

Thomas T. Moga

Senior Counsel

Bloomfield Hills

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Areas Of Practice

Intellectual Property
Patent Prosecution
Biotechnology and Life Science

Industries

Automotive Industry Group

Bar Admissions

District of Columbia
Illinois (inactive)
Iowa (inactive)
Michigan

Court Admissions

United States Supreme Court
U.S. Court of Appeals for the
District of Columbia Circuit
U.S. District Court for the Eastern
District of Michigan
U.S. District Court for the Northern
District of Illinois
U.S. Patent and Trademark Office

Education

B.S., Biochemistry, cum laude,
Madonna University, 1994
J.D., St. Louis University School of
Law, 1983
M.A., English Language &
Literature, University of Michigan,
1980
B.A., English Language &
Literature and Political Studies
(China concentration) (double
major), University of Michigan,
1978

Thomas T. Moga has over 30 years of experience in domestic and international intellectual property portfolio development and enforcement. He is an experienced patent prosecutor in the mechanical, chemical, biochemical, and pharmaceutical arts and has been qualified and has testified as an expert witness in patent disputes.

As an intellectual property portfolio developer, Mr. Moga's experience includes the development of domestic and foreign patent portfolios, the acquisition of registrations for trademarks and copyrights, licensing, and policy development.

In the arena of intellectual property rights enforcement, Mr. Moga manages patent enforcement and anti-counterfeiting actions in Asia, including overseeing initial counterfeit product investigation, selecting and working with local investigators, selecting and working with local counsel, preparing administrative and judicial documents, and participating in raids.

A pioneer in protecting and enforcing intellectual property rights in China, Mr. Moga has represented foreign companies in that country since the 1980's. He was a Fulbright Scholar in China where he taught patent law at Jilin University and acted as a foreign advisor to China's patent office. Mr. Moga was a visiting foreign expert in law at Xiamen University, China, and worked as a foreign legal expert for a patent and trademark law office in Taipei.

Mr. Moga is past board member of the American Intellectual Property Law Association, the Fulbright Association, and the Fulbright Academy.

In 2018, Tom was appointed by the U.S. Department of Commerce and the Office of the U.S. Trade Representative to serve on the Industry Trade Advisory Committee on Intellectual Property Rights (ITAC 13). As the only representative on the committee for the U.S. automotive industry, Tom's contributions include analyzing national trade positions and providing advice on a broad array of trade issues as they relate to IP for both The White House (by way of the Office of the U.S. Trade Representative) and the Department of Commerce in pursuit of trade agreements that benefit U.S. businesses, workers and the economy.

Teaching Engagements

- Adjunct law school instructor. Courses taught include Patent Law, Intellectual Property in Asia, International Intellectual Property Treaties, and Biotechnology and Intellectual Property.

Selected Citations

- White House Office of Trade & Manufacturing Policy Report: “How China’s Economic Aggression Threatens the Technologies and Intellectual Property of the United States and the World,” 2018
- 2015 Report to Congress of the US-China Economic and Security Review Commission, 2015
- Written Comments to the Office of the United States Trade Representative in Response to Federal Register Notice Regarding 2014 Special 301 Review: Identification of Countries under Section 182 of the Trade Act of 1974, Semiconductor Industry, 2014
- Detailed Comments to 2019 Special 301 Report, National Association of Manufacturers
- The World Trade Organization – Law, Practice, and Policy, Oxford University Press, Third Edition, 2015
- Protection of Design Patents in China and Comparison with EU Law: How Foreign Companies can Protect their Design Patents in China, Alice Graneris, KoGuan Law School, China, 2019
- The Role of Patents in China’s Industrial Innovation, Edited by Yahong Li, Cambridge University Press, 2017
- “Collaborative Innovation and Economic Growth: A Comment on China’s Innovation Policies,” Cardozo Law Review, 2013
- China’s Innovation Challenge: Overcoming the Middle-Income Trap, edited by Arie Y. Lewin et al., Cambridge University Press, 2016
- Patents and Innovation in China and Hong Kong: Two Systems in One Country, edited by Yahong Li, Cambridge University Press, 2016
- “China: Effects of Intellectual Property Infringement and Indigenous Innovation Policies on the US Economy,” IP Commission Report, Commission on the Theft of American Intellectual Property, U.S. International Trade Commission, 2011
- “General Motors v. Chery: A Judicial Lesson for Foreign Operators in China,” Wake Forest Intellectual Property Law Journal, 2007 – 2009
- Assessing the Economic Implications of Different Models for Implementing the Requirement to Protect Plant Varieties,” Queen Mary University of London Press, 2006
- “Kellogg on China: Strategies for Success,” Kellogg School of Management, Northwestern University Press, 2004
- “Beyond Tiananmen: The Politics of US-China Relations, 1989 – 2000” (Robert Suettinger), Brookings Institution Press, 2003
- Factum of the Interveners, The Commissioner of Patents vs. The President and Fellows of Harvard College et al., Supreme Court of Canada, Court File No. 28155, 2001

Press Mentions

- “China Cracks Down on Online Patent Infringement,” Bloomberg BNA’s World Intellectual Property Report, June 10, 2014
- “China’s Absorptive State – Research, Innovation and the Prospects for China-UK Collaboration,” NESTA, October 2013
- “China Goes ‘Local’ on US Firms’ Units,” Investor’s Business Daily, July 2, 2012
- “Case of Clean-Tech Theft Simmers in Washington Ahead of China Talks,” Environment & Energy Publishing, January 27, 2012
- “House Takes Different Stance from Senate on Two Key Factors in Patent Reform,” Genetic Engineering & Biotechnology News, April 10, 2011

Thomas T. Moga (Cont.)

- “Piracy Remains Rampant After China Joined WTO,” WSJ on-line, December 11, 2002
- “Tougher Criminal Penalties, Greater Diligence Needed after WTO Entry, Warns US Delegation,” South China Morning Post, March 14, 2001

Seminars & Speeches

Concerns of Inventors and Patent Owners in the Digital Economy, Singapore Ministry of Foreign Affairs (MFA) - US Department of State Programme
September 22, 2021

Cross Border Intellectual Property: How U.S. Companies use IP in China – How Chinese Companies use IP in the U.S., IPWatchdog
September 14, 2021

Filing & Protecting Your IP Assets Worldwide
June 22, 2021

Current Developments in Vaccine and Pharmaceutical Patents in the US and China, World IP Forum
April 28, 2021

Fourth Amendment of Chinese Patent Law & Draft Implementation Rules: Patent Term Adjustments, Patent Damages, Open Patent License System, and More, Strafford
April 8, 2021

Biotech Patents in China, Covid-19, and the Curious Case of Wuhan’s Institute of Virology, AUTM 2021 Annual Meeting
March 17, 2021

Navigating the Chinese Patent System: What U.S. Patent Counsel Need to Know, Changes After the Phase One Trade Deal, Strafford
November 12, 2020

"Using Overlapping IP Rights to Protect Your Products in China," USPTO China Webinar
July 23, 2020

Are You Ready for War? Bulletproofing Your Corporate Policies for IP Discovery and Trials, 2020 AIPLA Spring Meeting, San Antonio, TX
May 7, 2020

China's Shifting IP Landscape and the Consequences for Rights Holders, The US-China Business Council
November 20, 2019

US China Trade War From the IP Perspective, World Intellectual Property Forum, Taipei, Taiwan
2019

Considerations in Design Patent Practice, 2019 AIPLA Annual Meeting, Washington, D.C.
2019

MichBio webinar on Intellectual Property and China, Speaker
2019

Sedona Conference on International Patent Litigation, Panelist, Reston, VA
2018

China, World Intellectual Property Forum, Panelist, Dubai, UAE
2018

Overview of Intellectual Property in China - Creating and Managing IP Portfolios, Speaker, USPTO Intellectual Property in China Road Shows, Detroit, Grand Rapids, Portland, San Jose, Seattle, Las Vegas, Boise, and Austin
2017-2018

Thomas T. Moga (Cont.)

Patent Information Conference, Panelist, European Patent Office, Sofia, Bulgaria
2017

Opportunities and challenges in licensing transactions, Presenter, China-U.S. Joint Seminar on Patent Licensing and Technology Transfer, Beijing
2017

Monetization of U.S. patents, 4th Sajiang International Intellectual Property Conference, Zhenjiang
2017

China's new Antimonopoly Law, Presenter, U.S. Ambassador's IPR Roundtable in Beijing; Asia-Pacific Economic Cooperation, Beijing
2016

Counterfeiting in the Pharmaceutical Industry, Presenter, U.S. Patent and Trademark Office Supply Chain Integrity Seminar, Hong Kong
2015

Joint U.S. Patent Office-China Patent Office programs discussing patent portfolio development in China, Hangzhou and Shenzhen
2014

Presenter, training session on global patent strategies at the European Space Agency (ESA) at its research and technology center, on behalf of the Association of European Science & Technology Transfer Professionals, Leiden
2013

Design Patents in the Modern World Conference, Speaker, Stanford Law School
2012

Discussions on patent protections, Moderator, BIO China International Convention, Shanghai
2011

The Relationship Between Genetic Resource Recording and the World Trade Organization's TRIPS Agreement, Mid-Winter Institute, American Intellectual Property Law Association
2011

Panel discussions on IP and technology transfer, Moderator, BIO India International Partnering Conference, Hyderabad
2010

USPTO-SIPO-JPO-KIPO Roundtable on the Procurement and Enforcement of Utility Model and Design Patents, Speaker and Panelist, Beijing
2009

Presentation on Chinese and Indian patent law, European Patent Office program, Lausanne
2006

Publications

"The treatment sprint"
April 29, 2021
Intellectual Property Magazine

"The Curious Case of Wuhan's Institute of Virology and Remdesivir"
April 20, 2021
Life Sciences Intellectual Property Review

"Design Patents vs. Trade Dress: Protecting IP in China," Author
July 31, 2020
China Business Review

"Patent Practice and Policy in the Pacific Rim" (Thomson Reuters-Westlaw), a five-volume treatise on patent law and practice in Asia (first published in 1994), Author

Thomas T. Moga (Cont.)

“Defending Intellectual Property Rights Cases in China,” Inside the Minds series, Contributing author
2013

Thomson Reuters/Aspatore

“China’s Utility Model Patent System: Innovation Driver or Deterrent,” Author
November 2012

U.S. Chamber of Commerce

“Obtaining and Enforcing Design Patents in China,” Author
September/October 2012

China Business Review

“Tech Transfer Turning Point,” Author
September/October 2010

China Business Review

“China Amends its Patent Law,” Author
March/April 2009

China Business Review

“Changing China’s Patent Regime,” Author
March/April 2007

China Business Review

“How to Counter Industrial Counterfeiting,” Author
October/November 2006

Professional Boat Builder

“China and the TRIPS Agreement of the WTO,” Author
2001

National Law Journal

News

Mayfield and Moga to Present at AUTM 2021 Annual Meeting
March 17, 2021

Thomas Moga Discusses Options for Next USPTO Head in *IPWatchdog*
January 26, 2021

Thomas Moga Speaks About Source Code Leaks in *SC Magazine*
January 8, 2021

Thomas Moga Addresses Protecting IP in China with *China Business Review*
July 31, 2020

Thomas Moga Will Serve as Featured Presenter in USPTO Webinar on Protecting Products in China
July 14, 2020

Thomas Moga Discusses Challenges in Counterfeiting During Pandemic Shutdown with *Bloomberg Law*
April 27, 2020

Thomas Moga Discusses Chinese Auto Sector Gains with *CapitalWatch*
December 13, 2019

Thomas Moga Commentary on The State of Design Rights Shared in *Managing Intellectual Property*
October 26, 2019

Thomas T. Moga (Cont.)

Memberships & Involvement

- Special Assistant Attorney General for Intellectual Property, State of Michigan (2021 – present)
- Board of Directors for the Oakwood Homeowners' Association, Mackinac Island, MI
- Elected to the Class of 2019 AIPLA Fellows
- Member, Industry Trade Advisory Committee on Intellectual Property Rights (ITAC 13), a trade advisory committee co-administered by the Office of the United States Trade Representative (USTR) and the U.S. Department of Commerce (2018 – present)
- Member, Board of Directors, American Intellectual Property Law Association (November 2015 – 2018)
- Member, Board of Directors, Fulbright Association (January 2014 – 2017)
- Member, Board of Directors, Fulbright Academy (January 2012 –December 2013)
- Reviewer, English-language version of the Commissioner's Annual Report, State Intellectual Property Office, China, 2008 – 2012

Awards & Recognition

- Recognized by Global Law Experts as the Anti-Counterfeiting Law - Lawyer of the Year in Michigan, 2019
- Recognized in *The Best Lawyers in America*® for Patent, Patent Law, and Technology Law, 2010-Present
- Named by *The Best Lawyers in America*® as Litigation-Patent "Lawyer of the Year," Detroit, Mich., 2018
- Named by Law & Politics magazine as a Washington, D.C. Super Lawyer in Intellectual Property, 2013-2016
- Listed in Legal Media Group's Guide to Leading Practitioners: China, 2011 and 2012
- Recognized in the 2010 edition of The Best Lawyers in Intellectual Property Law
- Patentee, U.S. Patent No. 6,552,191, for "Self-Adjusting Water Pressure Responsive Diver's Weight Belt Assembly"
- Recognized by Crain's Detroit Business as a "Top 40 Under 40" in its Class of 1996