

## *Jiangang (“James”) Ou*



Partner

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### **Houston, TX**

### **New York, NY**

#### **Practice Areas**

China Practice  
Bankruptcy, Restructuring, and Insolvency  
Litigation  
Business Counseling  
Business Litigation  
Intellectual Property  
Mergers & Acquisitions  
International Law

#### **Admitted**

China (Inactive)  
New York  
Northern District of Texas  
Southern District of New York  
Southern District of Texas  
Texas  
United States Court of Appeals for the Third  
Circuit

#### **Education**

University of Houston Law Center, LL.M  
East China University of Political Science and  
Law, Juris Master  
Southwest University of Political Science and  
Law, B.A.

James focuses his practice in the areas of complex cross-border litigation, international arbitration, bankruptcy, mergers and acquisitions, intellectual property, enforcement of foreign country judgment and arbitral award, and business counseling. His services span a wide range of industries, including alternative and renewable energy, manufacturing, pharmaceutical, medical devices, petroleum, agriculture, and aquaculture, among others. He represents Chinese corporations doing business with or in the U.S., and provides legal services to U.S. corporations doing business with or in China. As a native speaker of Mandarin, and with more than ten years of experience practicing law in China, James is able to interpret and explain the special issues facing Chinese entities doing business with or in the U.S.

James works with clients to resolve and manage business challenges and risks. He has served as outside general counsel for dozens of foreign corporations doing business in or with the U.S. James advises and partners with clients to enforce their rights, mitigate exposure and litigate their commercial disputes involving, among other areas, fraud, breach of fiduciary duties, trade secret misappropriation, breach of contract, product liability and IP infringement. James has successfully represented clients in complex U.S.-China cross-border litigation and arbitration, including application of the New York Convention and enforcement of foreign judgments and arbitration awards.

James has significant experience handling mergers, acquisitions and due diligence investigations. He provides comprehensive representation regarding joint ventures, venture capital and private equity investments, inbound and outbound investments, technology transfers, and sales and distribution transactions.

James represents Chinese debtors and unsecured creditors in and out of U.S. Bankruptcy Courts, including U.S.-China cross-border bankruptcy, forming unsecured creditors committee (UCC), acting as chair of UCC, and involuntary bankruptcy petition. James has substantial experience in EB-5-related dispute resolution. He has served as the lead counsel for hundreds of EB-5 investors in preparing and filing whistleblowing complaints to the SEC and FBI, and suing regional centers and their principals in the federal and state courts.

Prior to joining Archer, James was practicing with a Houston, TX-based law firm. In China, James served as General Counsel for a leading

renewable energy company. He began his law career at T&C Law Firm in Hangzhou, China.

## **Representative Experience**

- Counsel for TB Food USA LLC in winning a multimillion-dollar federal jury verdict and judgment in a complex cross-border trade secrets misappropriation case in the Middle District of Florida.
- Counsel for Hefei Ziking Steel Pipe Co., Ltd. in winning a multimillion-dollar federal court judgment involving contracts governed by the United Nations Convention on Contracts for International Sales of Goods ("CISG") in the Southern District Court of Texas.
- Counsel for a major Chinese manufacturer of air conditioner parts in defending product liability claims brought by Goodman (owned by Daikin Industries, Ltd.) in the Southern District of Texas. Case was settled to client's satisfaction.
- Counsel for foreign EB-5 investors in preparing and filing the whistleblower complaint to the SEC and suing the regional center and its principals in a US federal court proceeding. Case involves cross-border securities fraud, negligent misrepresentation and breach of fiduciary duties and was settled promptly in client's favor.
- Counsel for foreign EB-5 investors in a US federal receivership proceeding. Case involves the SEC and FBI. Successful recovery for clients.
- Represented Chinese EB-5 investors in forming the Committee of Investors, calling meeting of shareholders, monitoring the then ongoing relevant bankruptcy proceeding.
- Foreign Representative of mainland China debtors, Zhejiang Topoint Photovoltaic Company, Ltd, et al, in Chapter 15 contested proceedings in the Bankruptcy Court for the District of New Jersey. Case involves multimillion-dollar litigation proceedings.
- Represented a major Chinese-manufacturer unsecured creditor and acted as Chair of Unsecured Creditors Committee for a Chapter 11 proceeding in the Bankruptcy Court for the District of Colorado. Satisfactory recovery rate (50%+) for unsecured creditors.
- Co-Chair of Unsecured Creditors Committee for a Chapter 11 proceeding in the Bankruptcy Court of New Jersey.
- Counsel for Chinese petitioning creditors in multiple involuntary bankruptcy petition proceedings in the Bankruptcy Court for the Northern District of Texas. Cases involve tens of millions of dollars and complex US-China cross-border discovery.
- Counsel for the owner of a major Chinese medical device researcher, developer and manufacturer in a US federal court proceeding. Case involves AAA international arbitration and litigation in Chinese court and settled.
- Counsel for principals and majority owners of a Texas LLC in shareholder disputes involving securities fraud, negligent misrepresentation, and breach of fiduciary duties.

- Counsel for the founder of a fast-growing Delaware corporation in shareholder disputes pending in the Southern District of Texas. Case involves US-China cross-border discovery, fraud, breach of fiduciary duty, and promissory estoppel. Client is a Chinese computer scientist who developed the most advanced AI, Big-Data and Cloud-computation and Drone (ABCD) technologies for the company when serving as its former CTO.
- Counsel for a Chinese entity in winning a multimillion-dollar arbitration award in an international arbitration proceeding administered by the International Center for Dispute Resolutions of American Arbitration Association (ICDR-AAA).
- Counsel for a Chinese entity in confirming a multimillion-dollar arbitration award in the District of New Jersey under the Federal Arbitration Act.
- Counsel for Chinese petitioners in confirming CIETAC arbitration awards in the Southern District of New York under the New York Convention.
- Counsel for a Pennsylvania entity in successfully dismissing a foreign petitioner's application for the recognition and enforcement of an international arbitration award in the Eastern District of Pennsylvania under the New York Convention.
- Counsel for entities in defending intellectual property infringement allegations and negotiating settlement agreement with terms favorable and acceptable to clients. Cases involve trademark and patent.
- Counsel for major Chinese manufacturers in expanding into the US market by acquiring existing distribution network and/or setting up sales offices in North America.
- Counsel for a Fortune Global 500 Chinese manufacturer in relocating to the US part of its manufacturing facility, which is affected by Section 301 tariffs, antidumping and countervailing duties.
- Counsel for a Fortune Global 500 Chinese petrochemical company in purchasing an ethane cracker plant in the US.
- Advised US importers of record and Chinese exporters on international trade compliance.
- Outside general counsel to US subsidiaries of publicly-traded Chinese corporations.

