

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

Senvok Medical Inc

Plaintiff,

v.

Arix Med Inc

Defendant.

Case No. 1:25-cv-11219

**District Judge:**

Honorable Matthew F. Kennelly

**ORDER GRANTING PLAINTIFF'S MOTION TO SERVE ELECTRONICALLY  
PURSUANT TO FED. R. CIV. P. 4(f)(3)**

This matter is before the Court on Plaintiff's Motion to Serve Electronically (the "Motion"). The Court has carefully considered the Motion, the accompanying memorandum of law and exhibits.

Plaintiff seeks an order granting service by electronic means on Defendant, which, upon information and belief, resides and operates outside of the United States. Defendant operates Internet Stores to carry out business in the United States and utilizes electronic means including e-mail as reliable forms of contact. Plaintiff has demonstrated that it has exercised due diligence in attempting to locate Defendant's name and address, and that service by traditional means is impracticable because, upon information and belief, Defendant's address listed on the Internet Store is false. Therefore, Plaintiff seeks to serve Defendant through electronic means by both e-mail and by website posting.

In general, the manner of alternative service under Federal Rule of Civil Procedure 4(f)(3) "is committed to the sound discretion of the district court" and may vary based on "the facts and circumstances of the particular case." [\*Peanuts Worldwide LLC v. P'ships & Unincorporated Ass'ns Identified on Schedule "A"\*, 347 F.R.D. 316, 324](#) (N.D. Ill. 2024) (citing *Strabala v. Zhang*, 318 F.R.D. 81, 114 (N.D. Ill. 2016)). "While all methods of service must satisfy the baseline constitutional requirement of being 'reasonably calculated, under all the circumstances, to apprise the interested parties of the pendency of the action and afford them an opportunity to present their objections,' the court has no trouble concluding that this standard was met here." *Id.* at 324-25 (citing [\*Rio Props., Inc. v. Rio Int'l Interlink\*, 284 F.3d 1007, 1016-17](#) (9th Cir. 2002), in which the Court finds that "[w]ithout hesitation" that service by email was "constitutionally acceptable" as "the method of service most likely to reach" an overseas e-commerce defendant)).

For the following reasons, the Court finds that alternative service of process under Rule 4(f)(3) is warranted here. *First*, United States District Courts, including this Court, routinely permit alternative methods of service notwithstanding the applicability of the Hague Convention. See e.g., [\*In re Potash Antitrust Litig.\*, 667 F. Supp. 2d 907, 930](#) (N.D. Ill. 2009) ("plaintiffs are not required to first attempt service through the Hague Convention"). The Hague Convention also does not preclude service by e-mail. *Second*, Rule 4 does not require that a party attempt service of process by other methods enumerated in Rule 4(f) before petitioning the court for alternative relief under Rule 4(f)(3). *Rio Props. Inc.*, 284 F.3d at 1014-15. As the *Rio Props Inc.* Court explained, "Rule 4(f) does not create a hierarchy of preferred methods of service of process." *Id.* at 1014. To the contrary, the plain language of the Rule requires only that service be directed by the court and not be prohibited by international agreement. There are no other limitations or requirements. *Id.*

Defendant in this case uses at least one known and valid form of electronic contact to conduct its Internet Stores. Service via e-mail and through posting on a designated website is reasonably calculated, under all circumstances, to apprise Defendant of the pendency of the action and afford it an opportunity to present its objections.

Thus, the Court will exercise its discretion to allow service on Defendant through e-mail and website publication.

Accordingly, the Court hereby ORDERS as follows:

1. The Motion to Serve Electronically is GRANTED;
2. Pursuant to Rule 4(f)(3), Plaintiff is permitted to serve the Summons, Complaint, and all filings in this matter upon Defendant in this action:
  - a) via e-mail which shall include the documents to be served as attachments to the e-mail as well as a link to the designated website hosting the documents to be served;  
and
  - b) via website publication by posting copies of the Summons, Complaint, and all filings and discovery in this matter on Plaintiff's designated website.

DONE AND ORDERED on this 23rd day of October 2025.

  
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Matthew F. Kennelly  
United States District Judge