

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
Civil Action No. 1:22-cv-22706-RNS**

BELL NORTHERN RESEARCH, LLC,

Plaintiff,

v.

HMD AMERICA, INC., HMD GLOBAL
OY, SHENZHEN CHINO-E
COMMUNICATION CO. LTD., HON HAI
PRECISION INDUSTRY CO., LTD,
TINNO MOBILE TECHNOLOGY CORP.,
SHENZHEN TINNO MOBILE CO., LTD.,
TINNO USA, INC., UNISOC
TECHNOLOGIES CO. LTD.,
SPREADTRUM COMMUNICATIONS
USA, INC., WINGTECH TECHNOLOGY
CO. LTD., WINGTECH
INTERNATIONAL, INC., HUAQIN CO.
LTD., BEST BUY CO., INC., BEST BUY
STORES L.P., TARGET CORP.,
WALMART INC.,

Defendants.

JURY TRIAL DEMANDED

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO EFFECT ALTERNATIVE
SERVICE UNDER RULE 4(f)(3)**

DATED: October 20, 2022

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I. INTRODUCTION

Plaintiff Bell Northern Research, LLC (“BNR”) files this Motion to effect service by alternative means on Defendant Shenzhen Chino-E Communication Co. Ltd. (“Chino-E”). After numerous unsuccessful attempts to secure Chino-E’s participation in this litigation, BNR seeks this Court’s permission to serve Chino-E through e-mail. The proposed method of service is permitted by the Federal Rules of Civil Procedure, and it is not prohibited by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents (the “Hague Convention”) or any other applicable international agreement. Moreover, the proposed service would satisfy due process, as Chino-E publicly operates websites on the Internet and utilize e-mail means as a reliable form of contact.

Granting the instant motion will avoid unwarranted and unfair delay. With the exception of Chino-E, Plaintiff BNR has been successful in serving the other litigants in this case, or is currently in discussions concerning service, and their respective response deadlines are approaching. If the Court grants Plaintiff’s motion, it will enable the Chino-E Defendant to be similarly positioned as the others regarding response dates. Under these circumstances, the resources of the Court would be better served by granting Plaintiff’s motion, which will result in a more streamlined litigation process.

The following table briefly summarizes BNR’s efforts to date to contact Chino-E to notify them of the pending lawsuit and obtain a waiver of service from them as to the Complaint. The Waiver of Service packet referenced below includes copies of the Complaint and Exhibits thereto (Dkt. 1), Summons, Form AO 399 (Waiver of the Service of Summons), and Form AO 398 (Notice of a Lawsuit and Request to Waive Service of a Summons).

September 9, 2022	Counsel for BNR emailed a copy of correspondence from BNR’s counsel to Chino-E, including the Waiver of Service packet, to gms@ontim.cn . (Ex. A at 2)
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September 9, 2022	Counsel for BNR emailed a copy of correspondence from BNR's counsel to Chino-E, including the Waiver of Service packet, to cncekor@chino-e.com. (Ex. A at 1.)
September 9, 2022	Counsel for BNR, Adam Woodward, called Chino-e via phone at +86 0769-88609999, listed at http://www.chino-e.com/copy_contact_105032.html but received no answer
September 9, 2022	Devlin Law Firm mailed a Waiver of Service packet to Chino-E at A-1203, SmartValley, 30, Songdomirae-ro, Yeonsu-gu, Incheon, Republic of Korea (21990) (FED EX # 5783 0877 3163). (Ex. A at 8.)
September 9, 2022	Devlin Law Firm mailed a waiver of service packet to Chino-E at Building 2, Zhengxiang Business Center, 153 North Wuyi Road, Fuzhou City, Fujian Province, China (FED EX # 5783 0877 3174). (Ex. A at 12.)

II. FACTUAL BACKGROUND

On August 26, 2022, BNR filed a Complaint against Defendants HMD America, Inc., HMD Global Oy, Shenzhen Chino-E Communication Co. Ltd. (“Chino-E”), Hon Hai Precision Industry Co., Ltd., Tinno Mobile Technology Corp., Shenzhen Tinno Mobile Co., LTD., Tinno USA Inc., Unisoc Technologies Co. Ltd., Spreadtrum Communications USA, Inc., Wingtech Technology Co., Ltd., Wingtech International, Inc., Huaqin Co. Ltd., Best Buy Co., Inc., Best Buy Stores L.P., Target Corp., and Walmart Inc. for infringement of U.S. Patents Nos. 8,204,554, 7,319,889, RE 48,629, 8,416,862, 7,564,914, 7,957,450, 6,941,156, 6,696,941, 7,039,435, 6,963,129, 6,858,930, 8,396,072, and 8,792,432. (Dkt. 1.) Defendant Chino-E is a Chinese company. (Dkt. 1 at ¶5.) The Complaint alleges that the Defendants, including Chino-E, make, use, sell import and/or provide or cause to be used mobile phones and tablets that infringe the asserted patents. (See Dkt. 1 at ¶ 113.) With the exception of Chino-E, all of the other Defendants have been served or Plaintiff is in contact with the Defendant concerning service.

A. Defendant Chino-E Has Valid Email Addresses and Plaintiff BNR Has Been Diligent in Efforts to Notify Chino-E of the Litigation

According to Chino-E's website, they provide three email addresses for correspondence: feng.shi@ontim.cn, gms@ontim.cn, and cncekor@chino-e.com. (Ex. A at 4, 5.) At the bottom of

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