

**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 MOTION FOR LEAVE TO EFFECT ALTERNATIVE SERVICE UNDER  
RULE 4(f)(3)**

DATED: November 21, 2022

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## I. INTRODUCTION

Plaintiff Bell Northern Research, LLC (“BNR”) files this Motion to effect service by alternative means on Defendant Huaqin Co. Ltd. (“Huaqin”). After numerous unsuccessful attempts to secure Huaqin’s participation in this litigation, BNR seeks this Court’s permission to serve Huaqin through direct e-mail and through email to its U.S. Counsel. 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 Huaqin publicly operates websites on the Internet and utilizes e-mail means as a reliable form of contact, as does Huaqin’s U.S. counsel.

Granting the instant motion will avoid unwarranted and unfair delay. With the exception of Huaqin, Plaintiff BNR has been successful in serving all of the other litigants in this case. If the Court grants Plaintiff’s motion, it will enable the Huaqin 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 Huaqin 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 the Waiver of Service packet to huaqin@huaqin.com. (Ex. A at 1)
September 9, 2022	Devlin Law Firm sent via FedEx a waiver of service packet to Huaqin at HUAQIN CO. LTD, NO. 10, KEYUAN ROAD SONSHAN

	LAKE ZONE DONGGUAN, CN, 523808. Address listed at the bottom of Huaqin's webpage, <a href="https://en.huaqin.com/about">https://en.huaqin.com/about</a> (FED EX # 5783 0877 3196). (Ex. A at 4.)
September 12, 2022	Counsel for BNR, Adam Woodward, called Huaqin via phone at +86-21-61651266, listed at <a href="https://en.huaqin.com/about">https://en.huaqin.com/about</a> but received no answer
September 14, 2022	An H. Li, identified as a receptionist/Front Desk person by FedEx, signed for the waiver packet when it was delivered to Huaqin at HUAQIN CO. LTD, NO. 10, KEYUAN ROAD SONGSHAN LAKE ZONE DONGGUAN, CN, 523808 (FED EX # 5783 0877 3196). (Ex. A at 4, 7.)
October 11, 2022	Counsel for BNR emailed a copy of the Waiver of Service packet to counsel for Huaqin. (Ex. A at 12)
October 12, 2022	U.S. counsel for Huaqin, Mr. Robert Masters, responded to counsel for BNR's email and requested a phone conversation to discuss. (Ex. A at 12)
October 13, 2022	Counsel for BNR spoke with U.S. counsel for Huaqin over the phone. U.S. counsel for Huaqin indicated they would ask their client if they were willing to waive service. U.S. counsel for Huaqin requested a copy of the proof of delivery from FedEx for the delivery of the waiver packet to Huaqin. (Ex. A at 11)
October 13, 2022	Counsel for BNR provides U.S. counsel for Huaqin the requested proof of delivery from FedEx via email. (Ex. A at 11)
October 20, 2022	Counsel for BNR again reaches out via email to U.S. counsel for Huaqin to again see if they will waive service after receiving the proof of delivery. (Ex. A at 11)
October 26, 2022	U.S. counsel for Huaqin indicates via email that Huaqin has no record of receiving the waiver packet, despite the proof of delivery and also indicates that Huaqin has not decided to waive service yet. (Ex. A at 10)
November 1, 2022	Counsel for BNR again sends an email to U.S. counsel for Huaqin to determine if they have made a decision regarding waiver of service. (Ex. A at 10)
November 1, 2022	U.S. counsel for Huaqin responds via email, disputing the accuracy of the FedEx proof of delivery (Ex. A at 9)
November 11, 2022	U.S. counsel for Huaqin responds via email indicating that Huaqin did receive the waiver packet sent by BNR's counsel, but only recently located it. U.S. counsel for Huaqin still maintains that Huaqin has not decided whether or not to waive service. (Ex. A at 8)

## 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., Hon Hai Precision Industry Co., Ltd., Tinno Mobile Technology Corp., Shenzhen Tinno Mobile Co., LTD., Tinno USA Inc.,

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