


**Form 6. Civil Appeals Docketing Statement**

USCA DOCKET # (IF KNOWN)

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
CIVIL APPEALS DOCKETING STATEMENT**

PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

<b>TITLE IN FULL:</b>  GIBSON GUITAR CORP., a Delaware Corporation, Plaintiff v.  WOWWEE USA. INC., a Delaware Corporation, et. al. Defendants	DISTRICT: Central California    JUDGE: R. Gary Klausner	
	DISTRICT COURT NUMBER: CV10-8884 RGK (RZx)	
	DATE NOTICE OF APPEAL FILED: 12/22/10	IS THIS A CROSS-APPEAL? <input type="checkbox"/> YES
	IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY):	
<b>BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:</b>  Action by Plaintiff on trademark infringement and related claims against Defendant eBay Inc. and multiple other defendants. Gibson's motion for preliminary injunction was granted.		
<b>PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:</b>  Defendant eBay Inc. seeks reversal of the preliminary injunction because plaintiff is unlikely to succeed on the merits. failed to show irreparable harm and the iniunction is unenforceably broad and vague.		
<b>DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:</b>		
<input type="checkbox"/> Possibility of settlement		
<input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal		
<input checked="" type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify) _____ _____		
<input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program _____ _____ _____		
<input type="checkbox"/> Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges		

**LOWER COURT INFORMATION**

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION  <input type="checkbox"/> DIVERSITY  <input type="checkbox"/> OTHER  (SPECIFY):	<input type="checkbox"/> FINAL DECISION OF DISTRICT COURT  <input checked="" type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT  <input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY):  <input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> DISMISSAL/JURISDICTION <input type="checkbox"/> DISMISSAL/MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input type="checkbox"/> JUDGMENT/COURT DECISION <input type="checkbox"/> JUDGMENT/JURY VERDICT <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> JUDGMENT AS A MATTER OF LAW <input checked="" type="checkbox"/> OTHER (SPECIFY):  Order Granting Preliminary Injunction	<input type="checkbox"/> DAMAGES: SOUGHT \$ _____ AWARDED \$ _____  <input checked="" type="checkbox"/> INJUNCTIONS: <input checked="" type="checkbox"/> PRELIMINARY <input type="checkbox"/> PERMANENT <input checked="" type="checkbox"/> GRANTED <input type="checkbox"/> DENIED  <input type="checkbox"/> ATTORNEY FEES: SOUGHT \$ _____ AWARDED \$ _____ <input type="checkbox"/> PENDING  <input type="checkbox"/> COSTS: \$ _____

**CERTIFICATION OF COUNSEL**

**I CERTIFY THAT:**

1. COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
2. A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
3. A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
4. I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.

\_\_\_\_\_  
/s/ Mary T. Huser  
Signature

\_\_\_\_\_  
12/22/10  
Date

**COUNSEL WHO COMPLETED THIS FORM**

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• THIS DOCUMENT SHOULD BE FILED IN THE DISTRICT COURT WITH THE NOTICE OF APPEAL •  
• IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS •