

FOR IMMEDIATE RELEASE
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CONTACT: Yung Chen
prd.nbe@gmail.com

TALLAHASSEE -- Congressmen Matt Gaetz and Neal Dunn intend to further an international agenda in connection with the public hearing to be held at Florida State University on August 30, 2017, but that agenda does not concern so-called Chinese corporate espionage or intellectual property theft. Rather, as members of the public and media in attendance at the hearing will surely realize, there is a long-term concern regarding North Korea's acquisition of intercontinental ballistic missile technology, especially in light of recent missile tests. The present administration requested that China intervene in North Korea and persuade Kim Jong-un to cease and desist from performing these tests. When, however, China failed to meet American expectations, the present administration has sought some form of leverage to force China's hand.

There are two factors that should be considered in the present context. First, after Kim Jong-un executed his uncle, Jang Song-thaek, because he maintained close ties with the PRC, it is not clear how much influence China actually possesses with North Korea. Second, the PRC is as threatened by North Korea's possession of ICBMs as is the US. Plainly, any weapon that can reach Hawaii can also reach Beijing.

Quite apart from the currently existing geopolitical factors, this attack on the PRC is entirely unfair. China has repeatedly amended its patent laws to conform to international legal standards. It has also tried to reinforce its judicial structure to ensure the effective litigation of patent infringement claims. In 2014, the PRC established specialized intellectual property courts in Beijing, Shanghai and Guangzhou for this purpose. Indeed, the American Chamber of Commerce performed a recent survey for its 2016 China Business Climate Survey Report, which was intended to discern the present quality of IPR enforcement in China. The Chamber of Commerce found that intellectual property rights enforcement is improving, but that significant challenges remain. Despite existing limitations, patent protection received high marks among respondents. Overall, despite the reservations of the survey participants, an overwhelming majority of respondents (91%) agreed that enforcement of

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intellectual property rights has dramatically increased over the past five years.

Given the PRC's genuine efforts to enhance legal standards as to intellectual property law as well as its enforcement, the attempt to gain leverage over China in this manner can only have negative ramifications. Certainly, it will not lead to China exercising influence over Kim Jong-un that it may not actually possess.

In addition to targeting the PRC, Congressmen Gaetz and Dunn have chosen to make BingEnergy International, Inc., a whipping boy for purposes of their planned public hearing. In a legal dispute currently before US courts, the claim has been made that Bing has stolen a patent that in fact was licensed to use by its owners. After investing millions to transform the patent into a viable commercial product, Bing discovered that the patented technology had a number of flaws and was ultimately unable to bring it to market. Instead, Bing turned to another American manufacturer, W.L. Gore and Associates, Inc., and purchased component parts that served the same function as the patented technology. Indeed, Bing does not currently rely upon the patented technology for any purpose in its enterprise nor does it any longer pay for a license to use it where it has found that it is not, at this time, commercially viable.