

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Shenzhen CARKU Technology Co., Ltd.,

Plaintiff,

v.

Shenzhen Xinzexing E-commerce Co., Ltd.,

Defendant.

Case No. 22-cv-03403

Judge Steven C. Seeger

Magistrate Judge Sheila M. Finnegan

**DECLARATION OF PETER J. CURTIN CONFIRMING SERVICE OF PROCESS BY
ELECTRONIC MEANS PURSUANT TO FED. R. CIV. P. 4(F) & 4(h)(2)**

1. I, Peter J. Curtin, am more than twenty-one years old, am competent to present this Declaration, and have personal knowledge of the facts set forth herein except as expressly noted otherwise. I could and would testify under oath to the matters set forth herein if called to do so.

2. I am an attorney in good standing with the Bars of the State of Illinois (ARDC No. 6332596) and the District of Columbia. I have the title of Partner in the law firm Analects Legal LLC, 1212 S. Naper Blvd., Suite 119, PMB 238, Naperville, IL 60540. I represent the Plaintiff, Shenzhen Carku Technology Co., Ltd. (“CARKU”) in this case. I submit this declaration in accordance with the Court’s Minute Order dated October 2, 2023 (Dkt. 18) granting CARKU’s Renewed and Updated Motion for Alternate Service of Process (Dkt. 17) and ordering Plaintiff to “promptly file a confirmation of service of process by electronic means.”

3. I hereby confirm and certify that, on October 3, 2023, I served process by electronic means on Defendant Shenzhen Xinzexing E-commerce Co., Ltd. (“SXE”), as described below.

4. On October 3, 2023, I provided electronic copies of the following documents in this case to the three electronic retailers currently selling Defendant's accused NEXPOW® - branded jump starters on Amazon.com: (a) the Minute Order, dated October 2, 2023 (Dkt. 18); (b) the Summons, dated July 5, 2022; and (c) the Complaint, dated June 29, 2022 (Dkt. 1), as well as (d) a hyperlink through which the recipient could download electronic copies of the Complaint and its Exhibits (Dkts. 1-1 through 1-13). We used a hyperlink because the electronic copies of the exhibits are collectively too large to send as an email attachment.

5. The first such retailer is SHENZHENSHIDINGSHIDIANZISHANGWU YOUXIAN GONGSI, d/b/a "NEXPOWER-US," with an Amazon Seller page located at <https://www.amazon.com/sp?ie=UTF8&seller=A2R4UL53PO7BYQ> and an Amazon Storefront at <https://www.amazon.com/s?me=A2R4UL53PO7BYQ&marketplaceID=ATVPDKIKX0DER>. Upon information and belief, this is the same NEXPOWER-US to whom I sent the Rule 4 "waiver packet" for SXE in 2022, which sparked contact from U.S. counsel for the manufacturer of the accused jump-starters.

6. On October 3, 2023, I sent the documents listed in Paragraph 5, above, to NEXPOWER-US as attachments to a detailed e-mail (which included the hyperlink described in Paragraph 5) addressed to SXE and sent to service@nexpow.com — which is the "Customer Service" contact email listed on the NEXPOWER-US Amazon Seller page. A true and correct copy of this email message is attached as Exhibit 1.

6. The second such retailer is Nanchangshi Chaijingkeji Youxian Gongsi, d/b/a "Huangchuan," with an Amazon Seller page at <https://www.amazon.com/sp?ie=UTF8&seller=A1F7SLQN5EBJRX> and an Amazon Storefront at <https://www.amazon.com/s?me=A1F7SLQN5EBJRX&marketplaceID=ATVPDKIKX0DER>.

Note that the marketplace ID for the Huangchuan webstore is identical to the marketplace ID for the NEXPOWER-US webstore (ATVPDKIKX0DER), i.e., they are the same stores. Except for the pseudonym of the Seller, the two stores appear to be identical.

7. On October 3, 2023, I sent the documents listed in Paragraph 5, above, to “Huangchuan” as attachments to a detailed electronic message (which included the hyperlink described in Paragraph 5) which was addressed to SXE and sent using the Amazon Seller Messaging Assistant — accessed through the “Ask a Question” button on Huangchuan’s Amazon Seller page. A true and correct copy of a screenshot of this electronic message is attached as Exhibit 2. This was the only electronic means I could locate to contact Huangchuan.

8. The third such retailer is Nanchangshi Kulvkeji Youxian Gongsi, d/b/a “KuLv,” with an Amazon Seller page at

<https://www.amazon.com/sp?ie=UTF8&seller=A1V0JQEUGW79UW>, and an Amazon

Storefront at

<https://www.amazon.com/s?me=A1V0JQEUGW79UW&marketplaceID=ATVPDKIKX0DER>.

Note that the marketplace ID for the “KuLv” webstore is identical to the marketplace IDs for the other two Amazon webstores selling the accused products (ATVPDKIKX0DER), i.e., they are all the same stores. Except for the Seller pseudonyms, the three stores appear to be identical.

9. On October 3, 2023, I sent the documents listed in Paragraph 5, above, to “KuLv” as attachments to a detailed electronic message (including the hyperlink described in Paragraph 5) which was addressed to SXE and sent using the Amazon Seller Messaging Assistant — accessed through the “Ask a Question” button on KuLv’s Amazon Seller page. A true and correct copy of a screenshot of this electronic message is attached as Exhibit 3. This was the only electronic means I could locate to contact KuLv.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: October 4, 2023

Peter J. Curtin

Peter J. Curtin

*Counsel for Plaintiff Shenzhen Carku
Technology Co., Ltd.*

Case: 1:22-cv-03403 Document #: 19-1 Filed: 10/04/23 Page 1 of 3 PageID #:337

EXHIBIT 1

From: [Peter Curtin](#)
To: ["service@nexpow.com"](mailto:service@nexpow.com)
Cc: [Yichen Cao](#)
Subject: Shenzhen Carku Technology Co., Ltd. v. Shenzhen Xinxing E-Commerce Co., Ltd., Case No. 1:22-cv-03403 (ND IL) Electronic Service of Process
Date: Tuesday, October 3, 2023 6:00:00 PM
Attachments: [CARKU v. SXE - Case No 22-cv-03403 \(ND IL\) - Complaint for Patent Infringement and Unfair Competition.pdf](#)
[CARKU v. SXE - 22-cv-03403 - Summons stamped .pdf](#)
[CARKU v. SXE - 22-cv-03403 \(ND IL\) Order Granting Alternative Service of Process10022023.pdf](#)
[image001.png](#)

To Shenzhen Xinxing E-commerce Co., Ltd. :

Dear Sir or Madam:

My name is Peter Curtin, and I am an attorney with the law firm Analects Legal LLC.

Our law firm represents Shenzhen Carku Technology Co., Ltd., ("CARKU") which has filed a lawsuit in the United States District Court for the Northern District of Illinois against Shenzhen Xinxing E-commerce Co., Ltd. ("SXE") related to the marketing and sales of several models of NEXPOW branded jump starters on Amazon.com. The lawsuit is captioned as *Shenzhen Carku Technology Co., Ltd. v. Shenzhen Xinxing E-commerce Co., Ltd.*, Case No. 1:22-cv-03408 (ND Illinois).

On October 2, 2023, the Court issued an Order (attached) granting CARKU's Motion for Alternate Service of Process, allowing service of process on SXE by electronic means, through its Amazon Sellers.

We have directed this message to you through this email address because this is the contact email listed on the Amazon.com Amazon Seller Page for the Amazon Seller SHENZHENSHIDINGSHIDIANZISHANGWUYOUXIANGONGSI, d/b/a "NEXPOWER-US" which has sold many of the accused products.

We have attached to this email a copy of the Complaint in the lawsuit, and a copy of the Summons issued by the Court.

With a file size of 209 MB, the exhibits to the Complaint were too large to attach to this email, so we have provided the following link through which you can download copies of the Complaint plus copies of its exhibits:

 https://analectslegal-my.sharepoint.com/:u:/p/ycao/EQn-BahR0KZCigixCGoIIQ4BPWOU_xCZgyquhmqXb-gAGw?e=XYHMPu

Please read the attached Summons carefully, and please note that we will confirm with the Court that we have served process on SXE through by this electronic means.

We are also sending similar electronic messages (and attachments) today to the two other Amazon Sellers sell NEXPOW jump starters on Amazon.com: (a) KuLv, and (b) HUANGCHUAN.

Best Regards –

Peter J. Curtin

Peter J. Curtin, Partner

Analects Legal LLC

1212 S Naper Blvd. Suite #119 - PMB 238

Naperville, IL 60540-7349

E-mail: pcurtin@analectslegal.com

Tel: 1.240.432.3267

Case: 1:22-cv-03403 Document #: 19-2 Filed: 10/04/23 Page 1 of 2 PageID #:340

EXHIBIT 2

Messaging Assistant

Let me help you send a message to the seller an Amazon seller.

► IMPORTANT NOTICE:

Please include the product name or ASIN that you have a question about within your message below.

6:08 PM

To Shenzhen Xinxing E-commerce Co., Ltd. : Dear Sir or Madam: My name is Peter Curtin, and I am an attorney with the law firm Analects Legal LLC. Our law firm represents Shenzhen CarKu Technology Co., Ltd., ("CARKU") which has filed a lawsuit in the United States District Court for the Northern District of Illinois against Shenzhen Xinxing E-commerce Co., Ltd. ("SXE") related to the marketing and sales of several models of NEXPOW branded jump starters on Amazon.com. The lawsuit is captioned as Shenzhen CarKu Technology Co., Ltd. v. Shenzhen Xinxing E-commerce Co., Ltd., Case No. 1:22-cv-03408 (ND Illinois). On October 2, 2023, the Court issued an Order (attached) granting CARKU's Motion for Alternate Service of Process, allowing service of process on SXE by electronic means, through its Amazon Sellers. We have directed this message to you through this Amazon Seller Messaging Assistance because this is the contact format available through the Amazon Seller Page for the Amazon Seller nanchangshichaijingkejiyouxiangongsi, d/b/a "HUANGCHUAN" which has sold many of the accused products. We have attached to this email a copy of the Complaint in the lawsuit, and a copy of the Summons issued by the Court. With a file size of 209 MB, the exhibits to the Complaint were too large to attach to this email, so we have provided the following link through which you can download copies of the Complaint plus copies of its exhibits: https://analectslegal-my.sharepoint.com/:u:/p/ycas/EOq-BahR0KZCigixCGolIQ4BPWOU_xCZgyquhmQxb-gAGw?e=XYHMPJ Please read the attached Summons carefully, and please note that we will confirm with the Court that we have served process on SXE through by this electronic means. We are also sending similar electronic

Case: 1:22-cv-03403 Document #: 19-3 Filed: 10/04/23 Page 1 of 2 PageID #:342

EXHIBIT 3

Restart Chat

Seller Messaging Assistant

Hi, I'm the messaging assistant for Amazon's selling partners.

What can I help you with?

6:02 PM

Messaging Assistant

Which of the following do you need help with?

6:02 PM

Messaging Assistant

Let me help you send a message to the seller an Amazon seller.

▶ IMPORTANT NOTICE:

Please include the product name or ASIN that you have a question about within your message below.

6:02 PM

An item for sale

6:02 PM

Other

6:02 PM

To Shenzhen Xinxing E-commerce Co., Ltd. : Dear Sir or Madam: My name is Peter Curtin, and I am an attorney with the law firm Analects Legal LLC. Our law firm represents Shenzhen Carku Technology Co., Ltd., ("CARKU") which has filed a lawsuit in the United States District Court for the Northern District of Illinois against Shenzhen Xinxing E-commerce Co., Ltd. ("SXE") related to the marketing and sales of several models of NEXPOW branded jump starters on Amazon.com. The lawsuit is captioned as Shenzhen Carku Technology Co., Ltd. v. Shenzhen Xinxing E-commerce Co., Ltd., Case No. 1:22-cv-03408 (ND Illinois). On October 2, 2023, the Court issued an Order (attached) granting CARKU's Motion for Alternate Service of Process, allowing service of process on SXE by electronic means, through its Amazon Sellers. We have directed this message to you through this email address because this is the contact email listed on the Amazon.com Amazon Seller Page for the Amazon Seller nanchangshikulviejyuxiangongsi, d/b/a "KULV" which sells certain NEXPOW brand products including the accused products. We have attached to this email a copy of the Complaint in the lawsuit, and a copy of the Summons issued by the Court. With a file size of 209 MB, the exhibits to the Complaint were too large to attach to this email, so we have provided the following link through which you can download copies of the Complaint plus copies of its exhibits: https://analectslegal-my.sharepoint.com/:u/p/ycao/EQn-BahR0KZCigixCGolIQ4BPWOU_xCZgyquhmqXb-gAGw?e=XYHMPu Please read the attached Summons carefully, and please note that we will confirm with the Court that we have served process on SXE through by this electronic means. We are also sending similar electronic messages (and attachments) today to the two other Amazon Sellers sell NEXPOW jump starters on Amazon.com: (a) NEXPPOWER-US, and (b) HUANGCHUAN. Best Regards – Peter J. Curtin

6:06 PM