

dants. The defendants (1) carried on no activity in Oklahoma, (2) closed no sales and performed no services there, (3) availed themselves of none of the benefits of the state's laws, (4) solicited no business there either through salespersons or through advertising reasonably calculated to reach the state, and (5) sold no cars to Oklahoma residents or indirectly served or sought to serve the Oklahoma market. Although it might have been foreseeable that the automobile would travel to Oklahoma, foreseeability was held to be relevant only insofar as "the defendant's conduct and connection with the forum State are such that he should reasonably anticipate being haled into court there."<sup>901</sup> The Court in *World-Wide Volkswagen Corp.* contrasted the facts of the case with the instance of a corporation "deliver[ing] its products into the stream of commerce with the expectation that they will be purchased by consumers in the forum State."<sup>902</sup>

In *Asahi Metal Industry Co. v. Superior Court*,<sup>903</sup> the Court addressed more closely how jurisdiction flows with products downstream. The Court identified two standards for limiting jurisdiction even as products proceed to foreseeable destinations. The more general standard harked back to the fair play and substantial justice doctrine of *International Shoe* and requires balancing the respective interests of the parties, the prospective forum state, and alternative fora. All the Justices agreed with the legitimacy of this test in assessing due process limits on jurisdiction.<sup>904</sup> However, four Justices would also apply a more exacting test: A defendant who placed a product in the stream of commerce knowing that the product might eventually be sold in a state will be subject to jurisdiction there only if the defendant also had purposefully acted to avail itself of the state's market. According to Justice O'Connor, who wrote the opinion espousing this test, a defendant subjected itself to jurisdic-

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<sup>901</sup> 444 U.S. at 297.

<sup>902</sup> 444 U.S. at 298.

<sup>903</sup> 480 U.S. 102 (1987). In *Asahi*, a California resident sued, *inter alia*, a Taiwanese tire tube manufacturer for injuries caused by a blown-out motorcycle tire. After plaintiff and the tube manufacturer settled the case, which had been filed in California, the tube manufacturer sought indemnity in the California courts against Asahi Metal, the Japanese supplier of the tube's valve assembly.

<sup>904</sup> All the Justices also agreed that due process considerations foreclosed jurisdiction in *Asahi*, even though Asahi Metal could have foreseen that some of its valve assemblies would end up incorporated into tire tubes sold in the United States. Three of the *Asahi* Justices had been dissenters in *World-Wide Volkswagen Corp. v. Woodson*. Of the three dissenters, Justice Brennan had argued that the "minimum contacts" test was obsolete and that jurisdiction should be predicated upon the balancing of the interests of the forum state and plaintiffs against the actual burden imposed on defendant, 444 U.S. at 299, while Justices Marshall and Blackmun had applied the test and found jurisdiction because of the foreseeability of defendants that a defective product of theirs might cause injury in a distant state and because the defendants had entered into an interstate economic network. 444 U.S. at 313.