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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

IN RE: AMAZON COUNTERFEIT
ENFORCEMENT LITIGATION

GENERAL ORDER 03-23

Pending in the Western District of Washington are numerous cases brought by Amazon.com, Inc. and Amazon.com Services, LLC (collectively, “Amazon”), together with other intellectual property owners, against third parties allegedly facilitating the sale of counterfeit products in the Amazon.com store. Amazon refers to these cases as “Counterfeit Enforcement Actions.” As of the end of January 2023, there were 57 Counterfeit Enforcement Actions pending, including some consolidated actions. These 57 actions have been distributed randomly to various District Judges. Based on the nature of these actions and Amazon’s stated

1 intentions, the District expects additional Counterfeit Enforcement Actions will be filed with
2 some regularity and frequency in the next couple of years (and possibly beyond).

3 The Counterfeit Enforcement Actions appear to share common issues and challenges
4 related to the identification and ultimate service of named and unnamed defendants. To identify
5 and serve the proper defendants in the Counterfeit Enforcement Actions, Amazon frequently
6 requests pre-service discovery and authority to engage in alternative methods of service on
7 identified defendants.

8 To provide consistency and achieve efficiencies within the District in handling and
9 deciding requests for pre-service discovery and alternative methods of service in these
10 Counterfeit Enforcement Actions, the Court concludes it appropriate to refer all service issues in
11 the Counterfeit Enforcement Actions to designated Magistrate Judges.

12 Accordingly, it is hereby ORDERED as follows:

- 13 1. The designated Magistrate Judges referred to in this General Order are Magistrate
14 Judges Michelle L. Peterson, Brian A. Tsuchida, and S. Kate Vaughan.
- 15 2. Upon the filing of an Amazon Counterfeit Enforcement Action, counsel for Amazon
16 shall file a Notice in CM/ECF identifying the matter as a Counterfeit Enforcement
17 Action subject to this General Order. The Notice shall inform the assigned District
18 Judge that pursuant to this General Order, the assigned District Judge may refer the
19 action to the designated Magistrate Judges to handle all issues related to service.
- 20 3. Upon filing of the Notice of Counterfeit Enforcement Action, the assigned District
21 Judge may issue an order referring all issues related to service to the designated
22 Magistrate Judges identified in this General Order. After the referral order is filed,
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1 the Clerk of the Court shall randomly and evenly distribute the referrals to the
2 designated Magistrate Judges.

- 3 4. The designated Magistrate Judges shall formulate and utilize common practices and
4 procedures for reviewing and determining requests for pre-service discovery and
5 alternative service methods.
- 6 5. After completion of service on all defendants or upon the determination by the
7 designated Magistrate Judge that Amazon is unable or has failed to complete service
8 on a defendant or defendants, the referral shall be terminated, and the matter shall be
9 returned to the assigned District Judge to complete the litigation and/or dismiss the
10 action for lack of service.
- 11 6. It is expected that in some Counterfeit Enforcement Actions Amazon may seek pre-
12 service discovery or alternative methods of service only as to certain defendants
13 rather than all defendants. This would occur in instances where Amazon successfully
14 serves a defendant without the need for pre-service discovery or alternative methods
15 of service. In these types of cases, the assigned District Judge will determine whether
16 to stay the litigation against the served defendant(s) while the designated Magistrate
17 Judges shall address service as to the other defendants.
- 18 7. In the event a referral is terminated and there becomes a need to refer additional
19 service issues in a particular case to the designated Magistrate Judges, the individual
20 Magistrate Judge who was assigned the original referral shall handle the new referral.
- 21 8. Nothing in this General Order prohibits a District Judge from determining, in their
22 discretion, not to refer an Amazon Counterfeit Enforcement Action to the designated
23 Magistrate Judges.

1 9. For Counterfeit Enforcement Actions currently pending within the District as of the
2 date of this General Order, the Clerk of the Court shall identify which Counterfeit
3 Enforcement Actions have been referred to a designated Magistrate Judge and shall
4 ensure there is even distribution of the Counterfeit Enforcement Actions amongst the
5 designated Magistrate Judges.

6 IT IS SO ORDERED.

7 Dated this 7th day of March, 2023.

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David G. Estudillo
Chief United States District Judge