

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 91580 / April 15, 2021

Admin. Proc. File No. 3-19649

In the Matter of

TOSHOAN HOLDINGS, INC. and  
TOA OPTICAL TECH, INC

ORDER REGARDING SERVICE

The Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) on January 10, 2020, pursuant to Section 12(j) of the Securities Exchange Act of 1934, against Toshoan Holdings, Inc. and TOA Optical Tech, Inc. (“Respondents”).<sup>1</sup>

On February 2, 2021, the Commission issued an order regarding service of the OIP. Specifically, the Division of Enforcement attempted to serve the OIP on Respondents in Japan via U.S. Priority Mail, relying on authorities that had predated the Government of Japan's declaration on December 21, 2018 that it would object to service through postal channels pursuant to Article 10(a) of the Hague Service Convention.<sup>2</sup> The Commission directed the Division to file a status report concerning service of the OIP by March 30, 2021, and every 28 days thereafter until service was accomplished.

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<sup>1</sup> *Toshoan Holdings, Inc.*, Exchange Act Release No. 87940, 2020 WL 122746 (Jan. 10, 2020).

<sup>2</sup> *Toshoan Holdings, Inc.*, Exchange Act Release No. 91040, 2021 WL 396764 (Feb. 2, 2021).

On April 1, 2021, the Division filed a status report stating that, because “service through the Hague Convention is the only practical means available,” the Division would undertake that process, which requires, among other things, that the OIP be “translated into Japanese.”<sup>3</sup>

In light of the Division’s status report, and the potentially lengthy process of pursuing service via the Hague Service Convention, it appears appropriate to modify the schedule set forth in the February 2, 2021 order. Accordingly, IT IS ORDERED that the Division of Enforcement file a status report concerning service of the OIP by July 1, 2021, and every 90 days thereafter until service is accomplished.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman  
Secretary

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<sup>3</sup> On March 31, 2021, the Division forwarded to the [apfilings@sec.gov](mailto:apfilings@sec.gov) email account a December 4, 2019 email from another Commission employee regarding service through postal channels to parties located in Japan. It does not appear that the March 31 email complies with Rules of Practice 150 and 151(d), which require that parties serve papers on each other and that papers filed with the Commission be accompanied by a certificate of service. 17 C.F.R. §§ 201.150, .151(d). Given the Division’s subsequently filed April 1, 2021 status report—which is accompanied by a compliant certificate of service—on the same topic, the Commission shall disregard the Division’s March 31, 2021 email and strike the filing. The Office of the Secretary is directed to send copies of the communication to all participants to the proceeding.