



LOUIS VUITTON MALLETIER v. lvhut.net et al

2022 | Cited 0 times | S.D. Florida | February 7, 2022

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA Case No.
22-cv-60228-BLOOM/Valle LOUIS VUITTON MALLETIER,

Plaintiff, vs. LVHUT.NET, et al.,

Defendants.

/ SEALED ORDER EX PARTE MOTION

TO AUTHORIZE ALTERNATE SERVICE OF PROCESS THIS CAUSE is before the Court upon Plaintiff, Louis Vuitton Malletier Ex Parte Motion for Order Authorizing Alternate Service of Process on Defendants Pursuant to

Federal Rule of Civil Procedure 4(f)(3), ECF No. [7 In its Complaint, Plaintiff sets forth claims against Defendants for (1) trademark counterfeiting and infringement, (2) false designation of origin, (3) cybersquatting, (4) common law unfair competition, and (5) common law trademark infringement. See ECF No. [1]. More specifically, Plaintiff alleges that Defendants promote, sell, offer for sale, and distribute goods bearing counterfeits and confusingly similar Id. Plaintiff contends that Defendants are accomplishing these infringement activities through various fully .

Plaintiff contends that Defendants operate via the Internet and utilize electronic means as reliable forms of contact. See ECF No. [7], at 2 4. According to Plaintiff, it has good cause to

Case No. 22-cv-60228-BLOOM/Valle

2 believe that Defendants are all residents of the China, France, Japan, Pakistan, Russia, Indonesia, Singapore, or other foreign jurisdictions, and/or redistribute products from sources in those locations. Id. at 11. Plaintiff further contends that Defendants have at least one operational form of electronic contact, demonstrating that this means of contact is not just effective, but the most reliable means of communicating with Defendants. Id. at 2 4. Consequently, Plaintiff asserts that e-mail, including onsite contact, is the most reliable means of providing Defendants with notice of this action. Id. at 7 8.

Rule 4(f)(3) allows a district court to order an alternate method for service to be effected upon foreign defendants, provided that it is not prohibited by international agreement, and is reasonably



LOUIS VUITTON MALLETIER v. lvhut.net et al

2022 | Cited 0 times | S.D. Florida | February 7, 2022

calculated to give notice to the defendants. See *Brookshire Bros. v. Chiquita Brands*, No. 05-CIV-courts have found broad discretion under Rule 4(f)(3) to authorize other methods of service that are consistent *Prewitt Enters., Inc. v. Org. of Petroleum Exporting Countries*, 353 F.3d 916, 921, 927 (11th Cir. 2003)); , 284 F.3d 1007, 1015 (9th Cir. 2002). The plain language of Rule 4(f)(3) reflects that the decision to issue an order allowing alternate means of service lies within the discretion of the district court.

Service by e-mail is not prohibited under international agreement in this case. Although the United States, China, France, Japan, Pakistan, and Russia are signatories to the Hague Convention on the Service Abroad of Extra-Judicial Documents in Civil and Commercial Matters 1

the Hague Convention does not specifically preclude service of

1 Indonesia and Singapore are not signatories to the Hague Convention. See ECF No. [7] at 12.

Case No. 22-cv-60228-BLOOM/Valle

3 process via e-mail or by posting on a designated website. Where a signatory nation has objected to the alternative means of service provided by the Hague Convention, that objection is expressly limited to those means and does not represent an objection to other forms of service, such e-mail or website posting. 2

Stat Med. Devices, Inc. v. HTL-Strefa, Inc., No. 15-cv-20590, 2015 WL 5320947, at *1 (S.D. Fla. Sept. 14, 2015) (noting that an objection to the alternative forms of service set forth in the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Nov. 15, 1965, 658 U.N.T.S. 16, is limited to the specific forms of service objected to). A court acting under Rule 4(f)(3), therefore, remains free to order alternative means of service where a signatory nation has not expressly objected to those means. See *Gurung v. Malhotra*, 279 F.R.D. 215, 219 (S.D.N.Y. 2011). Accordingly, service by e-mail or internet communication does not violate an international agreement.

In re nc., 245 B.R. 713 (Bankr. N.D. Ga. 2000). What constitutes appropriate

of whether the alternative method is reasonably calculated to apprise the parties of the pendency of the action and afford them an opportunity to present their objections. *Philip Morris USA, Inc. v. Veles Ltd.*, No. 06 CV 2988 (GBD), 2007 WL 725412, at *2 (S.D.N.Y. Mar. 12, 2007).

Here, the Court finds that Plaintiff has shown good cause for leave to allow service of the Summonses, Complaint, and all future filings in this matter upon each Defendant via e-mail and via posting on a designated website.



LOUIS VUITTON MALLETIER v. lvhut.net et al

2022 | Cited 0 times | S.D. Florida | February 7, 2022

2 China, France, Japan, Pakistan, and Russia have not expressly objected to service via e-mail or website posting. See ECF No. [7-3].

Case No. 22-cv-60228-BLOOM/Valle

4 Accordingly, after careful review of the Motion, the evidence submitted in support of the Motion, and the applicable law, it is ORDERED AND ADJUDGED as follows:

1. ECF No. [7], is GRANTED; 2. Plaintiff shall serve the Summonses, Complaint, and all filings in this matter upon

Defendants via e- notice website to Defendants via the e-mail addresses provided by each Defendant as part of the domain registration records for each of their respective domain names, including service via registrar, or directly on the Internet website operating under each of their respective corresponding domain names, including customer service e-mail addresses and onsite contact forms. See attached Schedule Defendants by Defendant number and associated means of contact.

3. Plaintiff shall serve Defendants via website posting by posting a copy of the

Summonses, Complaint, and all filings and discovery in this matter on designated serving notice website to appearing at

<http://servingnotice.com/Ls39fx1/index.html>. DONE AND ORDERED in Chambers at Miami, Florida, on February 7, 2022.

_____ BETH BLOOM UNITED STATES DISTRICT JUDGE Copies
to: Counsel of Record.

Case No. 22-cv-60228-BLOOM/Valle

5 DEFENDANTS BY NUMBER, SUBJECT DOMAIN NAME,

AND MEANS OF CONTACT Defendant Number

Defendant / Subject

Domain Name

Means Of Contact 1 lvhut.net

service@lvhut.net 9ac1d8e3f955409880a56589b50a8d3c.protect@withheldforprivacy.com 2



LOUIS VUITTON MALLETIER v. lvhut.net et al

2022 | Cited 0 times | S.D. Florida | February 7, 2022

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fashionstore1999@outlook.com 8 lvicon.online support@clientvip.biz 9 lv-malaysia.store
support@clientvip.biz 10 lvoutlet.ca service@lvhut.net 11 lvreplicashop.com

reazeemady66@gmail.com pw-e29d1aa531c4c5fc1d1c5f1c846bd164@privacyguardian.org 12
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malaysia-lvbag.store support@clientvip.biz 15 my-lvbag.info support@clientvip.biz 16
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perfect-luxury@outlook.com 25 aaraplica.com aareplicaco@outlook.com 26 abcbyiktuys.pw
luxurystoreforall@gmail.com 27 acmaaslea.top
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service.luxurycloset@outlook.com pw-28665f641dba94957e912a4435bba328@privacyguardian.org 29
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Case No. 22-cv-60228-BLOOM/Valle

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LOUIS VUITTON MALLETIER v. lvhut.net et al

2022 | Cited 0 times | S.D. Florida | February 7, 2022

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corabags.ru service@corabags.ru 51 csffbg.top https://csffbg.top/index.php?main_page=contact_us 52
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Case No. 22-cv-60228-BLOOM/Valle

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LOUIS VUITTON MALLETIER v. lvhut.net et al

2022 | Cited 0 times | S.D. Florida | February 7, 2022

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Case No. 22-cv-60228-BLOOM/Valle

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LOUIS VUITTON MALLETIER v. lvhut.net et al

2022 | Cited 0 times | S.D. Florida | February 7, 2022

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Case No. 22-cv-60228-BLOOM/Valle

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123456@gmail.com 128 [pursevalleyfactory.la](https://www.pursevalleyfactory.la/contactus/) <https://www.pursevalleyfactory.la/contactus/> 129
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LOUIS VUITTON MALLETIER v. lvhut.net et al

2022 | Cited 0 times | S.D. Florida | February 7, 2022

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Case No. 22-cv-60228-BLOOM/Valle

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