

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Timeless Production FZ LLC v. VieConnect

No. 25-cv-03639-NW, United States District Court for the Northern District of California (June 17, 2025)

SUMMARY

The United States District Court for the Northern District of California denied without prejudice Timeless Production FZ LLC’s motion for alternative service of process under Federal Rule of Civil Procedure 4(f)(3) on defendants located in Vietnam. The court held that Plaintiff had not made sufficiently repeated and documented service attempts, had not clearly identified the proposed methods of alternative service, and had not shown that the proposed email and WhatsApp service would satisfy due process. The court vacated and reset the preliminary injunction hearing and continued the case management conference to September 10, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Noël Wise
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 17, 2025
DOCKET	25-cv-03639-NW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 4(f)(3) for authorization to serve foreign defendants by alternative means. The district court denied the motion without prejudice.
STANDARD OF REVIEW	The court applied the Rule 4(f)(3) standard governing court-directed alternative service on an individual in a foreign country.
PRECEDENTIAL VALUE	unpublished district-court order; precedential status unknown
PARTIES	Timeless Production FZ LLC v. VieConnect, Tran Van Ha, Pham Tien Dong, Vieconnect Vietnam Technology and Services Investment Company Limited, Does 1-10

TOPICS

- service of process
- civil procedure
- copyright infringement
- intellectual property
- foreign affairs

PRACTICE AREAS

civil procedure

copyright

international service of process

commercial litigation

QUESTIONS PRESENTED

1. Whether Plaintiff demonstrated sufficient necessity to justify court-authorized alternative service under Federal Rule of Civil Procedure 4(f)(3) when it had made only one unsuccessful attempt to serve Defendants by mail.
2. Whether Plaintiff's proposed alternative methods of service were sufficiently definite and reasonably calculated to provide Defendants with actual notice and an opportunity to be heard, consistent with the Hague Convention and due process.

HOLDINGS

1. A plaintiff seeking alternative service under Rule 4(f)(3) must demonstrate that the circumstances necessitate court intervention; one unsuccessful attempt to serve foreign defendants by mail did not establish necessity or evasion.
2. A motion for alternative service must identify definite service methods and provide credible, documented facts showing that the proposed methods are reasonably calculated to give each defendant actual notice and an opportunity to respond.

KEY QUOTATIONS

"However, unless Plaintiff files a motion seeking alternative service that includes reasonable, documented, repeated attempts to serve Defendants and gives them notice of this action, consistent with the Hague Convention and the spirit of due process, the Court will not grant a request for alternative service." (Opening order)

"A single failed attempt to serve Defendants via mail is not enough to suggest Defendants are evading service; Defendants simply may not have been there when the package was attempted to be delivered." (Discussion)

"Plaintiff's motion for alternative service is DENIED WITHOUT PREJUDICE." (Conclusion)

FACTUAL BACKGROUND

Timeless alleged that Defendants, who were located in Vietnam, reproduced and distributed its copyrighted videos and used copyrighted artwork as video thumbnails on YouTube channels. After Timeless submitted DMCA takedown notices, the infringing channels submitted counternotices asserting ownership of the content, leading Timeless to pursue litigation. Timeless attempted service by mail once, but the packages were not successfully delivered, and it sought authorization to serve Defendants through electronic and online methods.

PROCEDURAL HISTORY

Plaintiff filed a copyright-infringement action and initially sought alternative service in connection with an ex parte motion for a temporary restraining order and preliminary injunction. The court denied that request but

permitted Plaintiff to renew it after unsuccessful Hague Convention service efforts or upon a showing of good cause. After one unsuccessful attempt to serve Defendants by mail, Plaintiff renewed its motion, proposing various methods including email, YouTube direct messaging, WhatsApp, and an online contact portal. The court denied the renewed motion without prejudice and continued the preliminary-injunction hearing and case-management conference.

DISPOSITION

other

CASES CITED

- Rio Props., Inc. v. Rio Int'l Interlink, 284 F.3d 1007 (9th Cir. 2002)
- Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306 (1950)
- Google LLC v. Does 1-3, No. 23-CV-05823-VKD, 2023 WL 8851619, at *2 (N.D. Cal. Dec. 21, 2023)
- Astral IP Enterprise Ltd., 2023 WL 5498730, at *2 (N.D. Cal. Aug. 23, 2023)
- Rubie's Costume Co. v. Yiwu Hua Hao Toys Co., 2019 WL 6310564, at *3 (W.D. Wash. Nov. 25, 2019)
- D.Light Design, Inc. v. Boxin Solar Co., No. C-13-5988 EMC, 2015 WL 526835, at *1 (N.D. Cal. Feb. 6, 2015)
- S.E.C. v. Anticevic, No. 05 Civ. 6991 (S.D.N.Y. Feb. 13, 2009)
- S.E.C. v. China Sky One Med., Inc., No. CV 12-07543-MWF (MANX), 2013 WL 12314508, at *3 (C.D. Cal. Aug. 20, 2013)
- Laborers Dist. Council Constr. Indus. Pension Fund v. Sea Ltd., 345 F.R.D. 623 (D. Ariz. 2024)
- Virtual Point, Inc. v. Hedera AB, No. 13-CV-5690 YGR