

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LULU CHENG,

Plaintiff,

v.

AIWEN CHEN, et al.,

Defendants.

UNDER SEAL

CIVIL ACTION NO.
1:25-CV-03300-JPB

ORDER

This matter is before the Court on Plaintiff's Motion for Electronic Service of Process Pursuant to Federal Rule of Civil Procedure 4(f)(3) [Doc. 5]. Having considered the Motion and the arguments therein, the Court finds as follows:

I. APPLICABLE LEGAL STANDARDS

Pursuant to Federal Rule of Civil Procedure 4(h), corporations may be served outside of the United States in any manner prescribed by Rule 4(f) for serving an individual, except personal service. Fed. R. Civ. P. 4(h)(2). Rule 4(f), in turn, provides that an individual outside the United States may be served:

- (1) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;
- (2) if there is no internationally agreed means, or if an international

agreement allows but does not specify other means, by a method that is reasonably calculated to give notice:

- (A) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;
 - (B) as the foreign authority directs in response to a letter rogatory or letter of request; or
 - (C) unless prohibited by the foreign country's law, by:
 - . . . using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt; or
- (3) by other means not prohibited by international agreement, as the court orders.

A plaintiff is not required to serve a person or corporation outside of the United States pursuant to the provisions of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents “where the address of the person to be served with the document is not known.” Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters, art. 1, Nov. 15, 1965, 20 U.S.T. 361, 658 U.N.T.S. 163.

Rule 4(f)(3) permits alternative methods of service so long as those methods are not prohibited by international agreement and are approved by the Court.

Brookshire Bros., Ltd. v. Chiquita Brands Int’l, No. 05-CIV-21962, 2007 WL 1577771, at *2 (S.D. Fla. May 31, 2007); Rio Props., Inc., v. Rio Int’l Interlink, 284 F.3d 1007, 1014 (9th Cir. 2002). Additionally, any alternative method of

service must comport with due process of law. “Due process requires that individuals whose property interests are at risk due to government action receive notice and an opportunity to be heard.” Thomas v. United States, 681 F. App’x 787, 790 (11th Cir. 2017). “The notice must be ‘reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’” Id. (quoting Mullane v. Cent. Hanover Bank & Tr. Co., 339 U.S. 306, 314 (1950)).

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

Defendants are individuals, corporations or associates located outside the United States, most likely in China. Plaintiff has sufficiently alleged that Defendants are likely engaged in the business of selling counterfeit and infringing products through various e-commerce platforms like Amazon. Defendants operate online storefronts on Amazon. Defendants do not provide accurate addresses on their storefronts, nor are accurate addresses readily available by reviewing the storefronts. Thus, the primary means of communicating with Defendants is through electronic mail.

Because Defendants’ physical addresses are not known or readily ascertainable, Plaintiff is not required to serve Defendants pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

Additionally, consistent with the findings of numerous other courts, this Court finds that service on Defendants by electronic mail is reasonably calculated, under the circumstances, to apprise Defendants of the pendency of this action and afford them an opportunity to appear and be heard. In re Int'l Telemedia Assocs., Inc., 245 B.R. 713, 719–22 (Bankr. N.D. Ga. 2000); Rio Props., 284 F.3d at 1017; Popular Enters., LLC v. Webcom Media Grp., Inc., 225 F.R.D. 560, 562 (E.D. Tenn. 2004). Finally, China has not objected to service of process by electronic means such as electronic mail, electronic messaging service or website publication.

Accordingly, Plaintiff's Motion is hereby **GRANTED**, and the Court **ORDERS** as follows:

Pursuant to Rule 4(f)(3), Plaintiff is authorized to serve the Summons,¹ Complaint, Temporary Restraining Order (“TRO”) and all subsequent pleadings and other documents on Defendants in this action through email and electronic publication as follows:

- 1) By sending an email with delivery confirmation to the email addresses identified and provided for Defendants by third parties.
- 2) By electronic publication accomplished by sending an email with a

¹ Summons shall only issue in accordance with the Federal Rules of Civil Procedure and the policy of the Northern District of Georgia Clerk's Office.

link to a website that contains a copy of all relevant documents in this case.

SO ORDERED this 8th day of July, 2025.



J. P. BOULEE

United States District Judge