

1 **PETRIE SCHWARTZ LLP**
 2 Irwin B. Schwartz (Bar No. 141140)
 3 John V. Komar (Bar No. 169662)
 4 2033 Gateway Place, Suite 500
 5 San Jose, California 95110
 Telephone: (408) 947-9099
 Facsimile: (408) 947-9001

6 500 Boylston Street
 7 Boston, Massachusetts 02116
 Telephone: (617) 421-1800
 8 Facsimile: (617) 421-1810

9 Counsel for Plaintiff Riverdeep, Inc.

10
 11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 RIVERDEEP, INC., a Limited Liability)
 14 Company, a Delaware limited liability)
 15 company,)

16 Plaintiff,)

Case No.: C05 03741 PJH

17 vs.)

18 **STIPULATED INJUNCTION AND**
 19 **EXPEDITED DISCOVERY ORDER**

20 COMPACT MEDIA, INC. and IVY CHI,)
 21 individually,)

Hon. Phyllis J. Hamilton

22 Defendants.)

23 Plaintiff Riverdeep, Inc., LLC ("Riverdeep") and defendants Compact Media,
 24 Inc. and Ivy Chi ("Chi") (together, "Compact Media") stipulate and respectfully request
 25 that the Court order as follows:

26
 27 1. Riverdeep filed a complaint in this action September 15, 2005 alleging
 28 that Compact Media violated Riverdeep's copyrights by selling Riverdeep's software
 without a license. Riverdeep also alleged breach of contract and unfair business

STIPULATED INJUNCTION AND
DISCOVERY ORDER

Case No.: C05 03741 PJH

practices.

1 2. On September 28, 2005, Riverdeep notified Steven W. Strain, Compact
2 Media's attorney, of Riverdeep's intent to seek a temporary restraining order to halt
3 Compact Media's copyright infringement and also an order for expedited discovery.

4 3. Compact Media has now agreed to a stipulated injunction on the following
5 terms, and has also agreed to provide Riverdeep with certain documents, as follows.

6 4 Compact Media shall not to sell or distribute any Riverdeep software title,
7 with the sole exception of 700 copies of "Learn to Speak Spanish 8" that Compact
8 Media previously purchased from Broderbund.

9 5. Compact Media shall not duplicate or replicate, or cause to have
10 duplicated or replicated, any Riverdeep software title, and shall return to Riverdeep any
11 "gold master" disks for Riverdeep products in its Compact Media's possession, custody,
12 or control. All such gold master disks shall be delivered to counsel for Riverdeep no
13 later than October 5, 2005.

14 6. Compact Media shall produce to counsel for Riverdeep by no later than
15 October 7, 2005 all documents in Compact Media's possession, custody and/or control
16 that :

17 a. identify all sources from which Compact Media obtained Riverdeep
18 software from September 15, 2001 to the present.

19 b. show each date Compact Media acquired Riverdeep software, the source,
20 the titles obtained, including the edition, and the number of units for each title obtained
21 from September 15, 2001 to the present (the "Transaction History").

22 c. identify all of Compact Media's replicators of Riverdeep software from
23 September 15, 2001, to the present.

24 d. identify all transactions between Compact Media and the replicators used
25
26
27
28

1 by Compact Media from December 1, 2001 to the present, including documents
2 identifying the dates of all Compact Media orders for replication of Riverdeep software,
3 the details of each such order, and the volume of discs replicated for each such order.
4

5 e. show each sale by Compact Media of Riverdeep software from
6 September 15, 2001 to the present; and
7

8 f. identify all Riverdeep software in Compact Media's inventory.

9 7. Riverdeep and Compact Media acknowledge that the documents to be
10 produced by Compact Media may reveal that Compact Media is entitled to sell
11 additional Riverdeep software beyond that identified in paragraph 4, above. In that
12 event, Riverdeep and Compact Media agree that this order may be modified by
13 presenting a new stipulation to the court.
14

15 Date: September __, 2005

PETRIE SCHWARTZ, LLP

18 _____
19 Irwin B. Schwartz
20 John V. Komar
21 Counsel for Riverdeep, Inc., LLC

22 Date: September 28, 2005

23 _____
24 _____
25 _____
26 Steven W. Strain
27 Counsel for Compact Media and Ivy Chi

28 SO ORDERED,

by Compact Media from December 1, 2001 to the present, including documents identifying the dates of all Compact Media orders for replication of Riverdeep software, the details of each such order, and the volume of discs replicated for each such order.

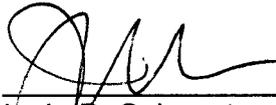
e. show each sale by Compact Media of Riverdeep software from September 15, 2001 to the present; and

f. identify all Riverdeep software in Compact Media's inventory.

7. Riverdeep and Compact Media acknowledge that the documents to be produced by Compact Media may reveal that Compact Media is entitled to sell additional Riverdeep software beyond that identified in paragraph 4, above. In that event, Riverdeep and Compact Media agree that this order may be modified by presenting a new stipulation to the court.

Date: September 28, 2005

PETRIE SCHWARTZ, LLP



Irwin B. Schwartz
John V. Komar
Counsel for Riverdeep, Inc., LLC

Date: September __, 2005

Steven W. Strain
Counsel for Compact Media and Ivy Chi

SO ORDERED,



Hon. Phyllis J. Hamilton.