

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.

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**PLAINTIFFS' NOTICE OF INABILITY  
TO COMPLY WITH COURT'S  
ORDER REQUIRING SUBMISSION OF  
JOINT PLANNING AND SCHEDULING REPORT**

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"), by and through their undersigned counsel, hereby submit their Notice of Inability to Comply with Court's Order Requiring Submission of Joint Planning and Scheduling Report, and state as follows:

1. On October 18, 2011, this Court entered its Order Setting Initial Planning and Scheduling Conference (D.E. 12) (the "Scheduling Conference Order") which required, among other things, (i) that the parties submit a Joint Planning and Scheduling Report (the "Joint Report") on or before December 2, 2011; (ii) that Plaintiffs serve the Defendants with the Summonses and Complaint in this matter on or before December 2, 2011; and (iii) scheduled an Initial Planning and Scheduling Conference for October 16, 2011 at 10:00 a.m.

2. In compliance with the Scheduling Conference Order, Plaintiffs have attempted to

confer with the Defendants in order to finalize and submit the required Joint Report, however, as of the submission of this Notice, the Defendants have failed to respond to Plaintiffs' attempts. Additionally, to date, the Defendants have submitted no response to either the Court or Plaintiffs' undersigned counsel in connection with this matter, including, but not limited to, any response to the Plaintiffs' *Ex Parte* Application for Temporary Restraining Order, Preliminary Injunction and Order Restraining Transfer of Assets Tied to the Counterfeiting Operation (D.E. 5) (the "*Ex Parte* Application"), the Order granting Plaintiffs' *Ex Parte* Application (D.E. 13) or the Report and Recommendation recommending the Court grant Plaintiffs' Application for Preliminary Injunction (D.E. 25), and, also, the Defendants did not attend the November 15, 2011 preliminary injunction hearing before this Court. Furthermore, Plaintiffs' undersigned counsel has received no communication from either Defendant in connection with this matter.

3. On November 7, 2011, each Defendant had a true and accurate copy of Summons and Complaint in this matter delivered to him personally via electronic mail. Additionally, on November 9, 2011, pursuant to Rules 4(f)(2)(A), Federal Rules of Civil Procedure, and also pursuant to Article 84 of the Peoples Republic of China's Civil Procedure Code, in compliance with the Scheduling Conference Order, Plaintiffs served each Defendant with his respective Summons and the Complaint via public announcement by public announcement through the Court authorized publication site <http://www.servingnotice.com/hainan/index.html>. Under the terms of Article 84 of the Peoples Republic of China's Civil Procedure Code, service via public announcement becomes effective 60 days after publication, or January 8, 2012. Simultaneous

with the submission of this Notice, Plaintiffs are filing Proofs of Service confirming service of the Summons and Complaint on each Defendant in this matter.

Dated this 2nd day of December, 2011.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: s:/smgaffigan/  
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Attorneys for Plaintiffs

I HEREBY CERTIFY that on December 2nd, 2011, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that a true copy of the foregoing was served this 2nd day of December, 2011, the Defendants via electronic mail at the following e-mail addresses:

3841220@qq.com  
banghaoxman@hotmail.com  
ca50179@gmail.com  
downzq87@gmail.com  
easybuygolf@gmail.com  
golfsales365@gmail.com  
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idealgolfclubs.com@domainsbyproxy.com  
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proxy2603679@1and1-private-registration.com  
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sunogolf@gmail.com  
tklink099@googlemail.com  
xhct105@gmail.com  
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and via public announcement via publication by posting a true and accurate copy of the foregoing on the website <http://www.servingnotice.com/hainan/index.html>.

s:/smgaffigan/  
Stephen M. Gaffigan