No. 25-1106

In the Supreme Court of the United States

JAMES ETHRIDGE, PETITIONER

v.

SAMSUNG SDI CO., LTD.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF FOR RESPONDENT

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QUESTION PRESENTED

The Due Process Clause of the Fourteenth Amendment permits a state court to exercise specific personal jurisdiction over a nonresident defendant only when the plaintiff's claims "'arise out of or relate to the defendant's contacts' with the forum." *Ford Motor Co.* v. *Mont. Eighth Jud. Dist. Ct.*, 592 U.S. 351, 359 (2021).

The question presented is:

Whether, in a product-liability action, the plaintiff's claims relate to the defendant's forum contacts when the defendant manufacturer sells the product in the forum exclusively to corporate customers and prohibits sales of the product to consumers, and the plaintiff consumer acquires the product in the forum through the unauthorized, unilateral activity of a third-party retailer.

CORPORATE DISCLOSURE STATEMENT

Respondent Samsung SDI Co., Ltd. (KRX: 006400, 006405), has no parent corporation. One company, Samsung Electronics Co., Ltd. (KRX: 005930, 005935), owns 10% or more of respondent's stock.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

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BRIEF OF RESPONDENT

Respondent Samsung SDI Co., Ltd., respectfully requests that the petition for a writ of certiorari in this case be granted and that the Court also grant the petition in *Samsung SDI Co., Ltd.* v. *Peters*, No. _-_ (filed Apr. 3, 2026)—a similar case raising the same issue. The two cases should be consolidated for review.

STATEMENT

A. Legal Background

This case turns on the relatedness test described in *Ford Motor Co.* v. *Montana Eighth Judicial District Court*, 592 U.S. 351 (2021).

In *Ford*, 592 U.S. at 356, two individuals were injured while driving Ford vehicles in their home States of Montana and Minnesota. The plaintiffs sued Ford, the car manufacturer, in their respective home States. *Ibid.* Ford moved to dismiss for lack of personal jurisdiction, arguing that neither lawsuit *related to* its forum contacts because

it did not design, manufacture, or sell the vehicles at issue in those States. *Id.* at 356-357. It maintained that "[o]nly later resales and relocations by consumers had brought the vehicles to Montana and Minnesota." *Id.* at 357.

The Court disagreed. It explained that specific personal jurisdiction is founded on "an idea of reciprocity between a defendant and a State: When (but only when) a company exercises the privilege of conducting activities within a state—thus enjoying the benefits and protection of its laws—the State may hold the company to account for related misconduct." *Ford*, 592 U.S. at 360 (cleaned up). That bedrock principle, the Court stressed, provides defendants with "'fair warning'—knowledge that 'a particular activity may subject it to the jurisdiction of a foreign sovereign.'" *Ibid.* (brackets omitted). A defendant "can thus structure its primary conduct to lessen or avoid exposure to a given State's courts." *Ibid.* (cleaned up).

With that framework in mind, the Court considered "the business that [Ford] regularly conduct[ed] in Montana and Minnesota." *Ford*, 592 U.S. at 364. It noted that "[b]y every means imaginable—among them, billboards, TV and radio spots, print ads, and direct mail—Ford urge[d] Montanans and Minnesotans to buy its vehicles"—including the models involved in the accidents. *Id.* at 365. Through that "veritable truckload of contacts," the Court held, Ford had "encourage[d] Montanans and Minnesotans to become lifelong Ford drivers." *Id.* at 365, 371. Indeed, Ford's contacts with Montana and Minnesota "might turn any resident" of those two States "into a Ford owner." *Id.* at 367.

The Court therefore determined that Ford had "systematically served a market in Montana and Minnesota for the very vehicles that the plaintiffs

allege[d] malfunctioned and injured them in those States." *Ford*, 592 U.S. at 365. That systematic activity, in turn, "create[d] reciprocal obligations" for Ford—including the obligation that Ford ensure that the "car models [it] so extensively market[ed] in Montana and Minnesota be safe for their citizens to use." *Id.* at 368. Accordingly, Ford's contacts in Montana and Minnesota were "related enough" to the plaintiffs' lawsuits to support specific personal jurisdiction. *Id.* at 371.

The Court in *Ford* did not, as petitioner contends (Pet. 1), "announce[]" a one-size-fits-all "rule" to resolve all specific jurisdiction issues. It instead expressly left several issues unresolved. It did "not address" a scenario where "Ford marketed the models" at issue "in only a different State or region." *Ford*, 592 U.S. at 365. And it did not articulate what "real limits" the *relate to* requirement "incorporates" to protect foreign defendants conducting business in foreign jurisdictions. *Id.* at 362.

B. Facts And Procedural Background

1. Respondent is a South Korean corporation. It maintains its headquarters and its principal place of business in South Korea. Pet. App. 9a.

Respondent designs and manufactures 18650 lithium-ion battery cells.[1] Pet. App. 9a. It sells those 18650 cells, or sealed battery packs containing those cells, exclusively as component parts to sophisticated corporate clients. *Ibid.* Those clients manufacture (or are in the direct supply chain for the manufacture of) authorized products—in this case, power tools and laptops. *Ibid.* Respondent does not sell lithium-ion battery cells to

[1] The "18650" refers to the battery cell's dimensions: it is 18 mm wide and 65 mm tall. Pet. App. 9a n.1.

consumers for use in e-cigarette devices, nor does it sell its batteries to e-cigarette manufacturers or vape shops, and no entity does so on its behalf. *Id.* at 52a.

Respondent limits its contacts with Texas to the sale of sealed battery packs to three companies—Stanley Black & Decker, Hewlett Packard, and Dell. Pet. App. 4a, 9a. Stanley Black & Decker incorporates the sealed battery packs into power tools. *Id.* at 9a. Hewlett Packard and Dell use the sealed battery packs to perform laptop repairs in Texas. *Ibid.*

Respondent does not authorize or encourage individual consumers to acquire or use its battery cells as standalone batteries in e-cigarette devices. Pet. App. 52a. On the contrary, respondent works hard to prevent individual consumers from obtaining its battery cells. For instance, respondent maintains a customer-vetting process. *Id.* at 4a-5a. Under that process, would-be customers must submit applications to purchase 18650 batteries from respondent. *Id.* at 5a. If an application reveals any ties to the e-cigarette industry, respondent will reject the application. *Ibid.* In addition, respondent includes warnings on its website and its product packaging that detail the risk of serious injury or death resulting from consumer usage. *Ibid.*

2. Petitioner is a Texas resident. Pet. App. 9a. He sued respondent and others in Texas state court after he allegedly suffered injuries when an 18650 lithium-ion battery exploded in his pocket. *Id.* at 9a-10a. Petitioner purchased the individual battery from a Wyoming-based seller on Amazon.com. *Ibid.* Respondent removed the case to federal court. *Id.* at 10a.

Respondent moved to dismiss the suit for lack of personal jurisdiction. Pet. App. 49a. It argued that it was

not subject to personal jurisdiction in Texas because the battery that injured petitioner—a standalone 18650 lithium-ion battery—was not designed, manufactured, or marketed for individual use by individual persons in Texas. *Id.* at 51a. In fact, respondent never sold any 18650 batteries for standalone use to a resident of Texas, never shipped any 18650 batteries to a Texas address outside of its controlled distribution channels, and never sold any 18650 batteries to any Amazon entity or to any retail store in Texas. *Id.* at 51a-52a.

The district court granted the motion. Pet. App. 48a-71a. "This case," the court held, "is not a 'close' call." *Id.* at 69a. Respondent had no doubt "shipped batteries to companies in Texas engaged in the manufacturing or repair of other products." *Ibid.* But petitioner had not adequately tied those sales to his claims to support specific jurisdiction. *Id.* at 69a-70a. As the court explained: "[N]o evidence" in the record suggests that "the presence of the offending battery in Texas was the result of purposeful availment by [respondent] as opposed to an unauthorized act by third parties. Without more, there is no 'substantial connection,' between the [respondent's] contacts [in Texas] and the 'operative facts of the litigation.'" *Ibid.* (brackets and citation omitted).

3. The Fifth Circuit initially reversed. See Pet. App. 8a-30a. The majority recognized that *Ford* "is subject to different, fair-minded interpretations." *Id.* at 15a. The majority posited, however, that *Ford* "appeared" to hold that, "[w]here the defendant s[ells] a non-insignificant volume of [a] product in [a] forum State, an in-state plaintiff's suit involving the in-state use of and in-state injury from the same product will satisfy the relatedness condition of specific personal jurisdiction."

Ibid. The majority dubbed that "rule" the "'same product plus in-state injury test' for relatedness." *Ibid.*

With "epistemic humility," the majority turned to the "perilous project" of applying *Ford*. Pet. App. 18a-19a. It held that petitioner's suit "complies with *Ford*'s same-model-plus-in-state-injury condition for relatedness" because petitioner is a Texas resident, used an 18650 battery in Texas, and suffered an injury in Texas. *Id.* at 21a. The majority declined to distinguish between respondent's relevant contacts with Texas *companies* (like HP, Dell, and Stanley Black & Decker) and its nonexistent contacts with Texas *consumers* (like petitioner). *Ibid.*

Judge Jones dissented. Pet. App. 31a-47a. The majority "overread[]" *Ford*, she wrote. *Id.* at 31a. What mattered in *Ford*, she reasoned, was that "the plaintiffs had an actual opportunity to purchase, service, or resell their vehicles in the forum state *through channels authorized by Ford*." *Id.* at 35a. "No such opportunity was available to" petitioner here. *Ibid.* Instead, respondent "followed *Ford*'s express guidance to structure its primary conduct to *lessen* exposure to courts in Texas by avoiding sale to the individual-consumer market" altogether. Pet. App. 34a (cleaned up). Accordingly, there was no link between respondent's "sale[ ] of goods to manufacturers and the plaintiff's injuries, which arose from a direct-to-consumer purchase and involved distribution channels that [petitioner] did not participate in and never authorized." *Id.* at 33a.

4. Respondent petitioned for rehearing. Pet. 11. While that petition was pending before the Fifth Circuit, the Seventh Circuit decided *B.D. ex rel. Myers* v. *Samsung SDI Co., Ltd.*, 143 F.4th 757 (2025), which

involved the same defendant (respondent), the same product (a 18650 battery), and indistinguishable facts (a vape-using plaintiff injured after acquiring the battery through unauthorized channels).

Specifically, a plaintiff injured in Indiana sued respondent for injuries arising from an exploding 18650 battery that he acquired from an e-cigarette retailer. See *Myers*, 143 F.4th at 763-764. As in this case, respondent sold its battery cells in the forum State (Indiana) only to sophisticated corporate customers. See *id.* at 763. And it "t[ook] steps to ensure" that "its customers use[d] 18650 batteries only for approved purposes"—including requiring would-be customers to submit "purchase application[s]" that respondent would deny if the would-be customer disclosed any "ties to the e-cigarette industry." *Ibid.*

The Seventh Circuit held that the "disconnect" between respondent's "purposeful contacts with the state through the sale of 18650 batteries" and the plaintiff's "injury—the consequence of an unauthorized, individual-battery purchase—preclude[d] the exercise of personal jurisdiction." *Myers*, 143 F.4th at 772. It explained that petitioner had not "exercise[d] the privilege of conducting the type of business that led to [the plaintiff's] injury and subsequent lawsuit." *Id.* at 771. Put differently: Respondent had no notice that it "would have to answer for injuries occasioned by consumers obtaining individual batteries." *Id.* at 771-772. Respondent thus had no "reciprocal obligation to appear in [Indiana] courts to defend against" allegations relating to the sale of individual batteries. *Id.* at 771.

5. On panel rehearing in this case, the Fifth Circuit withdrew its prior decision and issued a new opinion—this

time agreeing with the "materially indistinguishable" decision in *Myers*. Pet. App. 2a. The court explained that "personal jurisdiction doctrine has long considered whether a defendant has structured its primary conduct to lessen or avoid exposure to a given State's courts." *Id.* at 3a (cleaned up). Respondent, the court found, had done just that: It went to "'great lengths'" to "prevent consumers like [the plaintiff] from obtaining its batteries" in the forum State—including vetting customers for ties to the e-cigarette industry and including warnings on its batteries that counseled against consumer usage. *Id.* at 4a-5a. Those measures, the court held, were "enough" to stave off specific personal jurisdiction. *Id.* at 5a.

DISCUSSION

Respondent does not oppose the petition for a writ of certiorari. In fact, respondent is simultaneously filing a petition for a writ of certiorari in *Samsung SDI Co., Ltd.* v. *Peters*, No. _-_ (filed Apr. 3, 2026)—a case that involves the same material facts and presents the same important constitutional question. This Court should grant both petitions and consolidate the two cases for review.

1. Petitioner correctly notes that there is a well-recognized conflict among lower courts over how to apply *Ford* to cases "arising out of exploding batteries manufactured by foreign companies after use in e-cigarettes." Pet. App. 2a n.*; see Pet. 12-21.

This case (*Ethridge*) and *Peters* represent both sides of that "division." Pet. App. 3a n.*. Both cases involve the same material facts. A foreign manufacturer (*i.e.*, respondent) sells 18650 lithium-ion battery cells as component parts exclusively to sophisticated companies in a particular State. The foreign manufacturer does not design, manufacture, distribute, advertise, or sell its

battery cells for individual use for any purpose. Yet, somehow, an individual consumer acquires an individual 18650 cell and uses it in an e-cigarette device. When the device explodes, the individual sues the foreign manufacturer in the forum State.

The decision below correctly holds that respondent *cannot* be subject to specific jurisdiction under those facts. Pet. App. 6a. *Peters* incorrectly holds the opposite. See No. A25-0195, 2025 WL 2902144, at *9 (Minn. Ct. App. Oct. 13, 2025), petition for cert. pending, No. _-_ (filed Apr. 3, 2026).

These inconsistent decisions merit review by this Court. They have left respondent unable to "'structure [its] primary conduct'" in the United States so as "to lessen or avoid exposure to a given State's courts." *Ford Motor Co.* v. *Mont. Eighth Jud. Dist. Ct.*, 592 U.S. 351, 360 (2021). The inconsistency also underscores the need for this Court's review. It is disagreement over the relatedness standard set forth in *Ford*—not different facts—that is causing lower courts to fracture.

2. The question presented is exceptionally important. As respondent explains further in its *Peters* petition, the persistent division among lower courts improperly expands the circumstances under which courts can hear claims against foreign corporations, increases incentives to forum-shop, and threatens to destabilize foreign commerce and foreign affairs.

3. The petition in this case, and the decision below in *Peters*, misread *Ford*. Only this Court can correct those misreadings.

Petitioner contends that *Ford* announced a new "rule" for specific jurisdiction. Pet. 1. That rule, petitioner says, is simple: "When a company like Ford serves a

market for a product in a State, and that product causes injury in the State to one of its residents, the State's courts may entertain the resulting suit." *Ibid.* (quoting *Ford*, 592 U.S. at 355). That "rule," he maintains, "is concerned only with the company's contacts with the [S]tate" as a whole—"not some artificial economic subcomponent thereof." *Id.* at 22. He thus reads *Ford* to forbid a court from "asking if the defendant sought to target a particular customer base *within* the state rather than the state's product *as a whole*." *Ibid.*

Petitioner misreads *Ford*. To be sure, *Ford* "thrice remarked that specific personal jurisdiction would attach when a company serves a market for a product in a State and that same product causes injury in the State." Pet. App. 16a-17a; see *Ford*, 592 U.S. at 355, 363, 368. But as this Court recently reiterated: "'[G]eneral language in judicial opinions should be read as referring in context to circumstances *similar to* the circumstances then before the Court and not referring to *quite different circumstances* that the Court was not then considering.'" *Olivier* v. *City of Brandon*, 607 U.S. __, __ (2026) (slip op. 10) (emphasis added); see *Cohens* v. *Virginia*, 19 U.S. (6 Wheat.) 264, 399 (1821) (Marshall, C.J.) ("[G]eneral expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision.").

The circumstances presented in this case are indeed quite different from *Ford*. Respondent, unlike Ford, does not "[b]y every means imaginable—among them, billboards, TV and radio spots, print ads, and direct mail . . . urge[] . . . [Texans] to buy its" 18650 lithium-ion

battery cells. *Ford*, 592 U.S. at 365. Its battery cells, unlike Ford vehicles, are not "available for sale, whether new or used, throughout" Texas for individual consumer consumption. *Ibid.* And respondent, unlike Ford, does not "work[] hard to foster ongoing connections" to individual consumers. *Ibid.* In fact, it does everything it reasonably can to *prevent* consumers from purchasing its product.

It may therefore be true that "a company *like* Ford" may be subject to specific jurisdiction in a State when it "serves a market for a product in a State and that product causes injury in the State to one of its residents." *Ford*, 592 U.S. at 355 (emphasis added). But that does not automatically mean that a company *unlike* Ford can be subjected to specific jurisdiction in very different circumstances. Cf. *Twitter, Inc.* v. *Taamneh*, 598 U.S. 471, 507 (2023) (Jackson, J., concurring) ("Other cases presenting different allegations and different records may lead to different conclusions."). In short, *Ford* cannot bear the weight petitioner places on it. This Court should grant the petition to say as much.

4. Both *Ethridge* and *Peters* present excellent vehicles for the Court to resolve the important question presented. The issue of personal jurisdiction was decided at the motion-to-dismiss stage in both cases. There are thus no disputed facts. In addition, the question of how *Ford* applies to these cases is outcome-determinative.

As often happens in cases involving personal jurisdiction, state courts—here including the Minnesota appellate court in *Peters* and the Supreme Courts of Texas and Mississippi—have construed state authority expansively and federal courts, for the most part, have disagreed. Granting review of both a federal and a state

decision, and consolidating the cases, would help to ensure that the Court considers all aspects of the issue.

CONCLUSION

This Court should grant the petitions for a writ of certiorari in *Ethridge* v. *Samsung SDI Co., Ltd.*, No. 25-1106 (filed Mar. 16, 2026), and *Samsung SDI Co., Ltd.* v. *Peters*, No. _-_ (filed Apr. 3, 2026). The Court should consolidate the two cases for review.

Respectfully submitted.

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