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 Phone(866) 701-0404 and (562) 360-2097  
 Fax (404) 963-6231

Attorneys for  
 Plaintiff  
 GIBSON GUITAR CORP.,

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

GIBSON GUITAR CORP., a Delaware ) Case No.  
 corporation, )

Plaintiff,

vs.

WOWWEE USA, INC., a California  
 corporation; WAL-MART STORES,  
 INC., a Delaware corporation;  
 AMAZON.COM, INC., a Delaware  
 corporation; BIG LOTS STORES,  
 INC., an Ohio corporation; KMART  
 CORPORATION, a Michigan  
 corporation; TARGET  
 CORPORATION, a Minnesota  
 corporation; TOYS "R" US-  
 DELAWARE, INC., a Delaware  
 corporation; WALGREEN CO., an  
 Illinois corporation; BROOKSTONE  
 COMPANY, INC., a New Hampshire  
 corporation; BEST BUY CO. INC., a  
 Minnesota corporation; EBAY INC., a

COMPLAINT FOR:

- (1) Trademark Infringement;
- (2) Trademark Counterfeiting;
- (3) False Designation of Origin and  
 Unfair Competition Under the United  
 States Trademark Act;
- (4) False Description of Fact and  
 Representations and False Advertising  
 Under the United States Trademark Act;
- (5) Trademark Dilution Under the  
 United States Trademark Act;
- (6) Trade Dress Infringement Under  
 Federal Law;
- (7) Trademark Dilution Under  
 California State Law;
- (8) Common Law Trademark  
 Infringement;
- (9) Unfair Competition;
- (10) California Business & Professions  
 Code §§ 14245, *et seq.*;

1	Delaware corporation, TOYWIZ, INC.,	}	(11) Contributory Infringement §43
2	a New York corporation, HSN, Inc. a		Lanham Act;
3	Delaware corporation, and DOES 1		(12) Contributory Infringement § 32
4	through 100,		Lanham Act; and
			(13) Accounting

Defendants,

JURY TRIAL DEMANDED

**COMPLAINT**

1. Plaintiff, Gibson Guitar Corp. ("Gibson"), for its Complaint against Defendants WowWee USA, Inc. ("WowWee"), Wal-Mart Stores, Inc. ("Wal-Mart"), Amazon.com, Inc. ("Amazon"), Big Lots Stores, Inc. ("Big Lots"), KMart Corporation ("KMart"), Target Corporation ("Target"), Toys "R" Us-Delaware, Inc. ("Toys R Us"), Walgreen Co. ("Walgreens"), Brookstone Company, Inc. ("Brookstone"), Best Buy Co. Inc. ("Best Buy"), ToyWiz, Inc. ("ToyWiz"), HSN, Inc. ("HSN"), and EBay Inc. ("Ebay") (collectively "Defendants") alleges as follows:

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) Gibson Guitar Corp.		<b>DEFENDANTS</b> See Attachment A																			
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  Andrea E. Bates, SBN 192491, Michael A. Boswell, SBN 198994 Bates & Bates, 964 DeKalb Ave., Suite 101 Atlanta, Georgia 30307		Attorneys (If Known)																			
<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)  <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table>		Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4																
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5																
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6																
<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																					
<b>V. REQUESTED IN COMPLAINT:</b> JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> MONEY DEMANDED IN COMPLAINT: \$																					
<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)																					
<b>VII. NATURE OF SUIT</b> (Place an X in one box only.)																					
<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage-Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER</b> <b>PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DJWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																

FOR OFFICE USE ONLY: Case Number:

CV 10 8884

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

COPY

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
DAVIDSON	Tennessee

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	See Attachment A

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

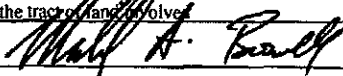
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):



Date November 17, 2010

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

ATTACHMENT "A"

Defendants

WOWWEE USA, INC., a California corporation;

WAL-MART STORES, INC., a Delaware corporation;

AMAZON.COM, INC., a Delaware corporation;

BIG LOTS STORES, INC., an Ohio corporation;

K MART CORPORATION, a Michigan corporation;

MACYS.COM, INC., a New York corporation;

TARGET CORPORATION, a Minnesota corporation;

TOYS "R" US-DELAWARE, INC., a Delaware corporation;

WALGREEN CO., an Illinois corporation;

BROOKSTONE COMPANY, INC., a New Hampshire corporation;

BEST BUY CO. INC., a Minnesota corporation;

EBAY INC., a Delaware corporation,

TOYWIZ, INC., a New York corporation,

HSN, Inc. a Delaware corporation,

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge R. Gary Klausner and the assigned discovery Magistrate Judge is Ralph Zarefsky.

The case number on all documents filed with the Court should read as follows:

**CV10- 8884 RGK (RZx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**[X] Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**[ ] Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**[ ] Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

# Exhibit 2

ANDREA E. BATES, ESQ, SBN 192491  
 Abates@Bates-Bates.com  
 MICHAEL A. BOSWELL, ESQ. SBN 198994  
 MBoswell@Bates-Bates.com  
 BATES & BATES, LLC  
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 Fax (404)963-6231

Attorneys for  
 Plaintiff  
 GIBSON GUITAR CORP.,

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

GIBSON GUITAR CORP., a Delaware  
 corporation,

Plaintiff,

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WOWWEE USA, INC., a California  
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 CORPORATION, a Michigan corporation;  
 TARGET CORPORATION, a Minnesota  
 corporation; TOYS "R" US-DELAWARE,  
 INC., a Delaware corporation; WALGREEN  
 CO., an Illinois corporation; BROOKSTONE  
 COMPANY, INC., a New Hampshire  
 corporation; BEST BUY CO. INC., a  
 Minnesota corporation; EBAY INC., a  
 Delaware corporation, TOYWIZ, INC., a New  
 York corporation, HSN, Inc. a Delaware  
 corporation, and DOES 1 through 100,

Defendants.

) Case No. CV10-8884 RGK (RZx)

) NOTICE OF EX PARTE APPLICATION BY  
 ) PLAINTIFF GIBSON GUITAR CORP. FOR  
 ) A TEMPORARY RESTRAINING ORDER  
 ) AND AN ORDER TO SHOW CAUSE RE:  
 ) PRELIMINARY INJUNCTION;  
 ) MEMORANDUM OF POINTS AND  
 ) AUTHORITIES IN SUPPORT THEREOF

) LOCAL RULES 7-19, 7-19.1

) Dept.: 805  
 ) Judge: R. Gary Klausner



1  
2  
3 TO THE DEFENDANTS:

4 WOWWEE USA, INC., WAL-MART STORES, INC., AMAZON.COM, INC., BIG LOTS  
5 STORES, INC., K MART CORPORATION, TARGET CORPORATION, TOYS "R" US-  
6 DELAWARE, INC., WALGREEN CO., BROOKSTONE COMPANY, INC., BEST BUY CO.,  
7 INC., EBAY INC., TOYWIZ, INC., and HSN, INC.

9 Plaintiff GIBSON GUITAR CORP., hereby seeks a temporary restraining order against you  
10 for the usage of Plaintiff's Les Paul Body Shape Design ® Trademark, the Les Paul Peg-Head®  
11 Trademark, the Bell Cover Design® Trademark, the Flying V Body Shape Design® Trademark, the  
12 Explorer Body Shape Design® Trademark, the Kramer Peg-Head® Trademark, and the SG Body  
13 Design® Trademark, the word mark LES PAUL®, the word mark FLYING V®, the word mark  
14 EXPLORER®, the word mark GIBSON® and the word mark S-G® (*i.e.*, U.S. Trademark  
15 Registrations 1782606, 1020485, 1022637, 1539282, 1216644, 2641548, 1045872 and  
16 15453112051790, 2053805, 1567052, and 2215791) and similar variations thereof on the at  
17 www.paperjamz.com, www.wowwee.com (Defendant WowWee), www.walmart.com (Defendant  
18 Wal-Mart), amazon.com (Defendant Amazon), www.biglots.com (Defendant Big Lots),  
19 www.kmart.com (Defendant K Mart), www.target.com (Defendant Target), www.toyrus.com  
20 (Defendant Toys R Us), www.walgreens.com (Defendant Walgreen), www.brookstone.com  
21 (Defendant Brookstone), www.ebay.com (Defendant EBay), www.toywiz.com (Defendant ToyWiz),  
22 and www.hsn.com (Defendant HSN) websites and other websites operated by you.  
23  
24  
25  
26

27 -2-

28 NOTICE OF EX PARTE APPLICATION OF PLAINTIFF GIBSON GUITAR CORP. FOR A TEMPORARY  
RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION;  
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

1 The basis for the relief sought by Plaintiff is set forth in the documents attached and listed  
2 below:

3 1. Plaintiff's Ex Parte Application for a Temporary Restraining Order and an Order to  
4 Show Cause re: Preliminary Injunction: Memorandum of Points and Authorities; and Declarations of  
5 Bruce Mitchell and Andrea E. Bates.  
6

7 2. Proposed Temporary Restraining Order and Order to Show Cause Why a Preliminary  
8 Injunction Should Not Issue.

9 FURTHER NOTICE RE: OPPOSITION PROCEDURE

10 To the Defendants:

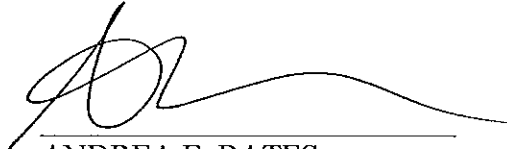
11 If you wish to file an opposition to the Ex Parte Application, you must file your opposition  
12 with the above-mentioned court by 3 p.m. the first business day following the service of the Ex parte  
13 Application.  
14

15 If you do not intend to file an opposition, you must inform the courtroom deputy clerk by  
16 telephone as soon as possible. The Courtroom Deputy Clerk can be reached at (213) 894-2649.

17 Respectfully submitted,

18 BATES & BATES, LLC

19  
20  
21 DATED: November 19, 2010

  
22 ANDREA E. BATES  
23 MICHAEL A. BOSWELL  
24 Attorneys for PLAINTIFF  
25 GIBSON GUITAR COR  
26

# Exhibit 3

ANDREA E. BATES, ESQ, SBN 192491  
 Abates@Bates-Bates.com  
 MICHAEL A. BOSWELL, ESQ. SBN 198994  
 MBoswell@Bates-Bates.com  
 BATES & BATES, LLC  
 964 DeKalb Avenue, Suite 101  
 Atlanta, Georgia 30307  
 Phone (866)701-0404 and (562) 360-2097  
 Fax (404)963-6231

Attorneys for  
 Plaintiff  
 GIBSON GUITAR CORP.,

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

GIBSON GUITAR CORP., a Delaware  
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 corporation, and DOES 1 through 100,

Defendants.

Case No. CV10-8884 RGK (RZx)

EX PARTE APPLICATION OF PLAINTIFF  
 GIBSON GUITAR CORP. FOR A  
 TEMPORARY RESTRAINING ORDER  
 AND AN ORDER TO SHOW CAUSE RE:  
 PRELIMINARY INJUNCTION;  
 MEMORANDUM OF POINTS AND  
 AUTHORITIES IN SUPPORT THEREOF

LOCAL RULES 7-19, 7-19.1

Dept.: 805

Judge: Judge R. Gary Klausner

-i-

EX PARTE APPLICATION OF PLAINTIFF GIBSON GUITAR CORP. FOR A TEMPORARY  
 RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE: PRELIMINARY  
 INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

**STANDING ORDER ¶ 11**

Pursuant to the Standing Order For Newly Cases Assigned To Judge R. Gary Klausner, ¶9  
(Ex Parte Applications), Plaintiff has electronically served all the Defendants via facsimile the  
Application and Notice of the Ex Parte Application For A Temporary Restraining Order And An  
Order To Show Cause Re: Preliminary Injunction to the Defendants, including notifying Defendants  
that an opposition shall be filed no later than 3 p.m. on the first business day following service.

**MEMO OF KNOWN COUNSEL/DEFENDANT'S CONTACT INFORMATION**

**WOWWEE USA, INC.**

Counsel: Kim Landsman, Patterson Belknap, 1133 Ave. of the Americas,  
NY, NY 10036  
Fax: 212-336-2985  
Phone: 212-336-2980.

Address: 5963 La Place Court, Suite 207  
Carlsbad, CA 92008

Registered Agent: National Registered Agents, Inc.  
2875 Michelle Drive, Suite 100  
Irvine, CA 92606  
Phone: 800-562-6439  
Fax: 800-562-6504

**WAL-MART STORES, INC.**

Counsel: Rosalyn Mitchell (in house)  
Fax: 479-277-5991

Address: 702 SW 8th Street  
Bentonville, AR 72716

Registered Agent: The Corporation Trust Company  
Corporation Trust Center

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EX PARTE APPLICATION OF PLAINTIFF GIBSON GUITAR CORP. FOR A TEMPORARY  
RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE: PRELIMINARY  
INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

1209 Orange Street  
Wilmington, DE 19801  
Phone: 302-658-7581  
Fax: 302-655-5049

**AMAZON.COM, INC.**

Counsel: Not known at this moment  
Address: 410 Terry Avenue North  
Seattle, WA 98109-5210  
Registered Agent: Corporation Service Company  
2711 Centerville Road, Suite 400  
Wilmington, DE 19808  
Phone: 800-927-9800  
Fax: 302-636-5454

**BIG LOTS STORES, INC.**

Counsel: Not known at this moment  
Address: 300 Phillipi Road  
PO Box 28512  
Columbus, OH 43228-5311  
Registered Agent: CSC-Lawyers Incorporating Service  
50 W. Broad Street, Suite 1800  
Columbus, OH 43215  
Phone: 800-927-9800  
Fax: 302-636-5454

**KMART CORPORATION**

Counsel: Not known at this moment  
Address: 3333 Beverly Road  
Hoffman Estates, IL 60179  
Phone: 847-286-2500  
Fax: 847-286-5500  
Registered Agent: The Corporation Company  
30600 Telegraph Road, Suite 2345

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EX PARTE APPLICATION OF PLAINTIFF GIBSON GUITAR CORP. FOR A TEMPORARY  
RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE: PRELIMINARY  
INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

Bingham Farms, MI 48025

**TARGET CORPORATION**

Counsel: Michael S. Kroll,  
Phone: 612-696-2249  
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It is unknown whether he is acting as counsel for this litigation.

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Phone: 612-304-6073  
Fax: 612-696-5400

Registered Agent: No Agent on File With Secretary of State

**TOYS"R"US DELAWARE, INC**

Counsel: Not known at this moment

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**WALGREEN CO.**

Counsel: Not known at this moment

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Registered Agent: Illinois Corporation Service Company  
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Springfield, IL 62703

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EX PARTE APPLICATION OF PLAINTIFF GIBSON GUITAR CORP. FOR A TEMPORARY  
RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE: PRELIMINARY  
INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

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2 Fax: 302-636-5454

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4 Counsel: Not known at this moment

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7 Registered Agent: Thomas P. Manson, Esq.  
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9 Manchester, NH 03101  
Phone: 603-621-7100  
Fax: 603-621-7111

10 **BEST BUY CO., INC.**

11 Counsel: Not known at this moment

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14 Registered Agent: C T Corporation System Inc.  
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18 **EBAY INC.**

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24 Dover, DE 19904  
25 Phone: 302-674-4089  
Fax: 302-674-5266

26 **TOYWIZ, INC.**

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27 EX PARTE APPLICATION OF PLAINTIFF GIBSON GUITAR CORP. FOR A TEMPORARY  
28 RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE: PRELIMINARY  
INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF



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8 **HSN, INC.**

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10 Address: 1 HSN Drive  
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27 EX PARTE APPLICATION OF PLAINTIFF GIBSON GUITAR CORP. FOR A TEMPORARY  
28 RESTRAINING ORDER AND AN ORDER TO SHOW CAUSE RE: PRELIMINARY  
INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF