

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 11-23557-CIV-UNGARO

ACUSHNET COMPANY, *et al.*,

Plaintiffs,

vs.

TANG HAINAN, *et al.*,

Defendants.

/

**PLAINTIFFS' EX PARTE APPLICATION FOR ENTRY OF
TEMPORARY RESTRAINING ORDER, PRELIMINARY
INJUNCTION AND ORDER RESTRAINING TRANSFER
OF ASSETS TIED TO THE COUNTERFEITING OPERATION**

Plaintiffs Acushnet Company, Callaway Golf Company, Roger Cleveland Golf Company, Inc., SRI Sports Limited, Karsten Manufacturing Corporation, and Taylor Made Golf Company, Inc. (collectively "Plaintiffs") hereby do apply, on an *ex parte* basis, for entry of a temporary restraining order and an order restraining transfer of assets, and upon expiration of the temporary restraining order, a preliminary injunction against Defendants Tang Hainan, Chen Bao, Xud Zhang, and Does 1-10 (collectively "Defendants"), doing business and conspiring to do business as the domain names identified on Schedules "A" and "B" hereto (the "Subject Domain Names"), pursuant to 15 U.S.C. § 1116 and Fed. R. Civ. P. 65.

Good cause exists for the foregoing orders. The named Defendants and various unknown associates are promoting, selling, offering for sale and distributing goods bearing counterfeits of Plaintiffs' respective trademarks within this Judicial District through various fully interactive commercial Internet websites. Defendants' activities constitute willful and intentional infringement and counterfeiting of Plaintiffs' respective trademarks in total disregard of

Plaintiffs' respective rights, and have taken place in spite of Defendants' knowledge that their use of Plaintiffs' trademarks was and is in direct contravention of Plaintiffs' respective rights. Defendants' unlawful activities have caused and will continue to cause irreparable injury to Plaintiffs.

This Application is brought on an *ex parte* basis pursuant to Federal Rule of Civil Procedure 65. Temporary restraining orders are available on an *ex parte* basis when there is a threat of intervening irreparable harm before the preliminary injunction may be heard. Fed. R. Civ. P. 65(b). As set forth in detail in the accompanying Memorandum of Points and Authorities and Declaration of Stephen M. Gaffigan ("Gaffigan Decl."), Plaintiffs are seeking *ex parte* relief, and have made no effort to notify Defendants of this *Ex Parte* Application, because if they proceed on notice to Defendants prior to modifying control of the domain names at issue, Defendants can easily and quickly transfer the registrations for many of the domain names, or modify registration data and content, change hosts, and redirect traffic to other websites, thereby thwarting Plaintiffs' ability to obtain meaningful relief. (Gaffigan Decl. ¶¶ 5-8.) This Court should prevent an injustice from occurring by issuing an *ex parte* temporary restraining order which precludes Defendants from continuing to display their infringing content via the websites operating under the domain names at issue and which temporarily removes control over the websites from Defendants. Only such an order will prevent ongoing irreparable harm to Plaintiffs.

This Application is based upon the accompanying Memorandum of Points and Authorities and the Declarations of Stephen M. Gaffigan, Lisa Rogan, Mike Dow, Donald J. Reino, Jud Hawken, Jeni B. Zuercher, and Brandon Tanori, and exhibits thereto, filed

concurrently herewith, and the complete files and records of this action, and such other matters as Plaintiffs may call to the Court's attention at or before the time of hearing.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request this Court grant their *ex parte* application and enter a temporary restraining order, enter an order restraining the assets tied to the counterfeiting operation, and schedule a hearing on Plaintiffs' Motion for Preliminary Injunction before the expiration of the Temporary Restraining Order.

DATED: October 6, 2011.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

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SCHEDULE A
SUBJECT DOMAIN NAMES

1. allstockonline.com
2. buzzgolfclubs.com
3. clubsgolfsale.com
4. discountgolfclubs18.com
5. drgolfstore.com
6. easybuygolf.com
7. golfbuydiscount.com
8. golfclubcheap.com
9. golfclubsbest.com
10. golfdiscountdirect.com
11. golfequiponline.com
12. golforderonline.com
13. golfsale18.com
14. golfsales365.com
15. golfsaleus.com
16. golfsaleworld.com
17. golfseasonss.com
18. golfsmartdeal.com
19. golfstore18.com
20. golfstore365.com
21. golfstoreorder.com
22. golfsuno.com
23. golfsuper118.com
24. golfsuperprice.com
25. golfsuperstoreonline.com
26. golfsuperworld.com
27. golfwholesale365.com
28. golfwholesaleseller.com
29. golfwon.com
30. golfzone18.com
31. greatestgolfclubs.com
32. greatsnowboots.com
33. higolfclubs.com
34. hotsalegolf.com
35. idealgolfclubs.com
36. igolfnuts.com
37. istockgolf.com
38. lovegolfclubs.com
39. mygolfclubsforsale.com
40. mygolfpurchase.com
41. onlinegolf18.com
42. pickgf.com
43. pickgolfclubs.com

44. putterbuy.com
45. tmgolfclub.com
46. usdiscountgolf.com
47. usgolfsale.com
48. usgolfsale18.com
49. wgbuy.com
50. wholesalegolf118.com
51. yourgolfhomes.com

SCHEDULE B
SUBJECT DOMAIN NAMES

1. athleticsbar.com
2. bestsportinglife.com
3. comeongolf.com
4. golfheavenus.com
5. golfutilityclubs.com
6. golfworld18.com
7. lovegolfonline.com
8. prosportsoutdoor.com
9. sportingturner.com
10. sportssaleonline.com
11. taylormader9irons.org