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John B. Quinn is one of the most prominent business trial lawyers in the United States. As *Chambers* put it in their guide to U.S. lawyers and law firms: “Tough guy’ John Quinn is ‘confident and quick’ say clients. Opponents acknowledge his ‘convincing courtroom demeanor’ and one even named him ‘literally the best I have ever faced in the past half dozen years.’” This sentiment echoed *The American Lawyer’s* 2006 feature article, which described the Am Law 100 firm that Mr. Quinn built from scratch as “Better. Faster. Tougher. Scarier”. (“The Mighty Quinn, John Quinn Is in Better Shape Than You Are. Now He Wants to Eat Your Lunch”, *The American Lawyer*, 2006.) Or, as further summed up by his clients in *Chambers*—“there is no other”. He has been described by the *Los Angeles Daily Journal* as a “legal titan” and by *Chambers* as a “known litigation genius”.

张鲲展 (John B. Quinn) 是美国最著名的商业诉讼律师之一。正如《钱伯斯》在其美国律师和律师事务所指南中所述：“客户评价‘硬汉’张鲲展‘自信而反应迅速’。对手都为他的‘令人信服的出庭风范’所折服，甚至有对手称他‘毫无疑问是我在过去多年中所面对过的最强对手’”。这种观点与《美国律师》2006年的专题文章不径一致，该文章将张鲲展先生从零开始打造的美国百强律所描述为与其他所相比“更好、更快、更强硬、更令人生畏。”张鲲展的客户在《钱伯斯》的访谈中对他有另一种描述——“再没有另一个像他这样的律师”。他被《洛杉矶每日期刊》称为“律界泰坦”，并被《钱伯斯》称为“众所周知的诉讼天才”。

He has been named “One of the World’s Leading Litigation Lawyers” by *Euromoney Institutional Investor*; “One of California’s Leading Litigators” by *Chambers*; “One of the Top 3 Trial Lawyers of Choice by General Counsel in California” by *California Law Business*; one of the “Outstanding Trial Lawyers of America,” by *Chambers USA*; “One of the Top 15 Litigators in California” by the *Los Angeles Daily Journal*; “One of the Top 45 Lawyers Under the Age of 45 in the United States” by *The American Lawyer* (when he was under 45); “One of the 100 Most Influential Lawyers in California” by *California Law Business* (one of 9 business litigators so named); a “Litigation Star” by *Benchmark Litigation*; a First Tier “Leading Trial Lawyer” by *The Legal 500 USA*; and a “Super Lawyer” by *Los Angeles Magazine*. In 2003 he won the largest jury verdict awarded to individual plaintiffs (source: AP). In 2009, he was named “California Attorney of the Year” for “extraordinary achievements” in intellectual property law by *The California Lawyer* for his work on the highly publicized litigation for Mattel, Inc. over the “Bratz” line of dolls. In 2013, he was named one of “The 100 Most Influential Lawyers in America” by *The National Law Journal* and one of *The American Lawyer’s* “Top 50 Most Innovative Lawyers” over the past half century. In 2015 and 2017, he was named “Transatlantic Law Firm Leader of the Year” at *The American Lawyer’s* Transatlantic Legal Awards.

他被《欧元机构投资者》评为“世界顶尖的诉讼律师之一”，被《钱伯斯》评为“加利福尼亚顶尖诉讼律师之一”，被《加利福尼亚法律业》评为“加利福尼亚总法律顾问选择的三大诉讼律师之一”，被《钱伯斯美国》评价为“美国最杰出的诉讼律师”之一，被《洛杉矶每日期刊》评为“加州十五佳诉讼律师之一”，（在他不到 45 岁时）被《美国律师》评为“美国最好的 45 位 45 岁以下律师之一”，被《加利福尼亚法律业》评为“加州 100 位最具影响力的律师之一”（他是入选的 9 位商事诉讼律师之一），被《标志性诉讼》评为“诉讼明星”，被《美国法律 500》评为第一等“顶尖诉讼律师”，被《洛杉矶杂志》评为“超级律师”。2003 年，他赢得了个人作为原告案件中的史上最高额陪审团判决（来源：美联社）。2009 年，他凭借在广受报道的美泰儿公司“布拉茨”系列玩偶相关诉讼中的知识产权法方面的“非凡成就”而被《加利福尼亚律师》评为“年度最佳加州律师”。2013 年，他被《国家法律杂志》评为“美国最具影响力的 100 位律师”之一，并被《美国律师》评为过去半个世纪中“最具创新力的 50 位律师”之一。2015 年和 2017 年，他两度被《美国律师》跨大西洋法律大奖评为“年度最佳跨大西洋律所领军人”。

Since 1987, Mr. Quinn has also been General Counsel of the Academy of Motion Picture Arts and Sciences, the organization that awards the Academy Awards.

张鲲展先生从 1987 年至今一直担任美国电影艺术与科学学院（奥斯卡奖）的总法律顾问，该机构是奥斯卡奖的主办方。

NOTABLE REPRESENTATIONS

主要代理案件

Represented Samsung Electronics Company and its U.S. subsidiaries in the latest chapter of Cupertino based Apple Inc.'s “holy war” (Steve Jobs’ words) against the Android smartphone operating system. Apple alleged that Samsung infringed five patents and owed Apple \$2.2 billion in damages. During a trial held in Apple’s backyard (San Jose, California), the firm convinced the jury that two of Apple’s patents were not infringed and, more importantly, that Apple’s damages were less than 5.5% of the amount Apple sought. Mr. Quinn’s trial team further convinced the jury that Apple itself was an infringer, having used technology covered by one of Samsung’s counterclaim patents. Mr. Quinn was lead counsel at trial.

代表三星电子公司及其美国子公司，参与了最近一次由苹果公司发起的针对安卓智能手机操作系统的“圣战”（史蒂夫乔布斯所言）。苹果声称三星侵犯了其五项专利，并应赔偿苹果 22 亿美元。在苹果公司的后院（加利福尼亚州圣何塞市）展开的诉讼中，昆鹰促使陪审团认定苹果公司的两项专利侵权主张不成立，并且更重要的是，苹果公司的获赔额不到其所主张数额的 5.5%。张鲲展先生的诉讼团队进一步促使陪审团认定苹果公司本身就是一个侵权者，使用了三星公司在反诉中主张的专利技术。张鲲展先生是该案的首席律师。

Represented two dozen hedge funds—including Elliott, Davidson-Kempner, Appalloosa, and Angelo Gordon—as plaintiff-holders of Yosemite and Enron Credit-Linked (ECLN) Notes in the Yosemite v. Citibank action in the Enron MDL. The noteholders asserted fraudulent transfer claims against Citibank and collectively sought in excess of \$1.4 billion on those claims. With Citibank’s motion for summary judgment pending, Citibank and Enron agreed to a joint settlement and our clients received in excess of \$2.1 billion in payments from the Enron bankruptcy estate.

代表包括Elliott, Davidson-Kempner, Appalloosa和Angelo Gordon等在内的二十四家对冲基金作为Yosemite和Enron Credit-Linked (ECLN) 票据的持有人原告, 在安然公司的多地法院诉讼中参与Yosemite诉花旗银行的诉讼。票据持有人主张花旗银行实施了欺诈性转让, 并集体索赔超过14亿美元。在花旗银行的简易判决动议审理过程中, 花旗银行和安然公司同意一并和解, 我们的客户从安然公司的破产财产中获得了超过21亿美元的赔偿。

In a widely covered decision, argued by Mr. Quinn in the Federal Circuit Court of Appeal, the Court vacated a preliminary injunction issued against Samsung in the Apple-Samsung smartphone wars, holding that Apple failed to show causal nexus between the infringing feature and the irreparable harm to support a preliminary injunction. The opinion clarified the legal standard for finding causal nexus between patent infringement and the irreparable harm required for an injunction. For products like modern smartphones, which contain hundreds or thousands of patented features, this decision makes it more difficult for any patent holder to justify an injunction based on alleged infringement of a single feature patent. The Court also held that, under the proper claim construction, the Galaxy Nexus likely does not infringe Apple's '604 patent.

在一项广泛报道的裁决中, 经过张鲲展先生在联邦巡回区上诉法院出庭辩论, 法院撤销了在苹果-三星智能手机大战中发布的针对三星的初步禁令。法院认为苹果公司未能证明侵权特征与无法弥补的损害之间存在因果关系, 所以不足以支持其初步禁令的主张。该意见澄清了判断专利侵权与禁令所要求的无法弥补的损害之间因果关系的法律标准。对于包含数百甚至数千项专利特征的现代智能手机等产品而言, 这一决定使得任何专利权人都更难以使用涉嫌侵犯单一特征专利的理由来支持其禁令申请。法院还认为, 根据适当的权利要求解释, Galaxy Nexus产品可能并不会侵犯苹果公司的 '604专利。

Defended a former director and majority shareholder of Peregrine Systems, Inc. against claims by putative classes of federal plaintiffs, two state-court lawsuits by groups of investors, and claims by the Peregrine Litigation Trust, which sought in excess of \$2 billion from Peregrine's directors, officers, and others. (A dozen insiders pleaded guilty in connection with the facts underlying these claims.) Obtained complete dismissal, with prejudice in the largest case in this series of litigations. The action was pending for more than three years, and the plaintiffs' claim never progressed beyond the pleading stage.

为一位 Peregrine 系统公司的前任董事和多数股东辩护, 应对联邦原告集体诉讼、众多投资人提起的两起州法院诉讼以及 Peregrine 诉讼信托基金提起的诉讼。该系列诉讼共计向 Peregrine 的董事、高管和其他人员索赔超过 20 亿美元。(十几名内部人士在这些索赔所依据的事实面前表示认罪。) 在这一系列诉讼的最大的案件中, 我们代表客户赢得了完全驳回诉请且不准原告重新起诉的结果。该项诉讼持续超过三年时间, 原告的诉讼请求一直被扼制在初步起诉阶段。

Obtained a dismissal for Mattel with prejudice of a Sherman Act suit brought by a competitor seeking \$3 billion.

在一起由竞争对手提出的索赔30亿美元的谢尔曼法案诉讼中, 帮助美泰儿驳回诉请。

Represented Dr. Enrico Bondi, Extraordinary Commissioner of Parmalat S.P.A., in three separate \$10 billion lawsuits arising out of the largest bankruptcy in European history ("Europe's Enron")—against Grant Thornton, Bank of America, and Citigroup, for aiding and abetting Parmalat's insiders

in the commission of massive fraud and for auditor malfeasance. Obtained a \$150 million settlement from Deloitte & Touche.

代表Parmalat公司特别专员 Enrico Bondi 博士参与欧洲历史上最大规模的破产案（被称为“欧洲安然”）中三起分别涉及100亿美元的诉讼——对抗致同、美国银行和花旗集团。Enrico Bondi 博士被控协助和教唆Parmalat公司内部人员实施大规模欺诈和审计渎职行为。我们代表他从德勤赢得了1.5亿美元的和解金。

Represented the University of Southern California in a retrial against the plaintiff's claim to lost profits following a remand from the Court of Appeal permitting the plaintiff to pursue such a claim. The plaintiff, a dental implant manufacturer, was seeking in excess of \$1 billion in lost profits arising out of a failed clinical study. At trial, plaintiff was not awarded any lost profits. Mr. Quinn was lead counsel at trial.

代表南加州大学在一起重审案件中应对原告的利润损失索赔。该案在上诉法院中被发回重审，并且上诉法院允许原告就利润损失提出索赔。该案原告是一家牙科植入物制造商，因临床研究失败而主张超过 10 亿美元的利润损失。经诉讼，原告没有获得任何利润损失赔偿。张鲲展先生是该案的首席律师。

Represented Southern California real estate developer Donald Bren in a jury trial against his children and their mother, who accused Bren of cheating them out of millions of dollars in child support payments. Mr. Quinn successfully defended all claims for fraud and breach of contract and obtained a jury verdict in favor of Bren, which was later affirmed by the California Court of Appeal.

代表南加州房地产开发商 Donald Bren 在陪审团审判中应对他的孩子和他们的母亲的指控。他们主张 Bren 骗取了他们数百万美元的子女抚养费。张鲲展先生成功驳回所有欺诈和违约指控，并帮助 Bren 赢得了陪审团判决。该判决后来被加利福尼亚州上诉法院确认。

Obtained favorable settlement of objections filed by the Lehman Brothers Creditors' Committee and the Lehman Brothers Holdings Inc. estates to claims asserted by JPMorgan Chase Bank, N.A. in the bankruptcy cases pursuant to which approximately \$700 million in funds were returned to the LBHI estate and \$80 million in claims were re-characterized from secured to unsecured claims.

在雷曼兄弟债权人委员会和雷曼兄弟控股有限公司的破产案件中，对摩根大通银行主张的债权提出反对并赢得了有利和解。据此，大约 7 亿美元的资金被返还给雷曼兄弟控股有限公司，并且 8,000 万美元的债权由担保债权被重新定义为无担保债权。

Represented Occidental Petroleum and won jury verdict establishing liability in insurance coverage case regarding business interruption losses sustained from over two hundred terrorist bombings of an oil pipeline in Colombia. Case settled for nine figures before the damages phase of the trial. Mr. Quinn was lead counsel at trial.

代表西方石油公司赢得陪审团判决，确认保险公司需要就一条哥伦比亚石油管道发生的 200 多起恐怖主义爆炸案所造成的商业中断损失进行理赔。案件在进一步庭审确定具体损害赔偿金额之前以 9 位数的金额和解。张鲲展先生是该案的首席律师。

Represented Genentech when Columbia University demanded that Genentech license its “new” patent on co-transformation, a widely used recombinant DNA technique for producing protein in a host cell. Genentech sued the University for obviousness-type double patenting. With summary

judgment motion looming, the University agreed to a broad covenant not to sue Genentech for past, current or future infringement of the “new” patent or any reissued patent with the same or similar claims.

在哥伦比亚大学要求 Genentech 就其有关共同转化（一种用于在宿主细胞中产生蛋白质的广泛使用的重组 DNA 技术）的“新”专利取得许可时，代表 Genentech 起诉哥大进行的显而易见型双重专利申请。随着简易判决的临近，哥大同意了一项宽泛的条款，即不得主张 Genentech 在过去、现在或将来侵犯这一“新”专利或任何重新颁发的具有相同或类似范围的专利。

Represented two German nationals, formerly employed by Bertelsmann, who moved to Santa Barbara and sued media giant Bertelsmann AG and its former CEO. While working for Bertelsmann, the former executives had been the driving force behind the creation and development of AOL Europe, a joint venture between Bertelsmann and AOL. When Bertelsmann sold its interest in AOL Europe for \$6.75 billion, it refused to compensate plaintiffs. They asserted claims for breach of contract and breach of partnership agreement, among others. Mr. Quinn obtained a \$295 million verdict. It was the seventh largest jury verdict in the nation that year.

代表曾受雇于贝塔斯曼的两名德国高管在移居圣巴巴拉后起诉媒体巨头贝塔斯曼股份公司及其前首席执行官。在为贝塔斯曼工作期间，这两位前任高管一直是贝塔斯曼与美国在线合资成立的 AOL Europe 公司创建和发展的主要推手。当贝塔斯曼以 67.5 亿美元的价格出售其在 AOL Europe 的股权时，却拒绝对原告进行补偿。原告主张贝塔斯曼违反合同、违反合伙协议等。张鲲展先生为客户赢得了 2.95 亿美元的裁决。这是当年全美赔偿金额第 7 高的陪审团裁决。

Represented General Motors in suit against Volkswagen, certain VW directors and officers, and GM's former head of sourcing in Detroit for stealing secret GM documents. Working closely with inside lawyers from GM and lawyers in Germany, the team led by Mr. Quinn marshaled evidence in Detroit and the U.S. and defeated all Volkswagen's jurisdictional and substantive motions. On the eve of the Volkswagen chairman's deposition, Mr. Quinn obtained a \$1.1 billion settlement for General Motors.

代表通用汽车公司对大众汽车、大众汽车的某些董事和高管以及通用汽车公司前任底特律采购负责人提起诉讼，主张其窃取通用汽车的秘密文件。张鲲展先生率领的团队与通用汽车公司的律师及德国律师密切合作，在底特律和美国收集证据，并挫败了大众汽车的所有管辖权动议及实体性动议。在大众汽车董事长庭外宣誓录取证词前夕，张鲲展先生为通用汽车公司赢得了 11 亿美元的和解金。

Represented Avery Dennison Corporation and obtained an \$80 million jury verdict in theft of trade secret case against Taiwanese competitor and its chairman. Mr. Quinn was lead counsel at trial.

代表艾利丹尼森公司在台湾竞争对手及其董事长窃取商业秘密案件中赢得了 8,000 万美元的陪审团裁决。张鲲展先生是该案的首席律师。

Represented aerospace company in the retrial of a tortious interference suit brought against it in which the plaintiff had won \$15 million in the previous trial and had rejected a \$1 million settlement offer before the second trial. At retrial, Mr. Quinn was lead trial counsel and obtained a defense verdict.

代表航空航天公司处理其作为被告的一项侵权干扰重审诉讼，原告在之前的审理中赢得了1,500 万美元赔偿的结果，并在重审前拒绝了 100 万美元的和解协议。在重审中，张鲲展先生担任首席律师并最终赢得了被告胜诉的判决。

Represented Nestlé USA, Inc. and Nestlé Dreyer's Ice Cream Company in an antitrust action involving an alleged conspiracy to exclude competition in a claimed market for ice cream. The Court granted Nestlé's motion for summary judgment dismissing all plaintiff's claims.

代表雀巢公司（Nestlé USA, Inc.和 Nestlé Dreyer's Ice Cream Company）处理一起反垄断案件，该案中原告指控雀巢在冰淇淋的所谓定义市场中进行共谋排除竞争的行为。法院批准了雀巢的简易判决动议，驳回了原告的全部诉讼请求。

EDUCATION

教育背景

Harvard Law School 哈佛大学法学院

(J.D., *cum laude*, 1976)（法律博士，1976 年毕业，*优等毕业生*）

Knox Fellow, Harvard University, 1976-1977（哈佛大学诺克斯研究员，1976 - 1977 年）

Harvard Law Review 哈佛法律评论

Editor, 1974-1976（编辑，1974-1976 年）

Claremont Men's College 克莱蒙特男子学院

(B.A., *magna cum laude*, 1973)（文学学士，1973 年毕业，*极优等毕业生*）

PROFESSIONAL ACTIVITIES

专业活动

Fellow, International Academy of Trial Lawyers

国际庭审律师学会院士

Lecturer on Federal Practice, California Continuing Education of the Bar

加州继续教育项目联邦实务讲师

Member, Million Dollar Advocates Forum

百万美元辩护律师论坛会员

General Counsel, Academy of Motion Picture Arts and Sciences, 1987- present

电影艺术与科学学院总法律顾问，1987 年至今

OTHER ACCOMPLISHMENTS

其他成就

Finisher, Ironman Triathlon World Championship, Kailua Kona, Hawaii, 1999 & 2004
夏威夷凯路亚可纳铁人三项世界锦标赛完赛者，1999 年及 2004 年

ADMISSIONS

执业资格

The State Bar of California 美国加利福尼亚州

The State Bar of New York 美国纽约州