relevant technology, commercial markets, and law—

## Korea Practice Overview

whether it be patent, trademark, copyright, trade secret, privacy, constitutional, or a combination of them—to produce winning and efficient trial teams.

Step toe’s attorneys have tried scores of cases to judgment for Fortune 500 companies, midsize companies, and small, emerging high-tech companies. Some of the cases Step toe attorneys have litigated have been among the most high profile of the last decade such as the Verizon v. Vonage case over VoIP technology, *Amazon.com v. barnesandnoble.com* "One-Click" business method patent case, and the *Priceline.com v. Microsoft* “Name your Own Price” business method patent case.

Under Section 337, companies obtain US International Trade Commission (ITC) orders that exclude from the United States imported products that are deemed to compete unfairly with the domestic industry. Most commonly, Section 337 investigations address patent, trademark, and copyright infringement issues, but have also involved antitrust, trade secret, breach of contract, and similar claims. Section 337 investigations are administrative proceedings, but proceed much faster than federal district court cases, often with decisions issued within a year.

## INTERNATIONAL TRADE

In recent years, Step toe has been ranked consistently number one in international trade by Chambers & Partners, a prominent legal publisher. In a survey of the top ten lawyers in international trade, a majority of the lawyers in the top ten by Chambers & Partners have consistently been Step toe partners as well.

Dedicated to advancing our clients’ business interests, Step toe has one of the largest and most experienced international trade practices in the United States. Many of our attorneys bring to bear experience and insight gained from senior government service with the Department of Commerce and Office of the US Trade Representative, as well as the Departments of State, Defense, Justice, and Treasury. Our firm has represented both domestic and foreign companies in well over 150 antidumping and countervailing duty cases before the US Department of Commerce and the US International Trade Commission. Many of these matters involved appeals to the US Court of International Trade, the US Court of Appeals for the Federal Circuit, bi-national panels under the North American Free Trade Agreement (NAFTA), and dispute settlement proceedings before the World Trade Organization (WTO).

## INTERNATIONAL ARBITRATIONS

Step toe has extensive experience in international commercial arbitration. While the details of the matters we have handled are confidential, our litigators have handled scores of international arbitrations before the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the American Arbitration Association (AAA), Hong Kong International Arbitration Centre (HKIAC) and many other arbitral institutions and facilities, as well as ad hoc arbitrations. Our litigators have experience in arbitrations involving specialized fields such as construction, energy, telecommunications, intellectual

## Korea Practice Overview

property, and high technology; representing private companies, lending and investing institutions, sovereigns, and government-owned entities in Asia, Eastern Europe, the Middle East, Latin America and the Caribbean; and conducting arbitrations in several languages.

### **CROSS-BORDER LITIGATION**

In an increasingly global business environment, Steptoe offers the full spectrum of international and US litigation capabilities and a demonstrated ability to resolve cross-border disputes to the advantage of our clients. We handle a wide range of US and international matters, including a wide variety of contractual, business tort and commercial litigation, securities litigation, litigation involving derivative financial instruments, financial frauds and real estate litigation, technology, energy, trade and investment disputes, corporate and partnership disputes, banking, defamation, insurance and reinsurance, professional negligence issues, and cross-border tracing of assets and enforcement of awards and judgments. When clients find themselves embroiled in complex, high-stakes matters that cross national boundaries, Steptoe brings together its recognized strengths in international law and litigation to attain successful results. Furthermore, we have handled numerous cross-border litigation cases where parallel or collateral arbitration proceedings are active or impending.

### **CROSS-BORDER INVESTMENTS, ACQUISITIONS AND SECURITIES**

US investments, acquisitions and joint ventures by Korean and Asian conglomerates are handled by experienced international lawyers who understand the US-Korea cross-border context, complexities and implications. The new investments, acquisitions and joint ventures often involve cross-border technology transfers, licensing arrangements and IP protection and enforcement advice. These transactions range from multiple-party complex acquisitions, mergers, swaps, split-ups, and other dispositions. Steptoe handles all regulatory compliance elements of a merger and acquisition required under securities, antitrust, FCPA, export controls, customs and national security laws. In addition, Steptoe ensures the establishment or the transfer of all business operations for a new investment, acquisition or joint venture. These operational matters includes product procurement, sales, financings, real estate purchases or leases, employment and immigration matters.

Steptoe conducts public and private offerings of equity, debt, and derivative securities aggregating billions of dollars in recent years in New York and London.

### **INTERNATIONAL TAX**

Steptoe's international tax lawyers combine extraordinary experience with extraordinary responsiveness. They counsel, structure, negotiate, document, implement, advocate and litigate, identifying opportunities and solving problems ranging from the ordinary to multi-billion dollar industry-wide matters, as well as having concluded Competent Authority Agreements between governments .

## Korea Practice Overview

### US CUSTOMS

We regularly advise Fortune 500 companies and non-US entities on how to secure their international trade objectives when shipments are presented for review by US Customs agents. This includes analysis of all the matters that make up an import or export declaration including valuation, classification, country of origin, marking and labeling, qualification for NAFTA or other free trade program, import bond, and foreign trade zone issues. We help clients respond to US Customs notices of action and enforcement, (including forfeiture cases), conduct internal compliance reviews, and pursue Customs rulings and advisory opinions.

### ANTI-CORRUPTION AND ANTI-MONEY LAUNDERING COMPLIANCE

We have a long history of counseling clients on the scope, meaning, and administration of the legal requirements affecting international business transactions. Over the years, Steptoe has counseled many US corporations and their foreign affiliates on the scope, meaning, and application of the US Foreign Corrupt Practices Act and international anti-corruption restrictions and requirements, involving a wide spectrum of corporate transactions, joint ventures, teaming arrangements, and other business affiliations. We are often asked to analyze contracts, corporate affiliations, and business arrangements to protect against charges of illicit payments and to maintain adequate books and records that fairly reflect the use of corporate funds.

Steptoe provides legal advice on all aspects of anti-money laundering (AML) rules and regulations, both in the compliance counseling and enforcement contexts. AML requirements, counter-terrorist financing regimes, know-your-customer (KYC) rules, and asset blocking and reporting requirements are increasingly complicated and comprehensive. Our attorneys are well-prepared to confront enforcement problems, to evaluate our clients' existing AML policies and procedures, and to assist our clients to set up and implement new programs, incorporating best practices that meet with regulatory approval.

### EXPORT CONTROLS

The US government administers multiple export control programs intended to monitor and regulate the transfer of goods, technology, services, and information to foreign nationals or destinations. Steptoe attorneys handle all export requirements for transfers of dual-use items, controlled primarily under the Export Administration Regulations administered by the Commerce Department, and "defense articles and services," controlled by the International Traffic in Arms Regulations administered by the State Department. We also assist companies with economic sanctions administered by the Treasury Department. Our firm regularly assists non-US companies with these requirements, as they apply to all US origin items and content even if located abroad and in the possession of foreign persons and entities. We also assist non-US companies involved in strategic relationships with US partners, that have US affiliates, or that send their non-US citizen

## Korea Practice Overview

personnel to the United States—each of these raising export control compliance issues.

### US IMMIGRATION

Steptoe's immigration attorneys focus on three areas: compliance with homeland security rules, regulations, and mandated procedures; temporary and permanent immigration to the United States; and employment-related compliance issues. We help clients comply with the numerous immigration statutes and regulations that fall under the jurisdiction of the Department of Homeland Security (DHS), the Department of Labor, the Department of Justice, and the Department of State. We handle immigration counseling and litigation issues relating to the cross-border movement of executives, managers, and technical personnel; special immigrants such as investors, treaty traders, religious workers, aliens of extraordinary ability, and outstanding researchers; and applications for work authorization, nonimmigrant visas, permanent residency, naturalization, political asylum, and foreign adoptions.

### REPRESENTATIVE MATTERS

- Represented the Korean Ministry of Commerce, Industry and Energy ("MOCIE") on the Korea-United States Free Trade Agreement ("KORUS"), the largest FTA since NAFTA. Steptoe helped MOCIE formulate positions and draft proposed negotiating text on a wide array of issues, including tariff reductions, textiles, trade remedies, market access, investments, Jones Act, government procurement, autos and electronic commerce.
- Currently assisting MOCIE on the Korea-EU FTA on nontariff barriers, bilateral investment treaties with EU countries, EC's zeroing practice, trade remedies, TBT Chapter and REACH, CO2 Emissions, tariff concessions.
- Represented Hyundai Mobis in a supply agreement with DaimlerChrysler valued at over \$5.5 billion. This new investment involved a completed chassis modular assembly plant in Toledo, Ohio, as part of Chrysler's \$2 billion supplier park for the Jeep Wrangler. Mobis is the largest shareholder and tier one supplier of Hyundai Motor. The project required a ground lease, a plant construction, a long-term supply agreement, a prospective purchase and sale of the plant, equipment container financings and logistics contracts.
- Advised the Korean Investment Corporation on portfolio investments.
- Represented Financial Supervisory Commission, KITA, Hynix, and Hyundai Merchant Marine on commercial and corporate transactions and

## Korea Practice Overview

Bank of Seoul, Cho Hung Bank and other Korean financial institutions on commercial loans.

- Negotiated a Korean joint venture for a US portable fuel cell company.
- Provided advice and assistance on due diligence investigations of proposed Korean joint venture partners and third-party business relationships for US companies.
- Advised a multinational media and entertainment entity on restructuring of operations and facilities in Korea and Asia.
- Structured acquisitions of Pacific Rim businesses for financial institutions.
- Advised Korean financial regulators, MOFE and KDIC, on the reorganization of the Korean credit insurance sector, as well US and Korean entities on Korean restructuring issues.
- Advise multinational corporations in structuring their US investments, including form of entity issues and favorable treaty provisions.
- Successfully defended Sukwon Industrial Corp. against a non-payment claim brought by an Abu Dhabi sub-contractor in large water purification plant in U.A.E. In the ICC arbitration in London, Sukwon prevailed after two-day arbitration and won on counterclaim for expenses incurred in make-up work costs.
- Obtained a large "success fee" from a Singapore financial institution that refused to pay such a fee to a large Korean law firm as provided in law firm's retainer agreement. The matter was settled just before arbitration was to be conducted in Hong Kong.
- Successfully defended oil filter manufacturers, Guangdong Hyundai Mobis Co. and Young Dong Industrial Corp., against US distributor's claim of defective filters and \$40MM in losses. After a two-week trial in Federal Court in the Southern District of New York, the jury returned a complete defense verdict and awarded the defendants \$2.125MM on a counterclaim for non-payment of goods.
- Successfully defended HKD International Corp. in Federal Court in Missouri. HKD is the world's largest manufacturer of recreational tents and faced a claim by second largest manufacturer that it raided its business, employees and stole proprietary information in establishing a US office with key employees from the competitor. The plaintiffs abandoned the case without any settlement payment after several months of aggressive defense by Steptoe.

## Korea Practice Overview

- Successfully defended Mr. Jung-Ryool Kim, the former Chairman and CEO of Gravity Co., Ltd., against securities fraud, embezzlement and other claims in \$150MM securities class action lawsuit. Steptoe attorneys resolved SEC and US Attorney investigations without any charges, and settled class action with \$5M payment after non-binding mediation before JAMS.
- Represented the Republic of Korea and three of the country's financial agencies in investor disputes with a large investment bank over failed derivative transactions.
- Represented Housing & Commercial Bank, Daehan Investment Trust Company, and Korea Life Insurance Co., Ltd., in separate disputes involving claims exceeding \$100 million.
- Successfully defended a US energy company and its Korean affiliate in a US government investigation of trading with North Korea.
- Advising a major US company on the implications of Korean high-profile anti-bribery and anti-money laundering investigations for their Korean consulting relationships, and on claims arising out of those relationships.
- Assisted a defense contractor with offset obligations in Korea and worked closely with major Korean law firm to a successful conclusion.
- Over the years, Steptoe has represented Korean companies in trade cases in the United States. They include:
  - Nitrile Rubber from Korea
  - Ball Bearings and Parts from Korea
  - Sweaters of Manmade Fiber from Korea
  - Color Television Receivers from Korea
  - Portland Hydraulic Cement and Cement Clinker from Korea
  - Photo Albums and Photo Album Filler Pages from Korea
  - Bicycles from Korea
  - Steel Wire Nails from Korea
  - Hand-Operated Plastic Pistol Grip-Type Liquid Sprayers from Korea

## **Korea Practice Overview**

### **REPRESENTATIVE INDUSTRIES**

- Aerospace and Defense
- Automotive
- Chemical
- Construction
- Distributors and Wholesalers
- E-commerce
- Electronics
- Insurance
- Investment and Finance
- Korean Trade Associations
- Manufacturers
- Oil & Gas
- Private Equity and Venture Capital
- Retail
- Transportation