

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

TIGER DIRECT, INC., a Florida
Corporation,

Case No.

05-21136

Plaintiff,

RENEARD

v.

APPLE COMPUTER, INC., a
California Corporation

KLEIN

Defendant.

**EX PARTE APPLICATION FOR EMERGENCY TEMPORARY
RESTRAINING ORDER BY PLAINTIFF TIGER DIRECT, INC.**

TO THE COURT AND ALL PARTIES:

PLEASE TAKE NOTICE that upon the accompanying Complaint, Memorandum of Law and Declarations of Lonny R. Paul and G. Roxanne Elings, and the Exhibits annexed thereto, and on such other evidence and oral argument as the Court may consider, Plaintiff Tiger Direct, Inc. ("Tiger Direct"), hereby moves this Court, *ex parte*, pursuant to 15 U.S.C. § 1116, for a Temporary Restraining Order and Order to Show Cause for Preliminary Injunction. Apple Computer, Inc. is advertising products and offering retail services under a family of TIGER trademarks, in willful violation of Tiger Direct's famous family of TIGER MARKS, as set forth more fully in Plaintiff's Complaint. Apple Computer intends to begin selling products and services under its infringing Tiger trademark on Friday April 29, 2005, and the order requested herein is necessary to prevent the irreparable harm that will result therefrom.

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI

MacMorris.com

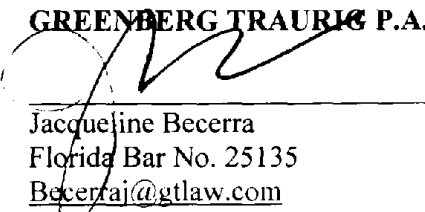
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As set forth in Tiger Direct's Memorandum of Law, the relief requested herein is authorized by law and has been granted by this Court and other courts in similar cases. This application is factually supported by the annexed Declarations and exhibits. The facts here are egregious, and Tiger Direct respectfully requests that the Court order the injunctive and other equitable relief sought herein.

Dated: April 26, 2005

Respectfully submitted,

GREENBERG TRAURIG P.A.



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