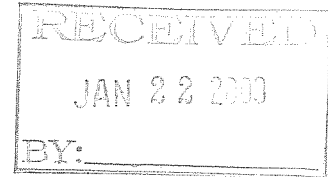


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It is hereby certified that this document was served by first class mail postage prepaid or by fax or e-mail delivery to counsel (or parties) at their respective address or fax number or e-mail address of record.

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9 Playmore Corporation and SNK NEOGEO USA Corporation

10
11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
13 **WESTERN DIVISION-LOS ANGELES**

14 PLAYMORE CORPORATION, and)
15 SNK NEOGEO USA
16 CORPORATION,

17 Plaintiffs,

18 vs.

19 ARCADE INFINITY, INC.
20 WORLDWIDE VIDEO
21 ENTERTAINMENT, INC., and
22 NEOGEO FREAK

23 Defendants.

Case No.: SA CV 02-1107 DOC MLGx

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION AS
AGAINST DEFENDANT NEOGEO
FREAK**

ENTERED

JAN 17 2003

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA OFFICE

DEPUTY

24 The Court having considered the facts set forth in Plaintiffs Playmore
25 Corporation ("Playmore") and SNK NEOGEO USA Corporation's ("SNK")
26 Complaint; Plaintiffs' *Ex Parte* Application for Temporary Restraining
27 Order, Order to Show Cause, Order for Seizure or Impoundment,
28 Temporary Order Sealing the File; the Memorandum of Points and
Authorities and declarations in support thereof; and for good cause shown,
finds that:

FILED

JAN 15 2003

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

DEPUTY

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JAN 17 2003

23

1 1. Playmore and SNK have filed a complaint for, *inter alia*, copyright
2 infringement against Defendant NeoGeo Freak ("NGF"), among others.

3
4 2. On December 4, 2002, this Court granted Playmore and SNK's *ex*
5 *parte* application for Temporary Restraining Order, Order to Show Cause,
6 Order for Seizure or Impoundment, and Temporary Order Sealing the File.

7
8 3. On December 11, 2002, Playmore and SNK, with the assistance of
9 the United States Marshal Service, executed the Court's seizure and
10 impoundment order on Defendant NGF. Upon searching Defendant's
11 place of business, Plaintiffs located and seized infringing video game
12 cartridges, video game player machines ("one slots"), various hardware,
13 and printed materials.

14
15 4. Plaintiffs have shown that they are likely to succeed on the merits
16 of their claims, including without limitation, their claim for copyright
17 infringement. Specifically, Plaintiffs have submitted evidence to show that
18 Playmore is the copyright owner and SNK is the exclusive licensee of the
19 Playmore Products (such products being defined as those video game
20 cartridges, video game player machines, and printed products, for those
21 video games delineated in the moving papers such as "The King of
22 Fighters 2002," and those games set forth in Exhibit ³ ~~A~~ attached hereto), and
23 that Defendant NGF has been selling, renting or otherwise distributing
24 copies of Playmore Products without Playmore or SNK's permission.

25
26 5. Immediate and irreparable injury, loss and damage will result to
27
28

1 Plaintiffs pending a final determination of Plaintiffs' request for permanent
2 injunction regarding Defendant NGF's infringing conduct unless this
3 preliminary injunction is issued by the Court. Further, unless Defendant
4 is immediately enjoined as provided herein, Plaintiffs will be irreparably
5 harmed and will have no adequate remedy.

6
7 **IT IS HEREBY ORDERED**, pursuant to Federal Rule of Civil
8 Procedure 65, 17 U.S.C. §§ 502 and 503, 28 U.S.C. § 1651(a), and the Court's
9 inherent power to issue provisional remedies, that Defendant NeoGeo
10 Freak its officers, directors, agents, servants, employees and attorneys, and
11 all those acting or attempting to act in active concert or participation with
12 them, including without limitation Dion Dakis and Chris Ray, are
13 **PRELIMINARILY ENJOINED AND RESTRAINED** from directly or
14 indirectly engaging in any of the following actions pending trial of this
15 matter:

16
17 (a) Renting, selling, offering for sale, distributing, exploiting,
18 copying, marketing, advertising, promoting, transferring, shipping,
19 licensing, handling, or otherwise moving or disposing of, in any manner,
20 any unauthorized video game cartridges, video game player machines,
21 hardware, and printed products, for those video games delineated in the
22 moving papers such as "The King of Fighters 2002," and those games set
23 forth in Exhibit ³~~A~~ ("Playmore Products");

24
25 (b) Destroying, hiding, moving, transferring, returning or otherwise
26 moving or disposing of, in any manner, any unauthorized video game
27

1 cartridges, video game player machines, hardware, and printed products,
2 for those video games delineated in the moving papers such as "The King
3 of Fighters 2002," and those games set forth in Exhibit ~~A~~³ ("Playmore
4 Products");

5
6 (c) Destroying, hiding, moving, transferring, or otherwise moving or
7 disposing of, in any manner, any documents or computer records related to
8 the acquisition, import, export, transfer, shipping, sale, or distribution of
9 any unauthorized video game cartridges, video game player machines,
10 hardware, and printed products, for those video games delineated in the
11 moving papers such as "The King of Fighters 2002," and those games set
12 forth in Exhibit ~~A~~³ ("Playmore Products"), except in compliance with this
13 Order or in connection with a discovery request from counsel in this
14 action; and

15
16 (d) Assisting, aiding, or abetting any other person or business entity
17 in engaging or performing any of the activities referred to in the preceding
18 subparagraphs 1(a) through 1(c).

19
20 **IT IS FURTHER ORDERED** that NeoGeo Freak their officers,
21 directors, agents, servants, employees and attorneys, and all those acting or
22 attempting to act in active concert or participation with them, including
23 without limitation Dion Dakis and Chris Ray, are **PRELIMINARILY**
24 **ENJOINED AND RESTRAINED** from directly or indirectly engaging in
25 any of the following actions pending trial of this matter:

26 A. Conversion of coin-op video game cartridges to consumer video
27

1 game cartridges, or vice-versa, during the period in which the Temporary
2 Restraining Order is in effect;

3 B. Producing any printed or electronic material related to "The King
4 of Fighters 2002" and the Playmore Products;*as set forth in Exhibit 3.*

5 C. Distributing any printed or electronic material related to "The
6 King of Fighters 2002" and the Playmore Products,*as set forth in Exhibit 3* except in relation to
7 those original goods from Plaintiffs' predecessor in interest, SNK
8 Corporation Japan, that NeoGeo Freak are still entitled to sell; and *which includes 6 pieces of King of Fighters 2000.*

9 ~~D. Using Plaintiffs' trademark "NEO GEO," and any other of~~

10 ~~Plaintiffs' trademarks, without Plaintiffs' explicit authorization,~~

11 ~~particularly in its use in any web site or domain name now and in the~~
12 ~~future.~~

13 *The items in Exhibit F may be sold if they are in original*
14 *packaging English or Japanese.*

15 IT IS FURTHER ORDERED that the Five Thousand Dollar (\$5,000)
16 bond previously posted by Plaintiffs shall remain in effect until the final
17 resolution of this matter.

18 Dated this 15 day of January, 2003

19
20 *David O. Carter*
21 HONORABLE DAVID O. CARTER
22 UNITED STATES DISTRICT COURT JUDGE
23
24
25
26
27
28

PLAYMORE v. SNK
Case No. 02-1107 DOC
NeoGeo Freaks, Las Vegas, NV
Seizure Inventory List



Home System-Complete

| ITEM NO. | QTY | DESCRIPTION OF ARTICLES | IS PRODUCT COVERED BY EXHIBIT A OF ORDER? | IS PRODUCT COUNTERFEIT? | IF COUNTERFEIT, WHY? |
|----------|-----|----------------------------|-------------------------------------------|-------------------------|-------------------------------------------------------------|
| 1 | (1) | Panic Bomber | | Yes. | Converted from arcade to home use. |
| 2 | (1) | Bomber Man | | Yes. | Never released for home. Converted from arcade to home use. |
| 3 | 1 | Robo Army- Box Only | | Yes. | Reprint of Insert. |
| 4 | 2 | Top Player's Golf-Box Only | | Yes. | Reprint of Insert. |
| 5 | 1 | NAM-1975-Box Only | | Yes. | Reprint of Insert. |
| 6 | 1 | Riding Hero-Box Only | | Yes. | Reprint of Insert. |
| 7 | 1 | Puzzle de Pon-Box Only | | Yes. | Reprint of Insert. |
| 8 | (1) | Neo Mr. Do | | Yes. | Never released for home use. Converted cartridge. |
| 9 | (1) | Puzzled | | Yes. | Converted form arcade to home use. |
| 10 | 1 | Baseball 2-Box Only | | Yes. | Reprint of Insert. |
| 11 | 1 | Kabuki Klash | | Yes. | Reprint of Insert. |

PLAYMORE v. SNK
Case No. 02-1107 DOC
NeoGeo Freaks, Las Vegas, NV
Seizure Inventory List

| | | | | | |
|----|---|---------------------------|--|------|----------------------------------------------------|
| 12 | 1 | Galaxy Fight-Box Only | | Yes. | Reprint of Insert. |
| 13 | 1 | Breakers | | Yes. | Reprint of leaflet. |
| 14 | ① | Breakers Revenge | | Yes. | Converted cartridge from arcade to home use. |
| 15 | 1 | Waku Waku Seven | | Yes. | Only leaflet reprint. |
| 16 | 1 | Alpha Mission II-Box Only | | Yes. | Only leaflet reprint. |
| 17 | 1 | Last Resort-Box Only | | Yes. | Only leaflet reprint. |
| 18 | 1 | Andro Dunos-Box Only | | Yes. | Reprint of Insert. |
| 19 | 1 | Ghost Pilots-Box Only | | Yes. | Reprint of Insert. |
| 20 | 1 | The Warlocks of the Fates | | Yes. | Never released. Converted from arcade to home use. |
| 21 | ① | Neo Bomber Man | | Yes. | Converted to home use from arcade. |
| 22 | 1 | Flip Shot | | Yes. | Reprint of Insert. |
| 23 | 1 | Ninja Combat-Box Only | | Yes. | Reprint of Insert. |
| 24 | 1 | Burning Fight-Box Only | | Yes. | Reprint of Insert. |

PLAYMORE v. SNK
Case No. 02-1107 DOC
NeoGeo Freaks, Las Vegas, NV
Seizure Inventory List

| | | | | | |
|----|---|--------------------------------------------------|--|------|----------------------------------------------|
| 25 | ① | Twinkle Star Sprites | | Yes. | Converted from arcade to home use. |
| 26 | 1 | View Point-Box Only | | Yes. | Reprint of Insert. |
| 27 | 1 | Blue's Journey-Box Only | | Yes. | Reprint of Insert. |
| 28 | 1 | Pulstar-Box Only | | Yes. | Reprint of Insert. |
| 29 | 1 | Strikers-1945 Plus | | Yes. | Only leaflet. |
| 30 | ① | World Soccer-96 (Just two Printed Circuit Board) | | Yes. | Converted from arcade to home use. |
| 31 | 1 | King of the Monsters-Box Only | | Yes. | Reprint of Insert. |
| 32 | 1 | The King of Fighters 2000 | | Yes. | Leaflet only. |
| 33 | 1 | Legend of Success/Joe-Box Only | | Yes. | Reprint of Insert. |
| 34 | 1 | Ragbaguard | | Yes. | Leaflet only. |
| 35 | ① | Panic Bomber | | Yes. | Never release for home. Converted cartridge. |
| 36 | ① | Captain Tomaday | | Yes. | Converted from arcade to home use. |
| 37 | 1 | Neo Bomber Man | | Yes. | Reprint of Insert. |
| 38 | 1 | Metal Slug 3- Box Only | | Yes. | Reprint of Insert. |

PLAYMORE v. SNK
Case No. 02-1107 DOC
NeoGeo Freaks, Las Vegas, NV
Seizure Inventory List

| | | | | | |
|------|-----|--------------------------|--|------|-------------------------------------------------------------|
| 39 | 1 | Magician Lord- Box Only | | Yes. | Reprint of Insert. |
| 40 | 1 | NAM 1975- Box Only | | Yes. | Reprint of Insert. |
| 41 | 1 | Cyber LIP- Box Only | | Yes. | Reprint of Insert. |
| 42 | 1 | Trash Rally- Box Only | | Yes. | Reprint of Label. |
| 43 | 1 | Bust-A-Move- Box Only | | Yes. | Reprint of Label. |
| 44 | 1 | Magical Drop 3- Box Only | | Yes. | Reprint of Insert. |
| (45) | 1 | Money Puzzle Exchanger | | Yes. | Never released for home. Converted from arcade to home use. |
| (46) | 5 | Diggerman | | Yes. | Unreleased game. |
| 47 | (1) | Gururin | | Yes. | Never released for home use. Missing PCB. |
| 48 | (2) | Zupapa | | Yes. | Never released for home use. Converted. |

MVS-Cartridges

| ITEM NO. | QTY | DESCRIPTION OF ARTICLES | IS PRODUCT COVERED BY EXHIBIT A OF ORDER? | IS PRODUCT COUNTERFEIT? | IF COUNTERFEIT, WHY? |
|----------|-----|-------------------------|-------------------------------------------|-------------------------|----------------------|
| 1 | 1 | Art of Fighting | | Yes. | Label reprint. |

PLAYMORE v. SNK
Case No. 02-1107 DOC
NeoGeo Freaks, Las Vegas, NV
Seizure Inventory List

| | | | | | |
|----|---|-----------------------|--|------|----------------|
| 2 | 1 | Art of Fighting 3 | | Yes. | Label reprint. |
| 3 | 1 | Baseball Stars 2 | | Yes. | Label reprint. |
| 4 | 1 | Burning Fight | | Yes. | Label reprint. |
| 5 | 1 | Blues Journey | | Yes. | Label reprint. |
| 6 | 1 | Bust-A-Move-Again | | Yes. | Label reprint. |
| 7 | 1 | Breakers Revenge | | Yes. | Label reprint. |
| 8 | 1 | Crossed Swords | | Yes. | Label reprint. |
| 9 | 1 | Cyber Lip | | Yes. | Label reprint. |
| 10 | 2 | Diggerman | | Yes. | Label reprint. |
| 11 | 1 | Fight Fever | | Yes. | Label reprint. |
| 12 | 1 | Fatal Fury Special | | Yes. | Label reprint. |
| 13 | 1 | Ganryu | | Yes. | Label reprint. |
| 14 | 1 | Metal Slug | | Yes. | Label reprint. |
| 15 | 1 | Metal Slug X | | Yes. | Label reprint. |
| 16 | 1 | Metal Slug 2 | | Yes. | Label reprint. |
| 17 | 1 | Mahjong Janshin | | Yes. | Label reprint. |
| 18 | 1 | Master of Syougi | | Yes. | Label reprint. |
| 19 | 3 | Nightmare in the Dark | | Yes. | Label reprint. |
| 20 | 1 | Neo Mr. Do! | | Yes. | Label reprint. |
| 21 | 1 | Nam 1975 | | Yes. | Label reprint. |
| 22 | 1 | Pulstar | | Yes. | Label reprint. |
| 23 | 1 | Pop 'n Bounce | | Yes. | Label reprint. |
| 24 | 1 | Quiz King of Fighters | | Yes. | Label reprint. |

PLAYMORE v. SNK
Case No. 02-1107 DOC
NeoGeo Freaks, Las Vegas, NV
Seizure Inventory List

| | | | | | |
|----|---|------------------|--|------|----------------------|
| 25 | 1 | Robo Army | | Yes. | Label reprint. |
| 26 | 1 | Sengoku 3 | | Yes. | Label reprint. |
| 27 | 1 | Sengoku 2 | | Yes. | Label reprint. |
| 28 | 1 | Sengoku | | Yes. | Label reprint. |
| 29 | 1 | Shock Troopers 2 | | Yes. | Label reprint. |
| 30 | 1 | Shock Troopers | | Yes. | Label reprint. |
| 31 | 1 | Spinmaster | | Yes. | Label reprint. |
| 32 | 1 | The Super Spy | | Yes. | Label reprint. |
| 33 | 1 | Viewpoint | | Yes. | PCB copy reproduced. |
| 34 | 1 | Windjammers | | Yes. | Label reprint. |
| 35 | 1 | Zupapa | | Yes. | Label reprint. |

Home AES

| ITEM NO. | QTY | DESCRIPTION OF ARTICLES | IS PRODUCT COVERED BY EXHIBIT A OF ORDER? | IS PRODUCT COUNTERFEIT? | IF COUNTERFEIT, WHY? |
|----------|-----|-------------------------|-------------------------------------------|-------------------------|---------------------------------------|
| 1 | ① | Bust-A-Move-Again EX | | Yes. | Never released for home use. Reprint. |
| 2 | 2 | The Irritating Maze | | Yes. | Never released. Insert reprint. |
| 3 | 1 | Diggerman | | Yes. | Never released. |
| 4 | ① | Prehistoric Isle | | Yes. | Converted from arcade to home use. |

PLAYMORE v. SNK
Case No. 02-1107 DOC
NeoGeo Freaks, Las Vegas, NV
Seizure Inventory List

| | | | | | |
|----|---|------------------|--|------|----------------------------------------------|
| 10 | 1 | Metal Slug X | | Yes. | Reprint Insert. |
| 11 | 1 | Mutation Nation | | Yes. | Reprint Insert. |
| 12 | 1 | Metal Slug | | Yes. | Never released. For home use. Reprint. |
| 13 | 1 | Bang Bead | | Yes. | Reprint. |
| 14 | 1 | Goal Goal Goal | | Yes. | Reprint. |
| 15 | 1 | Soccer Brawl | | Yes. | Reprint. |
| 16 | 1 | Neo Turf Masters | | Yes. | Reprint. |
| 17 | 1 | Pleasure Goal | | Yes. | Reprint. |
| 18 | 1 | Neo Drift Out | | Yes. | Reprint. |
| 19 | 1 | Over Top | | Yes. | Reprint. |
| 20 | 2 | Stakes Winner | | Yes. | |
| 21 | 1 | Zin Triok | | Yes. | Reprint Insert. |
| 22 | 1 | Zed Blade | | Yes. | Reprint Insert. |
| 23 | 1 | League Bowling | | Yes. | Reprint Insert. |
| 24 | 1 | Eightman | | Yes. | Reprint Insert. |
| 25 | 1 | Crossed Swords | | Yes. | Reprint Insert. |
| 26 | 1 | NeoGeo Cup 98 | | Yes. | Reprint Insert. |
| 27 | 1 | Ganryu | | Yes. | Reprint Insert. |
| 28 | 1 | Puzzle de Don | | Yes. | Reprint Insert. |
| 29 | 1 | Galaxy Fight | | Yes. | Reprint Insert. |
| 30 | 2 | Riding Hero | | Yes. | Reprint Insert. |
| 31 | 3 | Puzzled | | Yes. | Reprint Insert. |

PLAYMORE v. SNK
Case No. 02-1107 DOC
NeoGeo Freaks, Las Vegas, NV
Seizure Inventory List

NeoGeo Leaflets/Inserts

| ITEM NO. | QTY | DESCRIPTION OF ARTICLES | IS PRODUCT COVERED BY EXHIBIT A OF ORDER? | IS PRODUCT COUNTERFEIT? | IF COUNTERFEIT, WHY? |
|-----------------|------------|-----------------------------------|--------------------------------------------------|--------------------------------|-----------------------------|
| 1 | 4 | Pulstar | | Yes. | Reprinted material. |
| 2 | 4 | Zin Trick | | Yes. | Reprinted material. |
| 3 | 3 | Nightmare in the Dark | | Yes. | Reprinted material. |
| 4 | 3 | Bang Bead | | Yes. | Reprinted material. |
| 5 | 5 | Baseball Stars 2 | | Yes. | Reprinted material. |
| 6 | 5 | Blues Journey | | Yes. | Reprinted material. |
| 7 | 5 | Burning Fight | | Yes. | Reprinted material. |
| 8 | 7 | Ganryu | | Yes. | Reprinted material. |
| 9 | 4 | King of the Monsters | | Yes. | Reprinted material. |
| 10 | 5 | The King of Fighters 2000 | | Yes. | Reprinted material. |
| 11 | 5 | The King of Fighters 2000 Manuals | | Yes. | Reprinted material. |