

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Miami Division

CASE NO.: 11-24068-CIV-Martinez/McAliley

LOUIS VUITTON MALLETIER, S.A. and
EMILIO PUCCI INTERNATIONAL B.V.,

Plaintiffs,

v.

YANGQUAN LU and DOES 1-10,

Defendants.

**PLAINTIFFS' EX PARTE APPLICATION FOR ENTRY OF
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs, Louis Vuitton Malletier, S.A. (“Louis Vuitton”) and Emilio Pucci International B.V. (“Pucci”) (together, “Plaintiffs”) hereby do apply, on an *ex parte* basis, for entry of a temporary restraining order, and upon expiration of the temporary restraining order, a preliminary injunction against the Defendants YangQuan Lu (“Lu”) and Does 1-10 (collectively “Defendants”) doing business as the domain names identified on Schedule “A” 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 Defendant and various unknown associates are promoting, selling, offering for sale and distributing goods bearing counterfeits of Plaintiffs’ trademarks within this Judicial District through various fully interactive commercial Internet websites operating under their partnership or unincorporated association names (the “Subject Domain Names”). Defendants’ activities constitute willful and intentional infringement and counterfeiting of Plaintiffs’ trademarks in total disregard of Plaintiffs’ rights, and have taken place in spite of Defendants’ knowledge that their use of Plaintiffs’ trademarks was and is in

direct contravention of Plaintiffs' 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 proceeds 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. ¶¶ 6-9.) 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, Nikolay Livadkin, 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, and schedule a hearing on Plaintiffs' Motion for Preliminary Injunction before the expiration of the Temporary Restraining Order.

DATED: November 16, 2011.

Respectfully submitted,

STEPHEN M. GAFFIGAN, P.A.

By: s:/smgaffigan/
Stephen M. Gaffigan (Fla. Bar No. 025844)
Virgilio Gigante (Fla. Bar No. 082635)
401 East Las Olas Blvd., #130-453
Ft. Lauderdale, Florida 33301
Telephone: (954) 767-4819
Facsimile: (954) 767-4821
E-mail: stephen@smgpa.net
E-mail: leo@smgpa.net

Attorneys for Plaintiffs
LOUIS VUITTON MALLETIER, S.A. and
EMILIO PUCCI INTERNATIONAL B.V.

SCHEDULE "A"
SUBJECT DOMAIN NAMES

1. alibabaonlinestore.com
2. allwholesalepick.com
3. cnstoreonline.com
4. coachoutletssale.org
5. cooltimberlandshoes.com
6. emiliopuccioutlet.com
7. emiliopuccioutletdress.com
8. lkmwholesale.com
9. luxuryaaa.com
10. pickwholesale.com
11. replicabaghandbags.com
12. replicabagshandbag.com
13. replicabagshandbags.com
14. replicahandbagbags.com
15. replicahandbagsbags.com
16. replicahandbagsshop.org
17. us-wholesaleclothing.com