



*The 2020 Axinn Survey of
U.S. Litigation Involving Japanese Companies*

The Axinn Survey

- Axinn has compiled a unique database of decisions in U.S. federal courts in cases involving Japanese companies as plaintiffs and defendants
- Axinn has:
 - Reviewed federal court decisions filed since January 1, 2014
 - Analyzed the nature of the claims filed and the decisions reached
 - Followed developments in cases
 - Analyzed major litigation events
 - Tracked case resolutions

The Axinn database is limited to decisions involving substantial matters where a Japanese company is a party. It excludes cases that are routine or are unlikely to have more general implications beyond narrow practice areas (e.g., employment & labor, admiralty & maritime, immigration, pension & retirement benefits, estate planning, family law, real property, personal injury). It also does not include cases where only the U.S. subsidiary of a Japanese company, but not the Japanese parent, is involved.

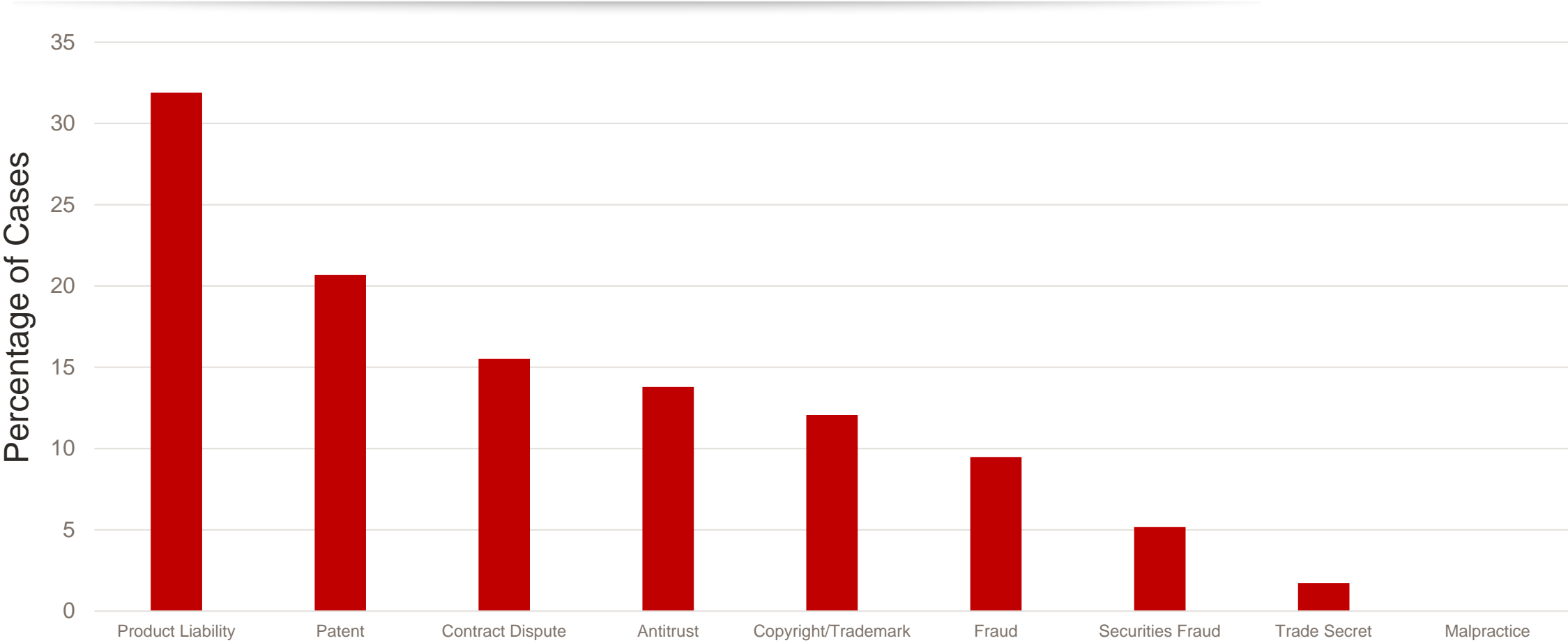
The Axinn Survey

- This report summarizes insights from our survey—now updated with the past year’s cases—of Japanese companies in U.S. federal court litigation concerning:
 - Types of claims raised
 - Procedural issues raised
 - Relevant U.S. jurisdictions
 - Breakdown of Japanese as plaintiffs and defendants
 - Industries involved
 - Case resolutions

Types of Claims Involving Japanese Companies

- The claims that most frequently involve Japanese companies in U.S. courts:
 1. Product Liability
 2. Patent
 3. Contractual Disputes
 4. Antitrust

Types of Claims Involving Japanese Companies

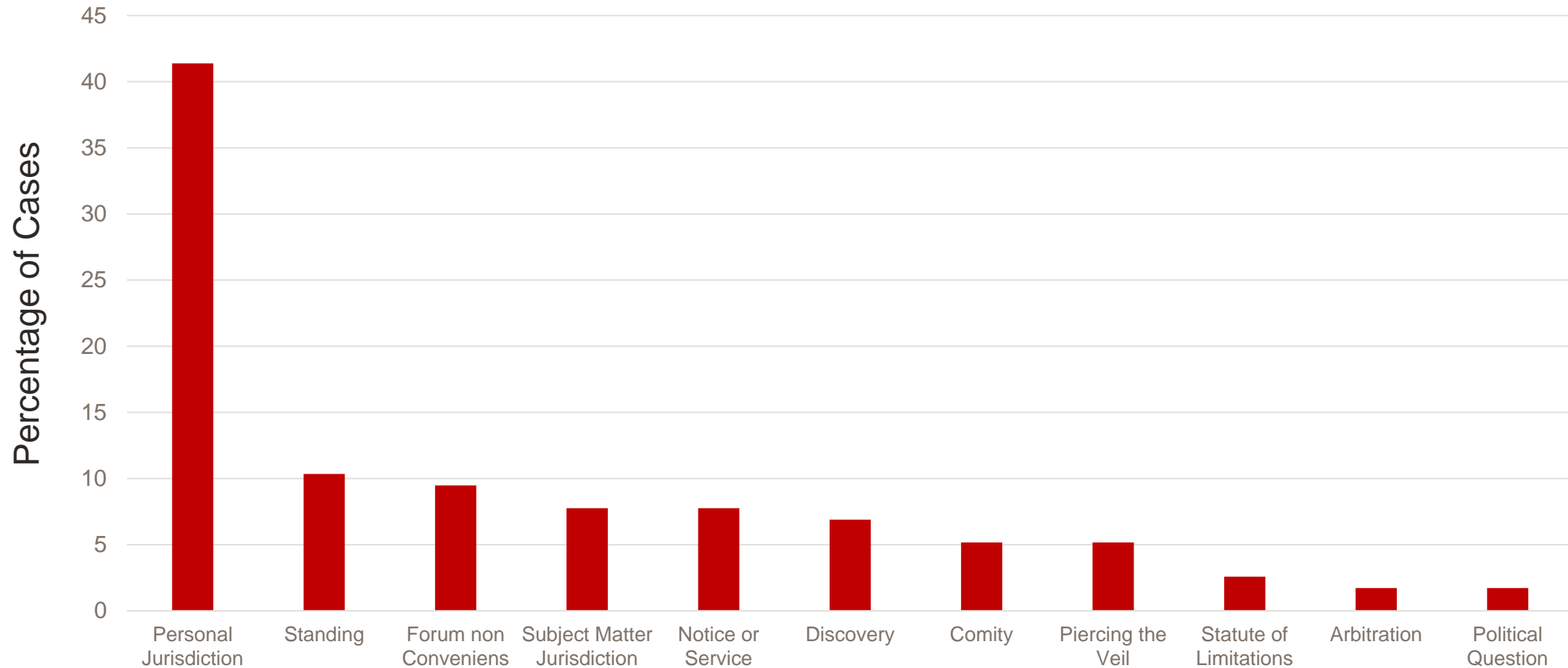


Percentages exceed 100% because cases may involve multiple claims.

Procedural Issues Raised in Cases with Japanese Companies

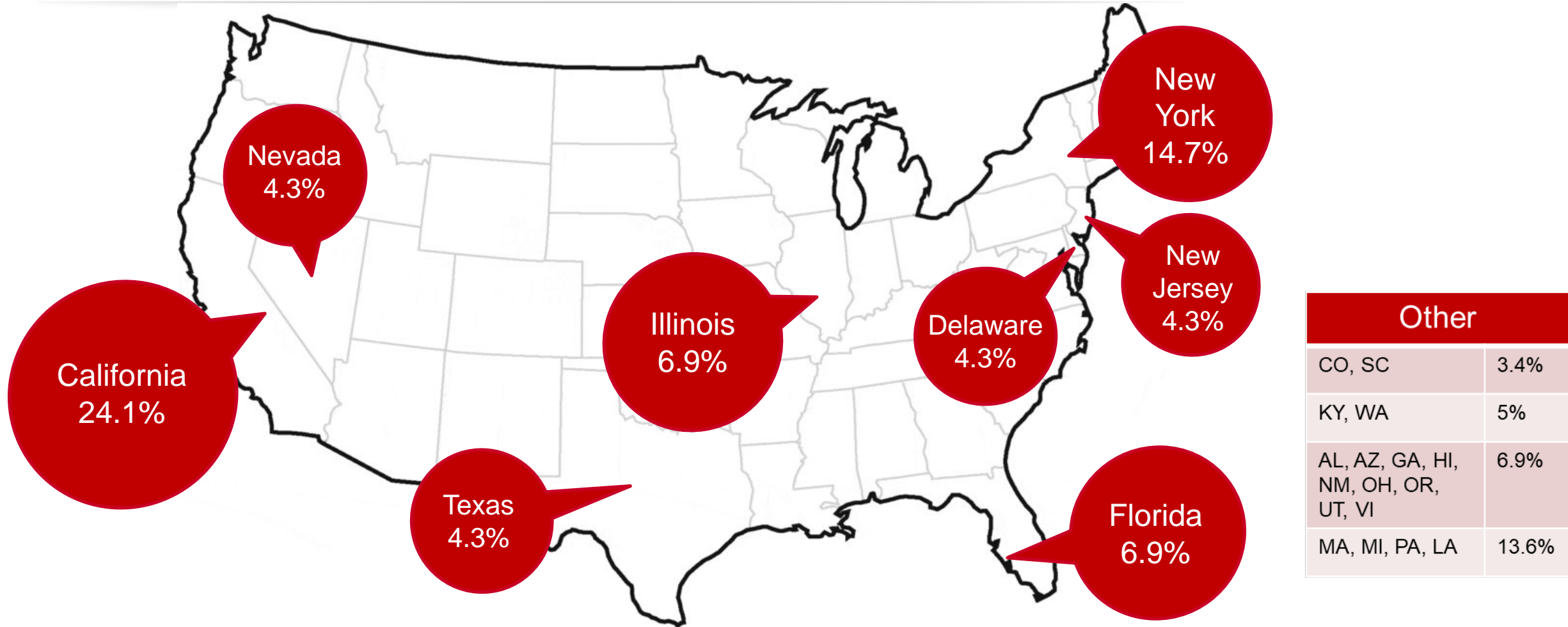
- The procedural issues that most frequently arise in the early stages of litigation:
 1. Personal jurisdiction. The defendant asks the judge to dismiss the case on the basis that the Court lacks any power or authority over the defendant.
 2. Standing. The defendant asks the judge to dismiss the case on the basis that the plaintiff is not a proper person to bring the claim because they have not been injured. This issue is common in antitrust cases.
 3. Forum non conveniens. The defendant asks the judge to dismiss the case on the basis that another court – in the U.S. or elsewhere – is much better suited to hear the case, and the case can be refiled there.

Procedural Issues Raised in Cases with Japanese Companies

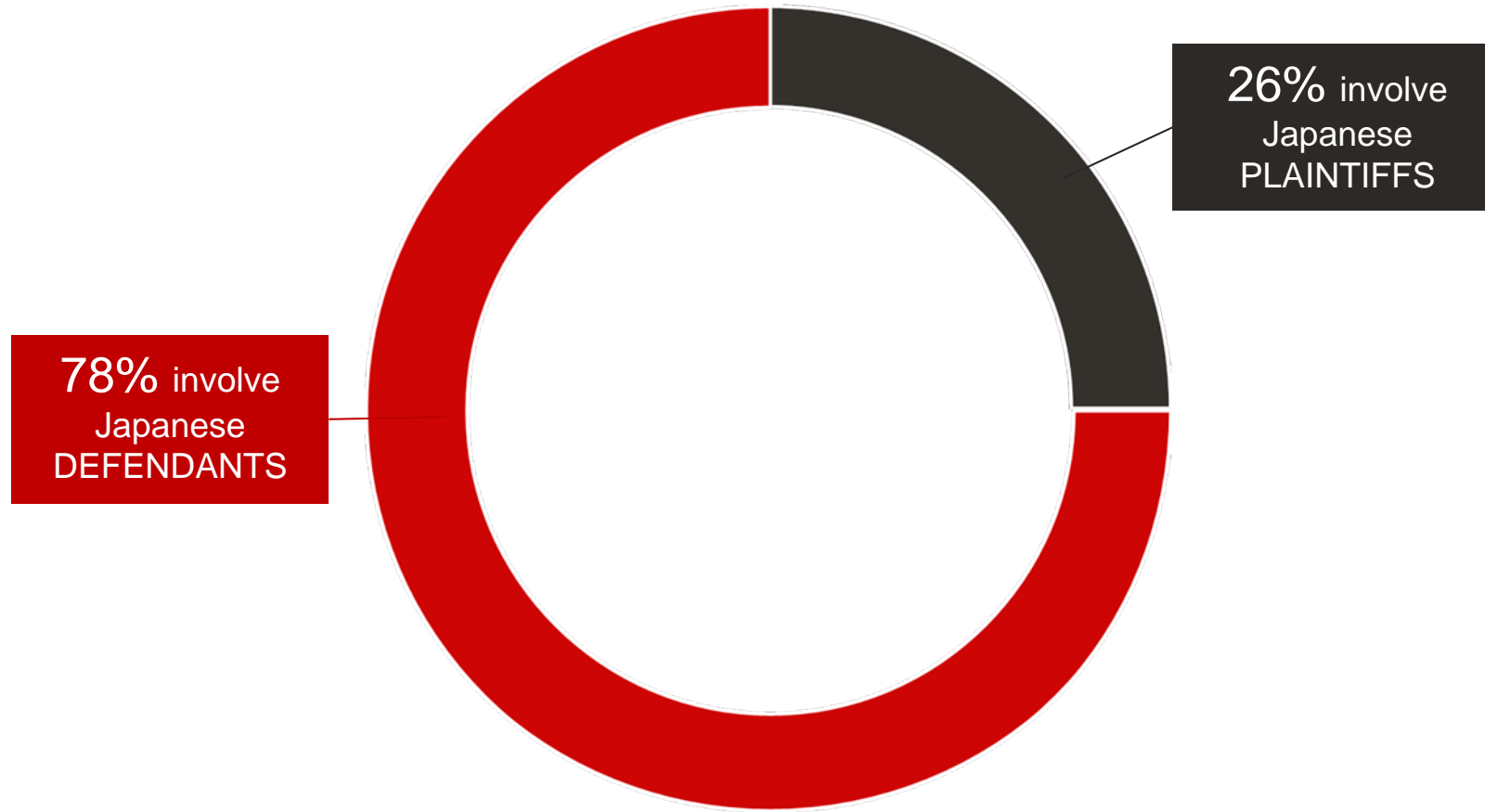


Percentages exceed 100% because multiple issues can be raised in a single case.

California, New York, Florida, and Illinois Are the U.S. Jurisdictions Where Japanese Litigants Appear Most Frequently



Japanese Companies Appear as Plaintiffs in Over a Quarter of Cases

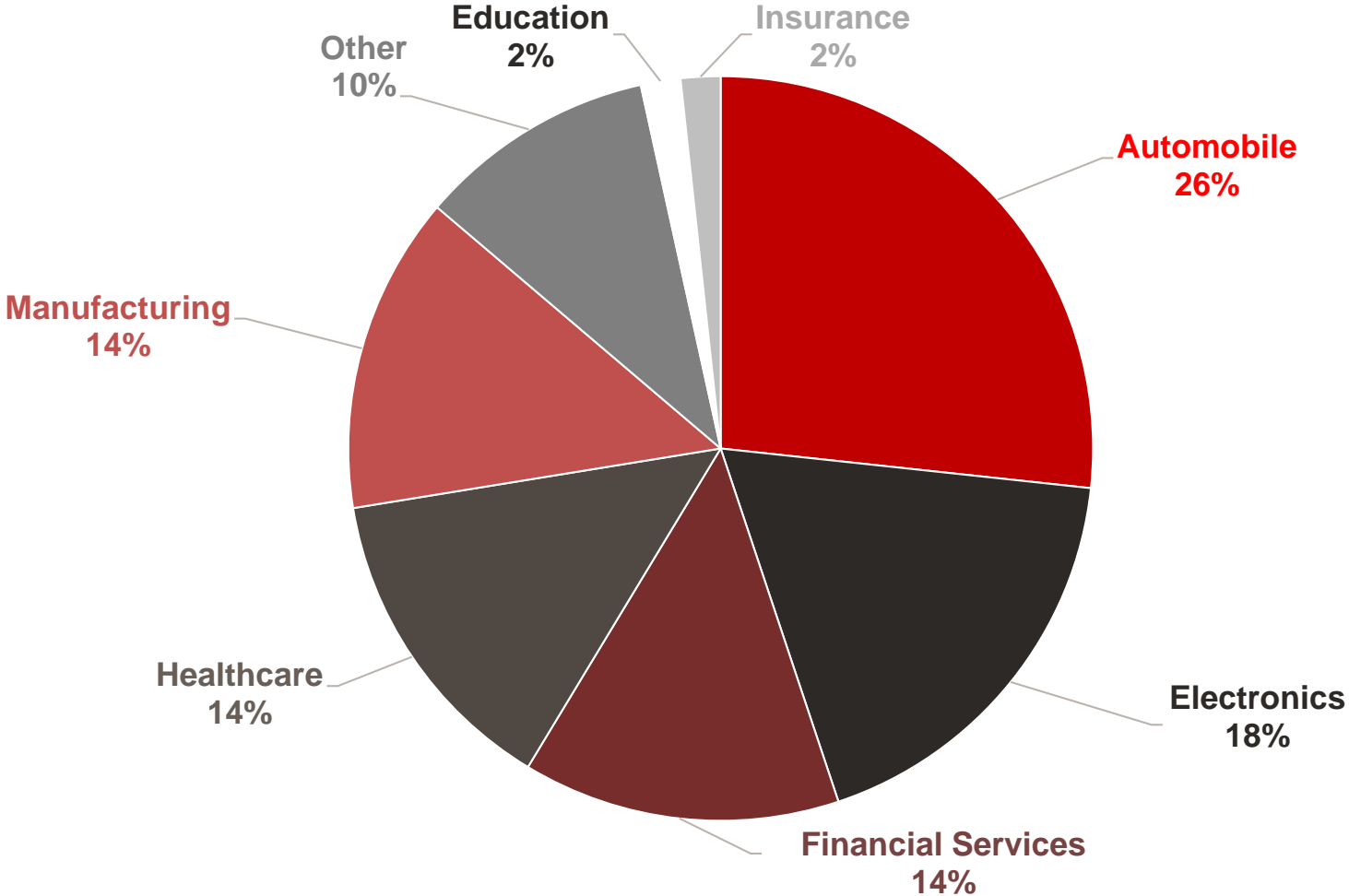


Percentages exceed 100% because some cases have Japanese parties as both plaintiffs and defendants.

Japanese Companies Involved in U.S. Litigation by Industry

- The five Japanese industries that were most involved in U.S. litigation from 2014-2020:
 1. Automotive
 2. Electronics
 3. (Tie)
 - Financial Services
 - Healthcare
 - Manufacturing

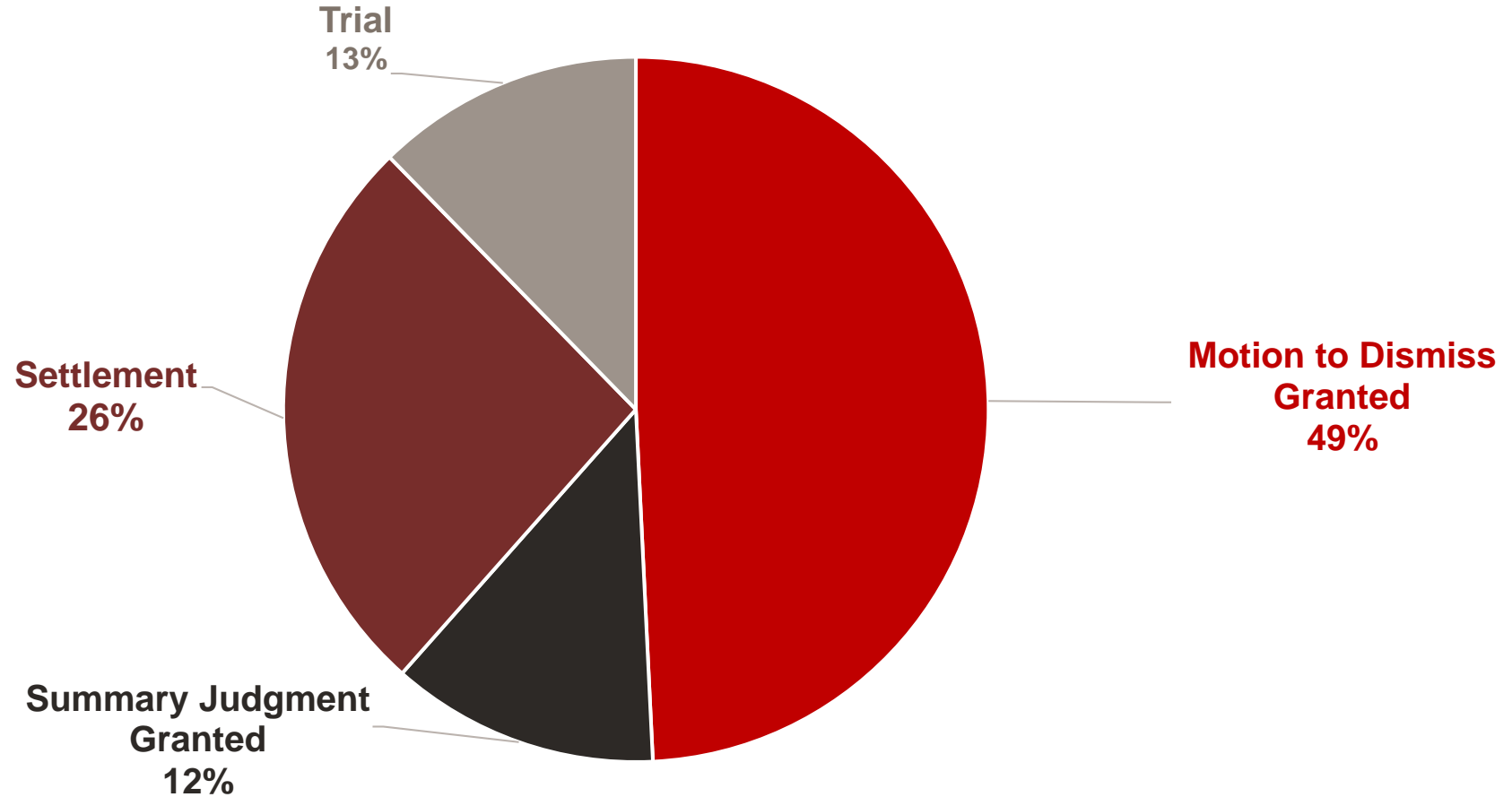
Japanese Companies Involved in U.S. Litigation by Industry



Resolution of U.S. Litigation Involving Japanese Companies

- U.S. lawsuits involving Japanese companies are most commonly resolved by the following means:
 1. Motion to Dismiss. When a defendant moves to dismiss, they are asking the judge to reject the case, generally before any discovery occurs. Motions to dismiss may be based on procedural issues or on an argument that the plaintiff has failed to state a claim under the law even if all the facts alleged in the complaint are assumed to be true.
 2. Settlement.
 3. Summary Judgement. A judge can grant summary judgment for either party if the judge decides after discovery, but before trial, that there are no relevant disputed issues and that the case can be decided without going to trial. It is more typical for summary judgment to be granted for the defendant than the plaintiff; but the majority of summary judgment motions fail.
 4. Trial. Trial is a formal, in-court fact finding procedure, with the facts of the case determined by a judge (a “bench trial”) or by a jury.

Resolution of U.S. Litigation Involving Japanese Companies



Excludes cases that are ongoing or have no clear indication of resolution. Cases may be subject to re-pleading, motions for reconsideration, or appeal.

Who We Are

- Axinn is a U.S. litigation boutique with over 100 attorneys. We have offices in New York, San Francisco, Washington, D.C. and Hartford.
- Axinn is committed to supporting Japanese litigants. We regularly represent Japanese companies in US courts and our attorneys are typically present in Japan many times each year.
- We invite you to direct any questions to the following attorneys in each of our major departments.

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