

Jenner & Block Japan Newsletter

Publications

October 2025

By: Miwa Shoda, Brent Caslin, Donald E. Batterson

Welcome to the October 2025 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.

This edition covers a range of significant legal developments across multiple practice areas. We examine the Supreme Court's landmark ruling in *Fuld v. Palestine Liberation Organization*, which establishes a more flexible personal jurisdiction framework for foreign defendants under the Fifth Amendment. Moreover, we address critical developments affecting Japanese pharmaceutical companies, analyzing recent reverse payment settlement litigation.

We then examine three important decisions in the intellectual property space: the Federal Circuit's expansion of patent claim disclaimer doctrine in *Focus Products*, the potential Supreme Court review of the trademark "doctrine of foreign equivalents" in the *Vetements* case, and the Ninth Circuit's recent holding regarding the federal Defend Trade Secrets Act and the particularity requirement before the commencement of discovery. Additional topics include the Delaware Court of Chancery's reinforcement of anti-reliance clause requirements in M&A transactions following *Pearce v. NeueHealth*, the FTC's abandonment of its nationwide noncompete ban while signaling continued case-by-case enforcement, the launch of the DOJ's new Trade Fraud Task Force targeting tariff evasion and trade violations, the SEC's reversal of its longstanding position on mandatory arbitration clauses in IPOs, and the Ninth Circuit's rejection of plaintiff tactics to avoid federal court jurisdiction under CAFA in class action litigation.

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

Noncompete

The FTC Drops Ban on Noncompetes But Warns Healthcare Employers

Tariff

The Trade Games Are Over—The Rise of a New Federal Trade Fraud Task Force

Antitrust

FTC Changes Strategy on Noncompete Enforcement

Mergers & Acquisitions

Anti-Reliance Clauses in Delaware M&A: *Pearce v. NeueHealth* and Comparative Perspectives

Class Action

The Ninth Circuit Rejects Class Action Plaintiffs' Tactic to Avoid Federal Court

Bankruptcy

Third-Party Releases Through Chapter 15—Loophole or Comity?

Life Sciences

Recent Rulings Highlight Risk to Japanese Drugmakers in Settling Pharmaceutical Litigations

Trade Secrets

Ninth Circuit Holds DTSA Does Not Require Plaintiffs to Identify Trade Secrets with Particularity Before Discovery, but Courts Retain Broad Discretion to Manage Trade Secret Discovery

Trademark

A Lawsuit by the Clothing Label Vetements May Result in a Supreme Court Decision on the Trademark "Doctrine of Foreign Equivalents"

Patent

The Federal Circuit Expands Disclaimer of Patent Scope During Prosecution

Arbitration

SEC Reverses Position on Mandatory Arbitration Clauses in IPOs

Human Rights

US Supreme Court Opens the Door to More Flexible Personal Jurisdiction Test for Foreign Defendants

Related Attorneys



Miwa Shoda

Partner

mshoda@jenner.com

+1 213 239 5171



Brent Caslin

Partner

bcaslin@jenner.com

+1 213 239 5150



Donald E. Batterson

Partner

dbatterson@jenner.com

+1 312 923 2607

Related Capabilities

Japan Practice

© 2026 Jenner & Block LLP. Attorney Advertising. Jenner & Block LLP is an Illinois Limited Liability Partnership including professional corporations. This publication, presentation, or event is not intended to provide legal advice but to provide information on legal matters and/or firm news of interest to our clients and colleagues. Readers or attendees should seek specific legal advice before taking any action with respect to matters mentioned in this publication or at this event. The attorney responsible for this communication is Brent E. Kidwell, Jenner & Block LLP, 353 N. Clark Street, Chicago, IL 60654-3456. Prior results do not guarantee a similar outcome. Jenner & Block London LLP, an affiliate of Jenner & Block LLP, is a limited liability partnership established under the laws of the State of Delaware, USA and is authorised and regulated by the Solicitors Regulation Authority with SRA number 615729. Information regarding the data we collect and the rights you have over your data can be found in our Privacy Notice. For further inquiries, please contact dataprotection@jenner.com.

Stay Informed

