

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Valna Holding Cypress Ltd. v. BiBo Biopharma Engineering Company Ltd., et al.

Valna Holding Cypress · No. 25-cv-03328-KAW · Decided December 22, 2025

SUMMARY

The United States District Court for the Northern District of California denied Valna Holding Cypress Ltd.’s motion to serve BiBo Biopharma Engineering Company Ltd., a Chinese company, through non-party 89bio, Inc. The court held that 89bio was not BiBo Biopharma’s “general manager” under California law because it was a customer and collaborator involved in constructing a production facility in China, rather than an agent or representative serving California customers.

CASE DETAILS

COURT	United States District Court for the Northern District of California
JURISDICTION	United States District Court for the Northern District of California
DECIDED	December 22, 2025
DOCKET	25-cv-03328-KAW
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought an order permitting alternative service of process on Chinese respondent BiBo Biopharma Engineering Company Ltd. by serving nonparty 89bio, Inc., in connection with an action to confirm a foreign arbitration award.
STANDARD OF REVIEW	The court considered whether the proposed method satisfied the applicable federal and California service-of-process requirements.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Valna Holding Cypress Ltd. (Petitioner) v. BiBo Biopharma Engineering Company Ltd. (Respondent), BiBo Pharma Scientific Company Ltd. (Respondent), BiBo Biopharma Engineering Co., Ltd. (Respondent)

TOPICS

- service of process
- civil procedure
- commercial litigation
- arbitration
- remedies

PRACTICE AREAS

civil procedure

commercial litigation

arbitration

QUESTIONS PRESENTED

1. Whether 89bio qualified as a general manager of BiBo Biopharma in California such that service of process on 89bio would constitute valid service on BiBo Biopharma.
2. Whether the relationship between 89bio and BiBo Biopharma was sufficiently analogous to the agency and California customer-contact relationship recognized in *Cosper v. Smith & Wesson Arms Co.* to permit alternative service.

HOLDINGS

1. 89bio was not a general manager of BiBo Biopharma in California because it did not act on BiBo Biopharma's behalf to promote or sell BiBo Biopharma's products, provide customer service, or maintain a channel of regular contact with BiBo Biopharma's California customers.

KEY QUOTATIONS

“Thus, 89bio is not Respondent BiBo Biopharma’s agent or representative responsible for handling customers in California; instead, 89bio appears to be Respondent BiBo Biopharma’s customer, buying the active ingredient to produce its own products.”

*“While a parent-subsidary relationship is certainly not required (as made clear in *Cosper*), these cases are consistent in requiring that the “general manager” play a significant role on behalf of the defendant-party in reaching out to California customers.”*

FACTUAL BACKGROUND

Valna obtained a London Court of International Arbitration award requiring BiBo Biopharma and BiBo Pharma to pay approximately \$3 million, interest, and specified legal and arbitration costs. BiBo Biopharma is a Chinese company, and Valna sought to serve it by serving 89bio in California. 89bio had entered into a collaboration agreement with BiBo Biopharma to construct a production facility in China and supply 89bio with bulk active ingredient for 89bio's own product. The court found that 89bio functioned as a customer and not as BiBo Biopharma's agent, representative, or general manager in California.

PROCEDURAL HISTORY

Valna filed an action on April 14, 2025, seeking confirmation of arbitration awards issued by the London Court of International Arbitration. After filing an amended petition, Valna moved to serve BiBo Biopharma through 89bio, a Delaware corporation with its principal place of business in San Francisco. The court denied the motion without a hearing under Civil Local Rule 7-1(b).

DISPOSITION

other

CASES CITED

- United States ex rel. Miller v. Pub. Warehousing Co. KSC, 636 F. App'x 947, 948 (9th Cir. 2016)
- Cosper v. Smith & Wesson Arms Co., 53 Cal. 2d 77 (1959)
- Yamaha [case citation truncated in source]
- Halo Elecs., Inc. v. Bel Fuse Inc., No. C-07-6222-RMW, 2010 U.S. Dist. LEXIS 64025, at *7-8 (N.D. Cal. June 14, 2020)
- Hatami v. KIA Motors Am., Inc., 2008 U.S. Dist. LEXIS 89909, at *2, 6 (C.D. Cal. Oct. 29, 2008)
- Falco v. Nissan N. Am., Inc., 987 F. Supp. 2d 1071, 1077 (C.D. Cal. 2013)
- Syscom USA Inc. v. Nakajima USA, Inc., No. CV1407137ABJPRX, 2020 U.S. Dist. LEXIS 164859, at *17-18 (C.D. Cal. Jan. 29, 2020)

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