

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 25-24204-CIV-SMITH

SHENZHEN DEJIAYUN NETWORK
TECHNOLOGY CO., LTD.,

Plaintiff,

vs.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A",

Defendants.

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ORDER AUTHORIZING ELECTRONIC SERVICE OF PROCESS

This matter comes before the Court upon Plaintiff's *ex parte* Motion for Order Authorizing Electronic Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) and Incorporated Memorandum of Law [DE 18] seeking this Court's authorization to effectuate service of process by e-mail and/or electronic publication. For the reasons stated herein, the Motion is GRANTED.

On September 16, 2025, Plaintiff initiated the instant civil action with a two-count Complaint alleging violations of 15 U.S.C. § 1114 (trademark infringement) and 15 U.S.C. § 1125(a) (false designation of origin). (D.E. 1).

In its Motion, Plaintiff requests an order authorizing service of process on Defendants by e-mail service and website posting. Plaintiff pleaded that electronic service by these means is sufficient to provide notice to defendants, who reside in or operate from the People's Republic of China ("China"), or other foreign countries, and have established Internet-based businesses and

utilize electronic means as reliable forms of contact. (DE 18; *see also* “Declaration of L. Pittaway” DE 19-1 at ¶ 17).

LEGAL STANDARD

Fed. R. Civ. P. 4(f)(3) permits service “by other means not prohibited by international agreement, as the court orders.” Fed. R. Civ. P. 4(f)(3). Article 1 of the Hague Service Convention provides that “[t]his Convention shall not apply where the address of the person to be served with the document is not known.” Hague Service Convention, art. 1 Even when the location and identity of the party to be served is known, “the decision to issue an order allowing service by alternate means lies solely within the discretion of the district court.” *Chanel, Inc. v. Lin*, No. 08–23490–CIV, 2009 WL 1034627, at *1 (S.D.Fla. Apr. 16, 2009) (citing *Prewitt Enters., Inc. v. Org. of Petroleum Exporting Countries*, 353 F.3d 916, 921 (11th Cir.2003)).

Rule 4(f)(3) permits the court to order service by any means not prohibited by international agreement, as long as the method of service comports with constitutional notions of due process. *Louis Vuitton Malletier, S.A. v. Yanling Feng*, Case No. 11–cv-60811 (S.D.Fla. J. Donald Middlebrooks, Apr. 25, 2011); *Maxis Creations Inc v. The Individuals Partnerships and Unincorporated Associations Identified On Schedule A*, Case No. 1:21-cv-22920 (S.D. Fla., Jan. 11, 2022) (Bloom, J.). Service of process by e-mail has been upheld in circumstances similar to those here. *See, e.g., Rio Props., Inc. v. Rio Int’l Interlink*, 284 F.3d 1007, 1018 (9th Cir. 2002) (“When faced with an international e-business scofflaw, playing hide-and-seek with the federal court, e-mail may be the only means of effecting service of process.”); *MacLean-Fogg Co. v. Ningbo Fastlink Equip. Co.*, 2008 WL 5100414, at *2 (N.D. Ill. Dec. 1, 2008) (granting leave to serve a defendant located in China by e-mail and facsimile, and noting that because the “Hague Convention does not prohibit service by e-mail or facsimile, such means may be authorized under

Rule 4(f)(3).”); *see also Phillip Morris USA v. Veles Ltd.*, 2007 WL 725412, at *3 (S.D.N.Y. Mar. 12, 2007) (authorizing service of process by e-mail in trademark action where online stores did not post any physical address and defendant’s “business appear[ed] to be conducted entirely through electronic communications”).

“A party seeking authorization for alternate service under Rule 4(f)(3) need not attempt service by those methods enumerated under subsections (f)(1) and (f)(2), including by diplomatic channels and letters rogatory, before petitioning the Court for 4(f)(3) relief.” *Sec. & Exch. Comm’n v. Palm House Hotel, LLP*, No. 18-cv-81038, 2018 WL 9849603 at *1-2 (S.D. Fla. Nov. 7, 2018) (internal citation omitted).

Due process, under the circumstances provided herein, is not offended. Defendants have at least one known and valid form of electronic contact and Plaintiff has created a website for the sole purpose of providing notice of this action to Defendants. The address to this website will be provided to Defendants through their known e-mail accounts and onsite contact forms embedded in Defendants’ respective e-commerce stores or websites. Service by e-mail and website posting are therefore reasonably calculated, under all circumstances, to apprise Defendants of the pending action and afford them an opportunity to respond. Moreover, these are the most likely means of communication to reach Defendants, who operate via the Internet and rely on electronic communications for the operation of their businesses. *See Tiffany (NJ) LLC v. Dorapang Franchise Store*, No. 18-cv-61590-UU, 2018 WL 4828430 at *3 (S.D. Fla. July 17, 2018).


Thus, the Court will exercise its discretion to allow service on Defendants through e-mail and website posting. Accordingly, it is

ORDERED that the Motion [DE 18] is **GRANTED**. Plaintiff is permitted to serve the Summonses, Complaint, and other filings in this matter upon each Defendant by:

1. sending emails to each Defendant via the e-mail accounts provided by each Defendant as part of the data related to its e-commerce store, including customer service e-mail addresses and onsite contact forms, or by the e-commerce platform e-mail for each of the e-commerce stores, and in the email providing the address to Plaintiff's designated website to Defendants;
2. publicly posting a copy of the Summonses, Complaint, and filings in this matter on a designated website;
3. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from any Third Party Providers, including PayPal, Payoneer, Walmart, Stripe, Pingpong, LianLian Global, LL Pay U.S., LLC, and Lianlian Yintong Electronic Payment Co. Ltd. ("LianLian") shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.
4. That the Clerk of the Court be directed to issue a single original summons "Defendant Abetb and all other Defendants as identified in the Schedule A to the Complaint" that shall apply to all Defendants;
5. The Order on Plaintiff's Motion for Alternate Service [DE 18] and the instant order shall remain under seal until further instruction by this Court. Upon Plaintiff's service of the Complaint or a Motion for Preliminary Injunction on Defendants, Plaintiff shall then move within three (3) days to unseal these filings and enter the parties into CM/ECF.

DONE AND ORDERED in Fort Lauderdale, Florida this 3rd day of April, 2026.

cc: counsel of record



RODNEY SMITH
UNITED STATES DISTRICT JUDGE