

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 3574/February 3, 2016

ADMINISTRATIVE PROCEEDING  
File No. 3-17026

In the Matter of

EASYLINK INFORMATION TECHNOLOGY CO., LTD.

ORDER FOLLOWING  
PREHEARING CONFERENCE

On December 23, 2015, the Securities and Exchange Commission issued an order instituting proceedings (OIP) pursuant to Section 12(j) of the Securities Exchange Act of 1934, alleging that Respondent has securities registered with the Commission and is delinquent in its periodic filings. On January 15, 2016, the Division of Enforcement filed a declaration of service stating that the OIP was sent via U.S. Postal Service international registered mail, return receipt requested, to Respondent's address in Taiwan shown on its most recent EDGAR filing, but that tracking information is unavailable for international registered mail to Taiwan.<sup>1</sup> The declaration also stated that delivery of the OIP to Respondent was unsuccessfully attempted via UPS on January 8, 2016.

On January 19, 2016, I held a telephonic prehearing conference at which only the Division of Enforcement appeared. The Division had no further information concerning delivery of the OIP, and I indicated that I would delay issuing this order by fifteen days to allow time for additional information to become available from the Office of the Secretary. Tr. at 4, 7-8. To date, the Office of the Secretary has received no information regarding delivery or attempted delivery of the OIP by U.S. Postal Service.

I find that service of the OIP on Respondent is not yet established in accordance with Rule of Practice 141(a)(2). See 17 C.F.R. § 201.141(a)(2)(ii), (iv). Service was not effected in accordance with Rule 141(a)(2)(ii) because service on a corporation or entity by U.S. Postal Service requires "a confirmation of attempted delivery." 17 C.F.R. § 201.141(a)(2)(ii). Alternatively, Rule 141(a)(2)(iv) states that service on "a person in a foreign country" may be made by any "method reasonably calculated to give notice, provided that the method of service used is not prohibited by the law of the foreign country." 17 C.F.R. § 201.141(a)(2)(iv). The U.S. Department of State website states that "[s]ervice of process in Taiwan can be effected by international registered mail/return receipt requested." <http://travel.state.gov/content/travel/en/>

<sup>1</sup> Information from the Office of the Secretary indicates that the OIP was mailed on December 23, 2015.

legal-considerations/judicial/country/taiwan.html. However, because no information is available concerning the date of actual or attempted delivery of the OIP by “international registered mail” (as opposed to UPS), it is not yet possible to establish a date that service of the OIP was effected. *See id.*; *see also Kim v. United States*, 461 F.Supp.2d 34, 40 n.5 (D.D.C. 2006) (indicating that delivery by Federal Express is not equivalent to certified or registered mail under the federal rules of civil procedure). Without a definitive service date, it is impossible to determine when Respondent’s answer is due, when Respondent may be deemed in default, or by what date my initial decision must be issued. *See* OIP at 2-3; 17 C.F.R. §§ 201.155(a)(2), .220(f), .360(a)(2).

I therefore ORDER the Division to file by February 24, 2016, a declaration providing an update on the status of service of the OIP.

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Brenda P. Murray  
Chief Administrative Law Judge