

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CHAMBERS OF  
JESSICA S. ALLEN  
UNITED STATES MAGISTRATE JUDGE

Martin Luther King, Jr. Federal Bldg.  
& U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102  
(973) 645-2580

March 9, 2026

**LETTER ORDER**

**TO: ALL COUNSEL OF RECORD**

**Re: *Lvliang Lishi Linglong Elec. Trade Co. Ltd. et al. v. Wu*  
*Civil Action No. 25-4327 (ES) (JSA)***

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Dear Counsel:

This matter comes before the Court upon Plaintiffs' renewed motion for alternative service on Defendant Junpeng Wu ("Defendant"), pursuant to Federal Rule of Civil Procedure 4(f)(3). (ECF No. 11). No oral argument was heard. *See* Fed. R. Civ. P. 78. Having considered Plaintiffs' written submission, for the reasons set forth below, and for good cause shown, Plaintiffs' renewed motion for alternative service is **GRANTED**.

**I. RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

Plaintiffs filed this action on May 15, 2025, seeking a declaratory judgment that their products do not infringe United States Patent No. 11,925,592 (the "'592 patent"). (Compl. ¶¶ 49-160; ECF No. 1). Defendant is a named inventor on, and owner by assignment of, the '592 patent. (*Id.* ¶¶ 20-30 & Exhs. 3-5). The Complaint alleges that from February 20, 2025 to March 11, 2025, an Amazon user named "amortoy" used the email address "yanggouyangmao@163.com" to submit requests that Amazon take down Plaintiffs' product listings from the website because Plaintiffs' products supposedly infringed the '592 patent. (*Id.* ¶¶ 39-44). The Complaint alleges, "[o]n information and belief, 'amortoy' and yanggouyangmao@163.com are an alias and email used by Defendant or Defendant's agent." (*Id.* ¶ 45). The Complaint further alleges that Defendant is a citizen of China whose last known address is "Room 207, 2<sup>nd</sup> Floor, Liangji Building, Donghuan 1<sup>st</sup> Road, Fukang Community, Longhua Street, Longhua District, Shenzhen, China." (*Id.* ¶¶ 6-8, 14-17 & Exh. 3 at 2). Plaintiffs further allege, "[o]n information and belief," that this address "is not a personal residence" and "Defendant does not routinely or consistently visit the address." (*Id.* ¶¶ 18-19).

On July 11, 2025, Plaintiffs filed their original motion for alternative service. (ECF No. 9). Plaintiffs sought to serve Defendant by emailing the Complaint to "yanggouyangmao@163.com" and by publishing a link to the Complaint "on a website operated by" Plaintiff's counsel. (ECF No. 9-1 at 1). This Court denied that motion without prejudice on

August 22, 2025. (ECF No. 10). As detailed in the Court’s August 22<sup>nd</sup> Letter Order, the record presented before the Court contained no “specific facts tying this [‘yanggouyangmao@163.com’] email address to Defendant.” (ECF No. 10 at 4). Moreover, the Court found the record presented was “silent as to whether Plaintiffs have ever communicated with Defendant via [this] email address.” (*Id.*) Further, the Court found that publishing a “share file link” to the Complaint was “no more likely to provide Defendant with notice of this action.” (*Id.* at 5). The instant renewed motion ensued.

## **II. THE RENEWED MOTION**

Plaintiffs seek the same forms of alternative service but proffer additional factual support for their position that Defendant “is the ‘amortoy’ user and communicates using [the email address] yanggouyangmao@163.com” (ECF No. 11-2 at 2).

According to Plaintiffs, they initiated this litigation in the Northern District of Illinois (the “Illinois Action”), where they moved to serve Defendant using the same methods proposed here—by email to “yanggouyangmao@163.com” and website publication. (ECF No. 11-3, Exh. A at 1). The Northern District of Illinois court granted Plaintiffs’ motion for alternative service on April 1, 2025. (ECF No. 11-3, Exh. G). Thereafter, on April 14, 2025, Defendant filed a motion to dismiss the Illinois Action for lack of personal jurisdiction and improper venue. (ECF No. 11-3, Exh. B). Defendant’s motion asserted that New Jersey had personal jurisdiction based on his “designation of an agent in New Jersey” as his registered agent with the United States Patent and Trademark Office. *See* 35 U.S.C. § 293. (ECF No. 11-3, Exh. D at 4-6). Based in part on Defendant’s representation, the court dismissed the Illinois Action on May 9, 2025, without prejudice to Plaintiffs refiling their suit in New Jersey (ECF No. 11-3, Exh. E at 1, 3), as they have now done.

Plaintiffs further argue that their proposed alternative service methods will “[e]nsure that Defendant receives prompt notice of this action.” (ECF No. 11-2 at 2). To support this contention, Plaintiffs rely on a declaration from their counsel in the instant case, who states that Plaintiffs investigated Defendant’s last known address but could not find “an identifiable physical location” there “that would reliably allow documents to be served on” Defendant. (ECF No. 11-3 ¶ 2). Plaintiffs also contend that they retained a process server to personally serve Defendant in this action through the New Jersey-based registered agent named on the ’592 patent. (ECF No. 11-3, Exh. F). The process server visited the registered agent’s New Jersey address four times, (*id.*), but could not find any “persons living at” the agent’s “supposed [New Jersey] residence” during these service attempts (ECF No. 11-2 at 4-5).

## **III. LEGAL STANDARD**

“Service of process must satisfy both the statute under which service is effectuated and constitutional due process.” *EOI Corp. v. Med. Mktg. Ltd.*, 172 F.R.D. 133, 142 (D.N.J. 1997) (citation omitted). To comport with due process, service 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.” *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950).

Federal Rule of Civil Procedure 4(f) governs service on individuals located outside the United States. *See* Fed. R. Civ. P. 4(f). The Rule provides that, unless otherwise provided under federal law, serviced on an individual outside of a judicial district of the United States may be effectuated in three ways: (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 [hereinafter the ‘Hague Convention’ or ‘Hague’]”; (2) “if there is no internationally agreed means . . . by a method that is reasonably calculated to provide notice”; or (3) “by other [court-ordered] means not prohibited by international agreement.” Fed. R. Civ. P. 4(f)(1) to (3).

As a threshold matter, the Court considers whether Plaintiffs must attempt to serve Defendant under the Hague Convention. The Court notes that there is apparently some disagreement in this District about whether a party must attempt service through the Hague Convention on a foreign defendant when that defendant’s country is a signatory to the Convention. *Compare DUSA Pharms., Inc. v. Biofrontera*, 2024 WL 4151169, at \*4 (D.N.J. Sept. 11, 2024) (service under Hague not required) and *Emqore Envesecure Priv. Cap. Tr. v. Singh*, 2020 U.S. Dist. LEXIS 260456, at \*4 (D.N.J. July 9, 2020) (“Courts have held that there is no hierarchy of the mechanisms listed in Rule 4(f).” (citations omitted)), *with Sec. & Exch. Comm’n v. Dubovoy*, 2016 U.S. Dist. LEXIS 171793, at \*6 (D.N.J. Dec. 13, 2016) (service under Hague required).<sup>1</sup> That said, under either approach, it is well-established that “[w]hen a defendant’s address is unknown, . . . the Hague Convention shall not apply.” *Braverman Kaskey, P.C. v. Toidze*, 599 F. App’x. 448, 452 (3d Cir. 2015) (citation and internal quotation marks omitted).

Here, Plaintiffs contend that Defendant resides in China. China is a signatory to the Hague Convention. *Emqore*, 2020 U.S. Dist. LEXIS 260456, at \*7. However, Plaintiffs assert that, “despite investigation, [they] ha[ve] not been able to reasonably confirm [Defendant’s] true address,” (ECF No. 11-2 at 5-6), and that Defendant cannot be physically served at his last known address in China (*see* ECF No. 11-3 ¶ 2). Accordingly, the Court accepts Plaintiffs’ contention that they are not required, under either approach, to serve Defendant through the Hague Convention. *See Braverman*, 599 F. App’x. at 452. (ECF No. 11-2 at 7).

Where, as here, a party proposes alternative service pursuant to Rule 4(f)(3), courts in this District require a party to establish the following three factors (at times, the “Rule 4(f)(3) factors”): “(a) there is no international agreement prohibiting service by the proposed method; (b) the proposed method of service is reasonably calculated to provide the defendant notice; and (c) [plaintiffs] have made a good faith effort to locate and serve defendants by traditional means.” *DUSA*, 2024 WL 4151169, at \*4; *see also Quantificare v. Canfield Sci., Inc.*, 2021 WL 8443796, at \*2 (D.N.J. Jan. 12, 2021); *Vanderhoef v. China Auto Logistics, Inc.*, 2019 WL 6337908, at \*2 (D.N.J. Nov. 26, 2019); *SEC v. One or More Unknown Traders in Sec. of Fortress Inv. Grp., LLC*, 2018 WL 4676043, at \*7 (D.N.J. Sept. 27, 2018); *Bravetti v. Liu*, 2013 WL 6501740, at \*3-4 (D.N.J. Dec. 11, 2013). Importantly, “[d]istrict courts maintain the discretionary authority to determine whether the particularities and necessities of a case warrant alternative service.” *Quantificare*, 2021 WL 8443796, at \*2 (citation omitted).

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<sup>1</sup> The Third Circuit has not addressed this question. *See DUSA*, 2024 WL 4151169, at \*3.

#### IV. ANALYSIS

##### 1. Rule 4(f)(3) factor #1: Whether International Agreement Prohibits Proposed Methods of Service

Plaintiffs propose service on Defendant by email and website publication. Other courts have found that these methods are not prohibited by international agreement on a defendant in China. *See, e.g., Emqore*, 2020 U.S. Dist. LEXIS 260456, at \*8 (service by email in China is not prohibited); *Tiffany (NJ) LLC v. DORAPANG Franchise Store*, 2018 WL 4828430, at \*2 (S.D. Fla. July 17, 2018) (service by email or website publication on defendant in China not prohibited). This Court agrees. As Plaintiffs' proposed methods of service are not prohibited by international agreement, the first factor is satisfied.

##### 2. Rule 4(f)(3) factor #2: Whether Proposed Methods of Service Comport with Due Process

To comport with due process, the requested methods of service must be reasonably calculated to provide Defendant with notice of this action. Whether a method is so reasonably calculated will “var[y] depending on each case’s particular facts and circumstances.” *Dubovoy*, 2026 U.S. Dist. LEXIS 171793, at \*8. The Court assesses Plaintiffs’ two proposed methods of service in turn.

###### a. Email Service on Defendant at “yanggouyangmao@163.com”

Courts generally permit email service when the moving party “supplied the [c]ourt with some facts indicating that the person to be served” is “likely to receive the summons and complaint at the” email address proposed. *Menon v. Corbett*, 2023 U.S. Dist. LEXIS 134887, at \*8 (D.N.J. Aug. 3, 2023) (alteration in original) (citation omitted); *e.g., Prodigy Fin. CM2021-1 DAC v. Kurt*, 2025 U.S. Dist. LEXIS 233637, at \*10 (D.N.J. Dec. 1, 2025) (granting motion for alternative service when the plaintiff demonstrated that sending the summons and complaint by email would put the defendant “on actual notice of the action”). Among other factors, courts may consider whether “the plaintiff has communicated with the defendant via the proposed email address.” *Commodity Futures Trading Comm’n v. Tradewale LLC*, 2022 U.S. Dist. LEXIS 245248, at \*6 (D.N.J. Jan. 7, 2022). Ultimately, “the court must be satisfied that the defendant owns and uses the email address[] to which plaintiff intends to send the summons and complaint.” *Id.* at \*3 (citation omitted).

Based on the record presented, the Court is satisfied that Defendant is likely to receive the summons and complaint at “yanggouyangmao@163.com.” *Menon*, 2023 U.S. Dist. LEXIS 134887, at \*8 (citation omitted). Courts in this district have authorized email service when the proposed email address “was in use shortly before the commencement of litigation” and messages sent to it were “not returned as undeliverable.” *E.g., Myer v. Kuang*, 2020 U.S. Dist. LEXIS 18050, at \*7 (D.N.J. Jan. 31, 2020). The Court finds “yanggouyangmao@163.com” was in recent use, as demonstrated by Plaintiffs having successfully used this email address to serve Defendant with litigation documents in the Illinois Action in April 2025. The Northern District of Illinois court granted Plaintiffs’ motion for alternative service by email and website publication on April 1,

2025. (ECF No. 11-3, Exh. G). Plaintiffs then filed the instant action one month later on May 15, 2025. (*See* ECF No. 1). As other courts have acknowledged, once an alternative service method has been approved by a court under Rule 4(f)(3), that same service method can be used to serve the same defendant in a subsequent case. *See, e.g., Dish Techs. L.L.C. v. Aylo Freesites Ltd.*, 2024 U.S. Dist. LEXIS 93642, at \*6 (D. Utah May 24, 2024) (; *Angiodynamics, Inc. v. Neuberger*, 2018 U.S. Dist. LEXIS 240849, at \*6-8 (D. Mass. July 12, 2018).

Therefore, based on the foregoing reasons, the Court finds that service by email to “yanggouyangmao@163.com” comports with due process and is reasonably calculated to provide Defendant with notice of this action.

**b. Service by Publication Website**

“[S]ervice by publication to a defendant in a foreign country is an acceptable alternative means under [Rule] 4(f)(3), so long as . . . the publication is one that likely would reach the defendant . . .” *U.S. Sec. & Exch. Comm’n v. Secure Cap. Funding Corp.*, 2011 U.S. Dist. LEXIS 160867, at \*7 (D.N.J. Aug. 3, 2011) (quoting *BP Prods. N. Am., Inc. v. Dagra*, 236 F.R.D. 270, 272 (E.D. Va. 2006)). Like email service, service by website publication is appropriate if the summons and complaint are “likely to reach the” intended recipient once published on the proposed site. *Dongguan Zhouda Tech. Co. v. Xinjie Dai*, 2025 U.S. Dist. LEXIS 121849, at \*12 (W.D. Wash. June 26, 2025). Thus, many “[c]ourts that permit publication by website appear to do so only when such publication is paired with a second method,” such as service by email. *iHealth Labs, Inc. v. Fingix, i-Enterprise*, 2020 U.S. Dist. LEXIS 232630, at \*9 (N.D. Cal. Dec. 10, 2020) (citing cases); *e.g., Dongguan Zhouda*, 2025 U.S. Dist. LEXIS 121849, at \*12 (“Because Plaintiffs propose sending a link to that website directly to Defendant via email, this publication method is likely to reach Defendant.”); *Gelsinger v. Armanity*, 2025 U.S. Dist. LEXIS 273138, at \*4-5 (S.D. Fla. Oct. 1, 2025) (same); *Aquapaw Brands LLC v. Yan-Peng*, 2023 WL 3538551, at \*3 (W.D. Pa. May 18, 2023) (same). The Court finds the reasoning of these courts instructive.

Here, Plaintiffs propose both email service and “electronically publishing a share file link to the Complaint [and its attachments], this Motion and Memorandum, . . . and the Summons on a website operated by” Plaintiffs’ counsel. (ECF No. 11-2 at 1). The Court notes that Plaintiffs do not expressly propose sending the website link to Defendant by email. However, having already found that service by email to “yanggouyangmao@163.com” comports with due process, the Court finds that it is proper for Plaintiffs to send a link to that website directly to Defendant by email.

Accordingly, based on the foregoing reasons, the Court finds that website publication, coupled with service by email to “yanggouyangmao@163.com,” comports with due process and is reasonably calculated to provide Defendant with notice of this action.

**3. Rule 4(f)(3) factor #3: Whether Plaintiffs Made a Good Faith Effort to Locate and Serve Defendant by Traditional Means**

Lastly, the Court considers whether Plaintiffs made a good faith effort to locate and serve Defendant by traditional means. The party seeking alternative service need “not exhaust[] every possible measure toward serving [the intended recipient] in person,” and “failed traditional service

is by no means a precondition to alternative service.” *U.S. Sec. & Exch. Comm’n v. Vuuzle Media Corp.*, 2021 U.S. Dist. LEXIS 84090, at \*9-10 (D.N.J. May 3, 2021). Rather, good faith exists if the plaintiff “spent considerable effort trying to pin down [a defendant’s] overseas address” but could not find a “definitive location.” *Id.* Put differently, while “the plaintiff need not show that service through the ordinary channels would be futile, ‘it is helpful to plaintiff’s case to show some measure of difficulty in effecting service by usual means.’” *Monroe v. Sieczkowski*, 2024 U.S. Dist. LEXIS 56018, at \*7 (D.N.J. Mar. 28, 2024) (citation omitted).

Based on the record presented, the Court finds that Plaintiff made a good faith effort as required. Plaintiffs investigated Defendant’s last known address in China and discerned that it was not physically possible to serve him there. (*See* ECF No. 11-3 ¶ 2). Plaintiffs also made four unsuccessful attempts to serve Defendant in New Jersey through personal service on the registered agent listed on the ’592 patent (ECF No. 11-3, Exh. F)—the same registered agent whom Defendant himself raised in his motion to dismiss the Illinois Action (ECF No. 11-3, Exh. D at 4-6). The Court deems these measures sufficient.

Therefore, because all three Rule 4(f)(3) factors are met, the Court finds alternative service appropriate and will permit Plaintiffs to effectuate service by email and website publication.

#### V. CONCLUSION

Based on the above, Plaintiffs’ renewed motion for alternative service, (ECF No. 11), is **GRANTED**. Plaintiffs are directed to effectuate service by: (1) sending copies of the Summons (ECF No. 6) and Complaint (ECF No. 1) by email to “yanggouyangmao@163.com”; and (2) publishing copies of the Summons and Complaint on a website as described in their motion papers and sending a link to same by email to “yanggouyangmao@163.com.”

Further, Plaintiffs are to effectuate service and file proof of service consistent with this Letter Order on the case docket **on or before March 31, 2026**.

The Clerk of the Court is directed to **TERMINATE** the Motion filed at ECF No. 11.

**SO ORDERED.**

/s/ Jessica S. Allen  
**HON. JESSICA S. ALLEN**  
**United States Magistrate Judge**

**cc: Hon. Esther Salas, U.S.D.J.**