

Past JETRO Client

Quinn Emanuel



April 2008 — Japan is usually not the first country where one would think to open a law office dedicated solely to litigation, but Quinn Emanuel did just that. In fact, the Tokyo office is the firm’s first office overseas. But instead of practicing Japanese law, associates of the Tokyo office stick to Quinn Emanuel’s specialty: U.S. litigation. The co-heads of the Tokyo office, Ryan Goldstein and Henry Koda, spoke with JETRO about opening an office in a country that is traditionally adverse to litigation.

Opportunities in Japan

Although Japan may not appear to be fraught with opportunities for a firm devoted solely to U.S. litigation, Japanese companies continue to face a large number of patent infringements made by companies illegally copying their products. Over the past ten years, patent cases commenced in U.S. courts have risen by 30%.

Mr. Koda, who practiced patent law in the U.S. for over 30 years before joining Quinn Emanuel in August, sees substantial opportunity to help Japanese companies involved in U.S. litigation, saying, “Japanese companies in general hesitate to go to court, so they need strong representation when they do. Most Japanese companies feel that going to court is a dishonor. We’d like to change this mentality so they can face the unfair competition or any other illegal acts.”

At the same time, Mr. Goldstein—who is fluent in Japanese and named one of the top 20 lawyers under 40 in California by The Daily Law Journal—has observed that Japanese companies are becoming less adverse to litigation, especially with respect to protecting intellectual property rights. “There has been a trend over the last ten years where more Japanese companies are taking actions in the United States,” Mr. Goldstein noted. “With that being said, I do think there is still a little bit of a cultural tendency to be less litigious. [Quinn Emanuel] is still the defendant more often than plaintiff, but it’s getting closer to 50-50, where we are the plaintiff or defendant.”

Citing a recent case where Quinn Emanuel represented a Japanese company as plaintiff, Mr. Goldstein described a ruling won for Seiko Epson, who sued in the U.S. for infringement on 11 patents. The International Trade Commission (ITC) issued exclusion orders for all 11 patents, which ordered customs to halt shipment of all infringing goods at the U.S. border. This ruling that Quinn Emanuel obtained for plaintiff Seiko Epson is one of the largest in the history of the ITC.

Challenges

Naming one of the potential challenges to running a litigation office in Japan, Mr. Goldstein points to the unique nature of the U.S. litigation process. “One of the challenges that you face in U.S. litigation with a foreign company, and even with domestic companies, is to have them gain an understanding of what the U.S. system entails and the requirements so you don’t run afoul of your obligations. We have very intensive discovery [in the U.S.], where you are required to give your most secret company documents to the other side’s lawyer. We also have depositions where witnesses will be grilled by the other attorney for hours and hours. It’s a process that doesn’t exist in any other country.”

As for the regulatory process of opening a Japan office, Mr. Koda says he wishes he had known more about the process for obtaining a foreign lawyer registration. “I knew there were restrictions about foreign lawyers practicing in Tokyo, but the registration was much more complicated than expected. It was not so bad, but it’s something I wish I knew before opening the office,” he says. “Other than that, there were no surprises. The real estate was expensive, but we knew that.”

Outlook

When asked for his outlook on the Tokyo office, Mr. Goldstein says he hopes the Tokyo office will take part in the overall growth the firm as a whole has seen. Quinn Emanuel started as two lawyers in 1986 and has grown to 400 today. The firm’s partners have an astounding winning percentage in trial of 92%. Mr. Goldstein believes this success is due to the firm’s focus on litigation, which he says is very rare in the U.S. Such specialization in addition to connections in Japan, says Goldstein, gives the Tokyo office a unique offering.

With the continued growth of patent cases in U.S. courts combined with the importance of patent protection to so many Japanese companies, Quinn Emanuel looks forward to the growth of its new Tokyo office.

**Note: The opinions contained in this article are based on the experiences of the interviewee. They are not representative of all experiences in Japan or working with Japanese companies, and do not reflect the opinions of JETRO.*

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