UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 25-cv-24046-JB

TAYLOR MADE GOLF COMPANY, INC.,

Plaintiff,

v.

THE INDIVIDUALS, BUSINESS ENTITIES, AND UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A,"

Defendants.
_____/

SEALED ORDER ON PLAINTIFF'S *EX PARTE* MOTION FOR ORDER AUTHORIZING ALTERNATE SERVICE OF PROCESS ON DEFENDANTS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 4(f)(3)

THIS CAUSE is before the Court upon Plaintiff's *Ex Parte* Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to Federal Rule of Civil Procedure 4(f)(3) (the "Motion"), ECF No. [9].

This is a federal trademark counterfeiting and infringement case in which Plaintiff alleges that Defendants, through e-commerce stores, are advertising, promoting, offering for sale, or selling goods bearing or using what Plaintiff has claimed are counterfeits and infringements of Plaintiff's registered trademarks.

In the Motion, Plaintiff requests an order authorizing alternative service of process on the Defendants in this action "via electronic mail. . . and via website posting." ECF No. [9] at 2. Plaintiff contends that electronic service by these means is sufficient to provide notice to Defendants, who reportedly reside in or operate from

The People's Republic of China ("China"), Australia, Canada, Israel, the United Kingdom of Great Britain and Northern Ireland ("United Kingdom"), and Tanzania and, having established Internet-based businesses, utilize electronic means as reliable forms of contact. *Id.* at 5, 12; ECF No. [9-1] ¶¶ 3–6, 9.

Federal Rule of Civil Procedure Rule 4(h) outlines the proper means of service upon foreign corporations, including "at a place not within any judicial district of the United States, in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i)". Fed. R. Civ. P. 4(h)(2). An alternative method of service under Rule 4(f)(3) is available without first attempting service by other means. *See, e.g., Rio Props., Inc. v. Rio Int'l Interlink*, 284 F.3d 1007, 1015 (9th Cir. 2002). "So especially in a circumstance where service upon a foreign corporation under Rule 4(f)(1) or 4(f)(2) has been cumbersome, district courts have broad discretion under Rule 4(f)(3) to authorize other methods of service that are consistent with due process and are not prohibited by international agreements." *Brookshire Brothers, Ltd. v. Chiquita Brands Int'l, Inc.*, No. 05-CIV-21962, 2007 WL 1577771, at *2 (S.D. Fla. May 31, 2007) (citing *Prewitt Enters., Inc. v. Org. of Petroleum Exporting Countries*, 353 F.3d 916, 921, 927 (11th Cir. 2003)).

The Court finds that alternative service of process under Rule 4(f)(3) is warranted, and the means of service proposed by Plaintiff are acceptable. Although the United States, China, Australia, Canada, Israel, and the United Kingdom are signatories to the Hague Convention on the Service Abroad of Judicial and

Extrajudicial Documents in Civil or Commercial Matters ("Hague Convention")[1], the Hague Convention does not specifically preclude service by e-mail and website posting. The Court notes that China has declared that it opposes to the alternative means of service outlined in Article 10 of the Hague Convention.[2] *See* ECF Nos. [9-1] at ¶ 10; [9-3] at 3–4, 13–17. However, the objection is specifically limited to the means of service enumerated in Article 10, and China has not expressly objected to service via e-mail or website posting. *Id.* Where a signatory nation to the Hague Convention has objected to an alternative means of service, that objection is limited to those specific means and does not represent an objection to other forms of service, such e-mail or website posting. *Stat Med. Devices, Inc. v. HTL-Strefa, Inc.*, No. 15-cv-20590, 2015 WL 5320947, at *3 (S.D. Fla. Sept. 14, 2015) (noting that an objection to one means of service under the Hague Convention "does not equate to an express objection" to other means of service). A court acting under Rule 4(f)(3) therefore remains free to order alternative means of service if the signatory nation at issue has not expressly objected to those means. *See Gurung v. Malhotra*, 279 F.R.D. 215, 219

[1] Tanzania is not a signatory to the Hague Convention. *See* ECF No. [9-1] at ¶ 10, n.3.

[2] Canada has not specifically objected to the means of service outline in Article 10 to the Hague Convention. Australia has not declared any opposition to the methods of service of process set forth in paragraphs (b) and (c) of Article 10 to the Hague Convention and sets forth additional requirements for the methods of service of process set forth in paragraph (a). The United Kingdom and Israel have not declared any opposition to the alternative means of service by postal channels outlined in Article 10(a) of the Hague Convention, but rather, set out further requirements for Articles 10(b) and (c). *See* ECF Nos. [9-1] at ¶ 10, n.4; [9-3] at 18-22.

(S.D.N.Y. 2011). Accordingly, the requested service methods are not prohibited by international agreement.

Additionally, due process is not offended by the proposed methods of service. Defendants use 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 which will be provided to Defendants' known e-mail accounts. Therefore, service via e-mail and through electronic publication on a website is "reasonably calculated, under all circumstances, to apprise . . . [Defendants] of the pendency of the action and afford them an opportunity to present their objections." *See Brookshire Brothers, Ltd.*, 2007 WL 1577771, at *1. Thus, the Court will exercise its discretion to allow service on Defendants through e-mail and electronic publication on a website, as Plaintiff proposes in the Motion.

Accordingly, it is **ORDERED AND ADJUDGED** that Plaintiff's Motion is hereby **GRANTED**. Pursuant to Rule 4(f)(3), Plaintiff is permitted to serve the Summonses, Complaint, and other relevant filings in this matter upon Defendants:

a. by providing the address to Plaintiff's designated serving notice website to Defendants via the e-mail addresses provided by each Defendant as part of the data related to its e-commerce store, including customer service e-mail addresses and/or onsite contact forms, or via the designated registrar of record for each of the e-commerce stores or the e-commerce platform;[3] **and**

[3] *See* Schedule "A" attached to the Motion ECF No. [9], which lists Defendants' E-commerce Store Names and associated means of contact.

b. by posting a copy of the Summonses, Complaint, and all filings and discovery in this matter on Plaintiff's designated serving notice website appearing at https://servingnotice.com/Fta10kd/index.html.

DONE AND ORDERED in Miami, Florida this 11th day of September, 2025.

JACQUELINE BECERRA
UNITED STATES DISTRICT JUDGE