

Jenner & Block Japan Newsletter

Publications

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Welcome to the February 2026 edition of the *Jenner & Block Japan Newsletter*, a publication containing updates about legal developments in the United States that may be noteworthy to our clients and other leaders in the Japanese legal and business communities.

Firstly, we would like to recognize our Japan Practice Co-Chair, Miwa Shoda, for her ranking in the 2026 *Chambers Global* guide in two categories: Litigation-USA: Foreign Expert (Japan) and Dispute Resolution-Japan: Japan Expertise Based Abroad. Miwa is the only lawyer from law firms in the US to be ranked for Japan in these categories.

We would also like to recognize Japan Practice Co-Chair, Brent Caslin, who was named as a Runner-Up for “Litigators of the Week” by *The American Lawyer* for his representation of survivors of a 2014 terror attack. As one of only a few lawyers in the nation to be recognized for this significant ruling, we congratulate Brent on this well-deserved honor.

In this edition, we cover a number of subjects relevant to a range of industries and legal practice areas. We begin with an examination of the Trump administration’s “America First Investment Policy” which seeks to curb threats posed by China’s investment in the United States while promoting investment from allies and partners, such as Japan. We then provide an update on the Federal Trade Commission’s recently announced annual revisions to the Hart-Scott-Rodino Act.

This edition continues with a summary of a recent decision by the Delaware Court of Chancery. The case highlights the importance of meaningful oversight systems for risks that are fundamental to a company’s operations. This is followed by an analysis of a recent trade secrets trial that resulted in a \$64 million verdict; a suit which emphasizes the importance of adequately identifying trade secrets before trial. We also detail a recent Federal Circuit decision in a patent case which reversed a trial court’s exclusion of two expert witnesses, blurring the line between the court’s gatekeeping role and the jury’s role in assessing the weight of the evidence and the credibility of witnesses. Additionally, we offer an overview of the recently announced joint SEC and CFTC initiative “Project Crypto”; an effort which aims to address longstanding problems that have plagued the digital asset industry and its regulation. Finally, this edition of the JNL provides key takeaways of the US Government Accountability Office’s “Bid Protest Annual Report to Congress” containing information related to bid protest statistics for fiscal year 2025.

We hope that you find the information in the *Jenner & Block Japan Newsletter* of interest. We thank you for taking the time to review our publication.

Regards,

The Jenner & Block Team

Articles

CFIUS

The America First Investment Policy in Practice

Corporate

FTC Announces 2026 HSR Thresholds

Corporate

Delaware Court Denies Dismissal of Caremark Oversight Claims in Teligent Case, Highlighting Board and Officer Compliance Obligations

Trade Secrets

\$64 Million Verdict Against Goodyear Vacated for Failure to Properly Define Trade Secrets

Patent

A Recent Federal Circuit Decision Has Clouded the District Court's Gatekeeping Role

Fintech and Crypto Assets

SEC, CFTC Launch Unified "Project Crypto"

Government Contracts

Annual GAO Bid Protest Statistics: Filings Down, But Relief Rate Steady

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