

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **DATE FILED:** _____
v. : **CRIMINAL NO.** _____
DAVID R. LISS : **VIOLATIONS:**
: **18 U.S.C. § 371 (conspiracy to traffic in**
: **counterfeit goods & merchandise -**
: **1 count)**
: **18 U.S.C. § 2320 (trafficking in counterfeit**
: **goods & merchandise - 1 count)**
: **18 U.S.C. § 1341 (mail fraud - 1 count)**
: **Notice of Forfeiture**

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

Introduction

1. Acushnet is located in Fairhaven, Massachusetts and sells golf and professional sports teams's apparel among other things. Acushnet Company golf apparel includes, for example, Titleist®, Scotty Cameron®, Footjoy®, and other brands that produce golf products for the recreational and professional golfer, which are registered with the United States Patent and Trademark Office. Acushnet's products are sold primarily to on-course golf pro shops and selected off-course golf specialty and sporting goods stores worldwide.

2. The Adidas-Group is located in Portland, Oregon and sells golf and professional sports team' apparel among other things. The Adidas-Group golf equipment includes the TaylorMade® and Ashworth® brands, which are registered with the United States

Patent and Trademark Office. The Adidas Group products are sold primarily to on-course golf pro-shops and selected sporting goods stores worldwide.

3. EBay Inc. is an American corporation that manages an internet website, eBay.com, which provides opportunities to purchase and sell via an online auction a wide variety of goods and services world-wide, including but not limited to sports merchandise.

THE CONSPIRACY

4. From in or about 2007, to in or about March, 2011, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAVID R. LISS

conspired and agreed, together with others known and unknown to the United States Attorney, to knowingly and intentionally traffic and attempt to traffic in counterfeit goods, specifically sports merchandise, and knowingly used on and in connection with such goods counterfeit marks, that is, labels identical to and substantially indistinguishable from the shape and imprints found on genuine sports merchandise, the use of which counterfeit labels was likely to cause confusion, to cause mistake, and to deceive, in violation of Title 18, United States Code, Section 2320.

MANNER AND MEANS

5. It was part of the conspiracy that defendant DAVID R. LISS, and others known and unknown to the United States Attorney:

a. used an EBAY user name "Hockey14" to sell counterfeit sports merchandise via the internet from defendant's LISS's residence located in Mount Penn, Pennsylvania;

b. sold the counterfeit merchandise to numerous customers for which defendant LISS was paid by credit card via the internet without disclosing that the merchandise was, in fact, counterfeit;

c. communicated via the internet with persons unknown to the United States Attorney from the People's Republic of China to supply defendant LISS with the counterfeit merchandise;

d. paid for the counterfeit merchandise using credit cards and from defendant LISS's personal bank account;

e. directed the foreign supplier(s) to ship the counterfeit merchandise to defendant LISS's residence or directly to the customer; and

f. after receiving the counterfeit merchandise from the foreign supplier, caused the shipment of the counterfeit merchandise to customers.

6. Defendant DAVID R. LISS sold at counterfeit sports merchandise to customers totaling at least \$142,569.

OVERT ACTS

In furtherance of the conspiracy, and to effect the object of the conspiracy, defendant DAVID R. LISS and others known and unknown to the United States Attorney, committed the following overt acts, among others, in the Eastern District of Pennsylvania, and elsewhere:

On or about September 23, 2010:

1. Defendant DAVID R. LISS accepted an order from a special agent with Homeland Security Investigations, acting in an undercover capacity, who placed an order via defendant LISS's website, www.thegolfaccessoryoulet.com, to purchase the following items:
 - 2 DeSean Jackson Reebok Game Jerseys
 - 1 TaylorMade 4 gram MWT weight
 - 1 Raul Ibanez #29 Majestic jersey
 - 1 (10 piece) package of Titleist grey/black neoprene Iron covers
 - 1 TaylorMade White Cool Gear XL Polo golf shirt
 - 1 Cobra navy blue golf cap
 - Taylor white TMX cart bag.
2. As payment for the counterfeit merchandise, defendant DAVID R. LISS accepted a credit card.
3. Defendant DAVID R. LISS agreed to ship the counterfeit merchandise to a location in Philadelphia, Pennsylvania.
4. Subsequent to receiving the order, defendant DAVID R. LISS, using an email address of Hockey14@ptd.net, sent the undercover agent an email stating that the TaylorMade Cart Bag, the undercover agent had ordered, would be shipped separately from a warehouse.

5. In or about late September 2010, an Express Mail International package (bearing Tracking #EE81 5049 801H K), containing one counterfeit TaylorMade white TMX Cart Bag, was shipped from Hong Kong to Philadelphia.

6. In or about early October, 2010, two packages containing the remainder of the counterfeit merchandise were shipped from defendant DAVID R. LISS's residence in Mt. Penn, PA. The first package, Package 1, was shipped via United State Postal Service First Class Mail with a tracking number 420 19147 9101 1288 8230 0348 7390 50, and contained two counterfeit Cobra brand hats. The second package was shipped via United States Postal Service First Class Mail with a tracking number 42019147 9102 1288 8230 0348 6917 39, and contained the following items: 10 counterfeit Titleist club covers; 1 counterfeit TaylorMade golf shirt; 1 counterfeit golf club weight; 1 counterfeit MLB jersey; 3 counterfeit NFL jerseys; and 4 counterfeit divot tools.

7. On or about March 17, 2011, defendant DAVID R. LISS possessed inside his Mt. Penn Pennsylvania residence the following counterfeit sports merchandise: (286) Nike Head Covers, (1) Nike Umbrella, (375) Titleist Head Covers, (19) Golf Clip Markers, (9) Titleist Hats, (2) Titleist Grips, (1059) Taylormade Head/Iron Covers, (22) Taylormade Golf Clip Markers, (21) Taylormade Golf Polo Shirts, (2) Taylormade Golf Grips, (1) Taylormade Golf Hat, (681) Mizuno Head/Iron Covers, (49) Mizuno Golf Grips, (2) Mizuno Golf Clip Markers, (188) Ping Head/Iron Covers, (11) Ping Golf Clip Markers, (6) Ping Grips, (319) Callaway Head/Iron Covers, (41) Callaway Ball Markers, (7) Callaway Towels, (2) Callaway Umbrellas, (45) Cleveland Head/Iron Covers, (420) Cobra Head/Iron Covers, (47) Odyssey Head/Iron Covers, (7) Odyssey Grips, (20) Honma Head Covers, (5) Monza Head Covers, (40) Cameron

Grips, (6) YES Grips, (10) Black Series Grips, (350) Miscellaneous Divot Tools, (1) NHL Jersey, (30) NHL Patches, (4) NFL Jerseys, (7) NBA Jerseys, (15) MLBA Jerseys, (13) Mitchell & Ness Jerseys, (63) MLBA world Series patches, (19) Zumba Fitness DVDs.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, and 5 and 6, and the Overt Acts in Count One of this Information are incorporated here.

2. On or about September 23, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAVID R. LISS

knowingly and intentionally trafficked and attempted to traffic in counterfeit goods, specifically sports merchandise, and knowingly used on and in connection with such goods counterfeit marks, that is, labels identical to and substantially indistinguishable from the shape and imprints found on genuine sports merchandise, the use of which counterfeit labels was likely to cause confusion, to cause mistake, and to deceive.

All in violation of Title 18, United States Code, Section 2320(a).

COUNT THREE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, and 5 and 6, and the Overt Acts in Count One of this Information are incorporated here.

THE SCHEME

2. From at least in or about 2007, to in or about March 2011, defendant

DAVID R. LISS

devised and intended to devise a scheme to defraud and to obtain money and property by means of false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

3. It was part of the scheme that defendant DAVID R. LISS, and others known and unknown to the United States Attorney:

a. used an EBAY user name "Hockey14" to sell counterfeit sports merchandise via the internet from defendant LISS's residence located in Philadelphia, Pennsylvania;

b. sold the counterfeit merchandise to numerous customers for which defendant LISS was paid by credit card via the internet without disclosing that the merchandise was, in fact, counterfeit;

c. communicated via the internet with persons unknown to the United States Attorney from the People's Republic of China to supply counterfeit merchandise;

d. paid for the counterfeit merchandise using credit cards and from defendant LISS's personal bank account;

e. directed the foreign supplier(s) to ship the counterfeit merchandise to defendant LISS's residence or directly to the customers; and

f. after receiving the counterfeit merchandise from the foreign supplier, caused the shipment of the counterfeit merchandise to customers.

4. On or about October 1, 2010, in the Eastern District of Pennsylvania, and elsewhere, defendant

DAVID R. LISS,

for the purpose of executing the scheme described above, and attempting to do so, knowingly caused to be delivered by mail according to the directions thereon, a package containing counterfeit sports merchandise from Hong Kong, Peoples Republic of China to defendant LISS in the Eastern District of Pennsylvania, for the purpose of redelivering the counterfeit merchandise to a customer without notifying the customer that the merchandise was, in fact, counterfeit.

In violation of Title 18, United States Code, Section 1341.

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violation of Title 18, United States Code, Section 2320 set forth in this information, defendant

DAVID R. LISS

shall forfeit to the United States of America any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, and any property used or intended to be used, in any manner of part, to commit or to facilitate the commission of, such offenses including, but not limited to:

- (a) one Dell desktop computer;
- (b) one Kodak camera;
- (c) thumb drives;
- (d) one Dell Inspiron computer; and
- (e) Various counterfeit products: (286) Nike Head Covers, (1) Nike Umbrella, (375) Titleist Head Covers, (19) Golf Clip Markers, (9) Titleist Hats, (2) Titleist Grips, (1059) Taylormade Head/Iron Covers, (22) Taylormade Golf Clip Markers, (21) Taylormade Golf Polo Shirts, (2) Taylormade Golf Grips, (1) Taylormade Golf Hat, (681) Mizuno Head/Iron Covers, (49) Mizuno Golf Grips, (2) Mizuno Golf Clip Markers, (188) Ping Head/Iron Covers, (11) Ping Golf Clip Markers, (6) Ping Grips, (319) Callaway Head/Iron Covers, (41) Callaway Ball Markers, (7) Callaway Towels, (2) Callaway Umbrellas, (45) Cleveland

Head/Iron Covers, (420) Cobra Head/Iron Covers, (47) Odyssey Head/Iron Covers, (7) Odyssey Grips, (20) Honma Head Covers, (5) Monza Head Covers, (40) Cameron Grips, (6) YES Grips, (10) Black Series Grips, (350) Miscellaneous Divot Tools, (1) NHL Jersey, (30) NHL Patches, (4) NFL Jerseys, (7) NBA Jerseys, (15) MLBA Jerseys, (13) Mitchell & Ness Jerseys, (63) MLBA world Series patches, (1) Tiffany & Co. Necklace, (9) Tiffany & Co . Bracelets, (20) Tiffany & Co. Boxes, (25) Tiffany & Co . Bags/Pricetags, (19) Zumba Fitness DVDs, and (19) Mono Shift Knobs.

2. If any of the property described above, as a result of any actor omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 2323(b)(1), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 2323, and Title 21, United States Code, Section 853.

3. As a result of the violations of Title 18, United States Code, Sections 371 and 1341, set forth in this Information, defendant

DAVID R. LISS

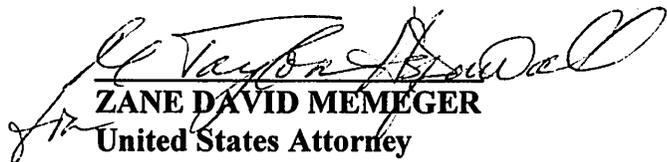
shall forfeit to the United States of America, any property, real or personal, which constitutes or is derived from proceeds traceable to the commission of such offenses.

4. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).


ZANE DAVID MEMEGER
United States Attorney

Pages 13 through 17 redacted for the following reasons:
