



## Callaway Golf Files New Patent Infringement Suit Against Acushnet

### Callaway Asserts Newest Titleist Pro V1 Golf Balls Infringe Patents

CARLSBAD, Calif.--(BUSINESS WIRE)--Mar. 3, 2009 -- Callaway Golf Company (NYSE:ELY) today announced it has filed a new patent infringement lawsuit in the United States District Court for the District of Delaware against The Acushnet Company, the golf business of Fortune Brands, Inc. The lawsuit alleges that the new 2009 Titleist Pro V1 and Pro V1x golf balls, available to the public in spring 2009, infringe golf ball patents owned by Callaway Golf.

This new suit follows the successful patent infringement action filed by Callaway Golf against Acushnet in February 2006 which resulted in a permanent injunction halting sales of earlier versions of the Pro V1 family of golf balls, effective January 1, 2009. That injunction prompted Acushnet to initiate a nationwide recall of infringing golf balls through a "retail exchange program" on December 29, 2008.

Callaway Golf first prevailed against Acushnet in patent litigation when it won a jury verdict in December 2007. In that proceeding, it was determined that Acushnet had infringed multiple valid claims of four U.S. golf ball patents owned by Callaway Golf. In November 2008, the trial court granted Callaway a permanent injunction to halt sales of the infringing golf balls. Acushnet's motion to stay the trial court's injunction was denied by three judges from the Court of Appeals for the Federal Circuit in December 2008. The injunction remains in effect today.

"We were disappointed to discover that Titleist and Acushnet have again used patented Callaway technology in their Pro V1 golf balls," said Steve McCracken, Senior Executive Vice President, Chief Administrative Officer, Callaway Golf. "As long as Titleist - or any competitor - continues to introduce products that we believe infringe our patents, we will continue to seek relief in the courts. We expect to prevail in this second suit as well."

#### About Callaway Golf

*Through an unwavering commitment to innovation, Callaway Golf Company (NYSE:ELY) creates products and services designed to make every golfer a better golfer. Callaway Golf Company manufactures and sells golf clubs and golf balls, and sells golf accessories, under the Callaway Golf®, Odyssey®, Top-Flite®, and Ben Hogan® brands in more than 110 countries worldwide. For more information please visit [www.callawaygolf.com](http://www.callawaygolf.com) or [shop.callawaygolf.com](http://shop.callawaygolf.com).*

Source: Callaway Golf Company

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