

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ATELIER EUMORI,

Plaintiff,

v.

THE PARTNERSHIPS, AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED IN SCHEDULE "A",

Defendants.

Civil Action No. 2:26-cv-899-MRH

JURY TRIAL DEMANDED

**DECLARATION OF PETE WOLFGRAM IN SUPPORT OF MEMORANDUM OF LAW
IN SUPPORT OF PLAINTIFF'S MOTION FOR AUTHORIZATION TO PERFORM
ELECTRONIC SERVICE OF PROCESS UNDER FED.R.CIV.P. 4(f)(3)**

I, Pete Wolfgram, declare as follows:

1. I certify that I am over the age of eighteen, of sound mind, and capable of making this Declaration.

2. I am counsel of record for Atelier Eumori, ("Plaintiff") in this action.

3. I am an attorney in good standing and licensed to practice in the State of Wisconsin since 2012 and in the Western District of Pennsylvania since 2024.

4. The facts stated in this Declaration are within my personal knowledge and are true and correct.

5. Upon information and belief, The Individuals, Partnerships, And Unincorporated Associations Identified In Schedule "A" (collectively, "Defendants") are foreign entities operating pseudo-anonymous online commerce storefronts ("Online Storefronts") to promote, advertise, distribute, offer for sale, and sell a wall-mounted electronic heater or the "Infringing Products," through online commerce platforms including, but not limited to, Amazon.com, Temu.com,

Alibaba.com and Wal-Mart.com ("Online Marketplaces").

6. Upon information and belief and based on my review of other actions filed by patent owners against online marketplace infringers, Amazon.com, Inc. ("Amazon"), which operates the Amazon.com Online Marketplace, maintains contact email addresses for sellers operating via Amazon.com. Upon information and belief, Amazon identifies these contact email addresses for all Defendants at issue to comply with Temporary Restraining Orders, such as the Temporary Restraining Order ("TRO") Plaintiff is requesting in this action. Additionally, upon information and belief Amazon's "Buyer-Seller Messaging Service" is a system that facilitates communication between customers and sellers in the Amazon.com Online Marketplace. By using the Buyer-Seller Messaging Service, a customer can communicate with an Amazon seller via a unique anonymized electronic mail ("anonymized email") address. This anonymized email alias is treated in the same way as a real email address. Emails sent via Amazon's Buyer-Seller Messaging Service are routed to the seller via the anonymized email address. Additionally, Amazon maintains a history of all emails routed through its system and allows a customer to see a copy of the emails in the "Message Center" of the customer's account. If an email sent through the Buyer-Seller Messaging Service to a seller bounces, the seller can still view the message in the "Seller Communication Center."¹ Amazon further advises sellers to "[m]ake sure your business contact information is current (email and phone number, if available) so that we can

¹ See Amazon's Seller Central Help "Buyer-Seller Messaging Service overview" at https://sellercentral.amazon.com/help/hub/reference/external/G202125900?ref_=sdus_soa_learn_xscus_help&initialSessionID=134-9624395-2191622&ld=AZFSSOA_FTSELL-C_LM_WP_H_PL_PNAV_C&ldStackingCodes=AZFSSOA_FTSELL-C%3EAFSSOA_FTSELL-C_LM_WP_H_PL_PNAV_C (last visited May 18, 2026), Amazon's "The Buyer-Seller Messaging Service" at https://www.amazon.com/gp/help/customer/display.html?ref_=hp_left_v4_sib&nodeId=G3JQ9_V9LQ8FFMR7W (last visited May 18, 2026), and Amazon's Seller Central Help "Communicate with buyers using the Buyer-Seller Messaging Service" at https://sellercentral.amazon.com/help/hub/reference/external/G200389080?ref_=sdus_soa_learn_xscus_help&initialSessionID=134-9624395-2191622&ld=AZFSSOA_FTSELL-C_LM_WP_H_PL_PNAV_C&ldStackingCodes=AZFSSOA_FTSELL-C%3EAFSSOA_FTSELL-C_LM_WP_H_PL_PNAV_C (last visited May 18, 2026).

contact you, if necessary"² and "[K]eep your business contact information current (email and phone number if available) so that we can contact you if necessary."³ Finally, Amazon "require[s] customers and sellers to use our Buyer-Seller Messaging System to communicate electronically" and therefore sellers "should not include an email address" in the "Seller information displayed to buyers."⁴

7. Upon information and belief and based on my review of other actions filed by patent owners against online marketplace infringers, Walmart Inc. ("Walmart") which operates the Wal-Mart.com Online Marketplace, maintains contact email addresses for sellers operating via Wal-Mart.com. Walmart requires that "sellers must provide accurate and current business information - [such business information includes a valid business name and email address."⁵ Walmart provides a direct messaging system that facilitates communication between customers and sellers in the Wal-Mart.com Online Marketplace. "Walmart customers and Marketplace sellers can communicate through the encrypted email addresses provided with a Walmart order or through the form available to customers from the My Account section of Walmart.com."⁶ By clicking on the "Contact seller" link on a "seller information" page, a customer can communicate with a Walmart seller via an encrypted email address that the seller

² See Amazon's Seller Central Help "Selling on Amazon Things to know" at https://sellercentral.amazon.com/help/hub/reference/external/G200421970?ref_=sdus_soa_learn_xscus_help&initialSessionID=134-9624395-2191622&ld=AZFSSOA_FTSELL-C_LM_WP_H_PL_PNAV_C&ldStackingCodes=AZFSSOA_FTSELL-C%3EAZFSSOA_FTSELL-C_LM_WP_H_PL_PNAV_C (last visited May 18, 2026).

³ See Amazon's Seller Central Help "Set up your account information" at https://sellercentral.amazon.com/help/hub/reference/external/G201896150?ref_=sdus_soa_learn_xscus_help&initialSessionID=134-9624395-2191622&ld=AZFSSOA_FTSELL-C_LM_WP_H_PL_PNAV_C&ldStackingCodes=AZFSSOA_FTSELL-C%3EAZFSSOA_FTSELL-C_LM_WP_H_PL_PNAV_C (last visited May 18, 2026).

⁴ See Amazon's Seller Central Help "Seller information displayed to buyers" at <https://sellercentral.amazon.com/help/hub/reference/external/G841> (last visited May 18, 2026).

⁵ See Walmart's Seller Help "Seller Business Information Policy" at https://sellerhelp.walmart.com/s/guide?article=000008229&language=en_US (last visited May 18, 2026).

⁶ See Walmart's Seller Help "Marketplace Seller Customer Care Requirements" at https://sellerhelp.walmart.com/s/guide?article=000006402&language=en_US (last visited May 18, 2026) and Walmart's Seller Help "Respond to Customer Messages in Seller Center" at https://sellerhelp.walmart.com/s/guide?article=000009481&language=en_US (last visited May 18, 2026).

can use through their private email address to reach the customer. Walmart requires the seller to respond to the customer emails within 48 hours of receiving the message.⁷

8. Upon information and belief and based on my review of other actions filed by patent owners against online marketplace infringers, Temu.com. ("Temu") which operates the Temu.com Online Marketplace, maintains contact email addresses for sellers operating via temu.com. Temu requires its sellers to provide extensive information including accurate addresses business information.⁸

9. Online sellers such as Defendants generally must maintain accurate email addresses to facilitate communication with Online Marketplaces and other financial institutions, payment processors, banks, escrow services, money transmitters, marketplace platforms, or third party service providers (including, but not limited to, Amazon.com, Inc., Amazon Capital Services, Inc., Amazon.com Services LLC, Amazon Payments, Inc., eBay Inc., PayPal, Inc., Wal-Mart.com USA, LLC, Walmart Inc.), and their related companies and affiliates (the "Third Party Institutions").

10. Each Defendant will be provided with timely and efficient notice of this action through their primary means of communication; specifically, Plaintiff will electronically send to Defendants' corresponding email addresses (or communicate through direct messaging/inquiry systems) electronic correspondence including a link to an online repository maintained by Plaintiff and regularly updated with all filings in this action. In this manner, Defendants will receive a web address at which they can access all electronic filings to view, print, or download documents filed in the case similar to the Court's CM/ECF procedures.

⁷ See Walmart's Seller Help "Marketplace Seller Customer Care Requirements" at https://sellerhelp.walmart.com/s/guide?article=000006402&language=en_US (last visited May 18, 2026).

⁸ See Temu Seller Center's FAQ at https://ca.seller temu.com/login.html?login_scene=302 (Last visited May 18, 2026)

11. Additionally, Plaintiff will be able to provide each Defendant notice of this action via public announcement on Plaintiff's designated website. Plaintiff has created a publication website available at

<http://stratumlaw.quickconnect.to/d/s/18JxmUAg3KZYGSHc1uLR3z3W3P1mset6/IsUhA1Ny7v-wADHp9Tpd3xFAAFruJKU0-xbqAwikGNg0>

where Plaintiff will provide a link to the documents in this case such that anyone accessing Plaintiff's website will be able to access such documents for free and with the same convenience as this Court's CM/ECF system. The address for Plaintiff's website will be provided to Defendants via their email addresses and will be included as part of service of process in this matter.

12. Plaintiff has good cause to believe that all of the Defendants are residing and/or operating from the People's Republic of China ("China") and/or redistribute products from sources in China. Plaintiff's investigation of Defendants looked at multiple connection data points, such as information contained on Defendants' Online Storefronts operating under their respective seller identifiers set forth in Schedule "A" to the Complaint (Defendants' "Seller IDs"), shipping information and the investigative data provided thereunder, and determined Defendants' operations are most likely based in and/or shipping from China, with the Infringing Products appearing to be manufactured exclusively in China. While Plaintiff has not been able to determine Defendants' exact locations due to their concealed addresses, Plaintiff has good cause to believe that no Defendant is a resident of the United States.

13. I have reviewed the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters ("Hague Convention")⁹, to which China

⁹ See Hague Service Convention, November 15, 1965, 20 U.S.T. 361 at <https://www.hcch.net/en/instruments/conventions/full-text/?cid=17> (last visited May 18, 2026) and Text of the

is a signatory.

14. Attached hereto as Exhibit 1 is a true and correct copy of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, available at <https://assets.hcch.net/docs/f4520725-8cbd-4c71-b402-5aae1994d14c.pdf> (last visited May 18, 2026).

15. China has declared that it opposes the service of documents in their territory by the alternative means of service outlined in Article 10 of the Convention, including, the service of process by postal channels.¹⁰

16. Attached hereto as Exhibit 2 is a true and correct copy of the Status table for the Hague Convention listing the Contracting Parties and Signatories and accompanying reservations, declarations, notifications, or depositary communications available at <https://www.hcch.net/en/instruments/conventions/status-table/print/?cid=17>.

17. The Hague Convention, however, does not preclude service by email, and the declarations to the Hague Convention filed by China do not expressly prohibit email service.¹¹

I, Pete Wolfgram, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my personal knowledge.

Executed this 19th Day of May, 2026 in Milwaukee, WI.

/s/Pete Wolfgram
Pete Wolfgram

Convention in PDF at <https://assets.hcch.net/docs/f4520725-8cbd-4c71-b402-5aae1994d14c.pdf> (last visited May 18, 2026).

¹⁰ See Status table for the Hague Convention at

<https://www.hcch.net/en/instruments/conventions/status-table/print/?cid=17> (last visited May 18, 2026).

¹¹ Id.