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9 Attorneys for Plaintiff Regal Capital Incorporated,
 10 a California corporation

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

13 REGAL CAPITAL INCORPORATED, a
 14 California corporation, also doing business as
 15 REGAL HOME ENTERTAINMENT, INC.

16 Plaintiff,

17 vs.

18 KARAOKE DISCOUNT CENTER, a California
 19 corporation; KARAOKE DISCOUNT CENTER
 20 II, INCORPORATED, a California corporation,
 21 doing business as TPD DISCOUNT CENTER;
 22 KARAOKE OUTLET, INCORPORATED, a
 23 California corporation and DOES 1 through 100,
 24 inclusive,

25 Defendants.

Case No.: C 08-04498 SI

**[PROPOSED] AMENDED PRELIMINARY
 INJUNCTION**

Date: October 20, 2008

Time: 10:00 a.m.

Courtroom: 10

The Honorable Judge Susan Illston

26 The above-captioned matter came on for hearing on October 20, 2008, at 10:00 a.m. before the
 27 Honorable Judge Susan Illston, pursuant to a Temporary Restraining Order, Seizure Order and Order
 28 to Show Cause Re: Preliminary Injunction issued on October 2, 2008 ("Order"). Richard J. Idell of
 Idell & Seitel LLP appeared on behalf of Plaintiff REGAL CAPITAL INCORPORATED, a California
 corporation, also doing business as REGAL HOME ENTERTAINMENT, INC. ("Plaintiff"), *no one*
 appeared on behalf of Defendant KARAOKE DISCOUNT CENTER, a California corporation
 ("KARAOKE DISCOUNT"), *no one* appeared on behalf of Defendant KARAOKE DISCOUNT
 CENTER II, INCORPORATED, a California corporation, doing business as TPD DISCOUNT
 CENTER ("KARAOKE DISCOUNT II"), and *no one* appeared on behalf of Defendant KARAOKE

1 OUTLET, INCORPORATED, a California corporation (“KARAOKE OUTLET”).

2 Pursuant to the Order, Defendants KARAOKE DISCOUNT, KARAOKE DISCOUNT II and
3 KARAOKE OUTLET (collectively referred to herein as “Defendants”), were to show cause and file
4 answering papers to the Order to Show Cause Re: Preliminary Injunction no later than October 20,
5 2008.

6 The Court, having reviewed the moving papers and Plaintiff’s Supplemental Brief and Report
7 on Seizure and accompanying Declarations, and having determined that the Defendants have been
8 properly served with process in the above-entitled action, and having determined that the Plaintiff has
9 shown probable success on the merits and irreparable harm if this Order does not issue, and GOOD
10 CAUSE APPEARING THEREFOR:

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

12 (a) During the pendency of this action, Defendants KARAOKE DISCOUNT CENTER, a
13 California corporation; KARAOKE DISCOUNT CENTER II, INCORPORATED, a California
14 corporation, doing business as TPD DISCOUNT CENTER; KARAOKE OUTLET,
15 INCORPORATED, a California corporation and DOES 1 through 100, inclusive, and each of their
16 parent, subsidiary, affiliated and related business entities, and all of the officers, directors,
17 shareholders, members, partners, agents, representatives, servants, confederates, employees, attorneys,
18 successors and assigns of the foregoing, and any and all persons acting in concert or participation with
19 them, and any other persons acting for, with, by, through or under them, who receive actual notice of
20 this Preliminary Injunction, during the pendency of this action and until further order of this Court, are
21 hereby enjoined and restrained from the following:

- 22 (i) Importing, making, manufacturing, copying, marketing, distributing, selling, offering
23 for sale, renting, leasing and/or otherwise trafficking, including but not limited to over
24 the Internet, (“Trafficking”) in Unauthorized Copies of audio-visual content and/or
25 products the copyrights to which are owned or licensed by Plaintiff, whether
26 heretofore released or to be released after date of this Order, (hereinafter collectively
27 referred to as “Plaintiff’s Exclusive Copyrighted Programs”), including but not
28 limited to those programs listed on the Exhibit “A” to the Verified Complaint. The

1 term "Unauthorized Copy" means a copy of Plaintiff's Exclusive Copyrighted
2 Programs which was not authorized and sold by Plaintiff or through Plaintiff's chain
3 of distribution, and includes, but is not limited to, counterfeit copies and/or imports in
4 violation of Plaintiff's exclusive copyright licenses or other interests.

5 (ii) Directly or indirectly infringing the copyrights of Plaintiff in any manner, and from
6 causing, contributing to, or participating in the unauthorized importation, duplication,
7 manufacture, distribution or sale of Plaintiff's Exclusive Copyrighted Programs, and
8 from offering for rent or sale, renting, selling, or otherwise distributing any
9 Unauthorized Copies of Plaintiff's Exclusive Copyrighted Programs, including but
10 not limited to the program titles listed on Exhibit "A" to the Verified Complaint
11 herein, which exhibits are hereby incorporated by reference, and attached hereto as
12 Exhibit "A";

13 (iii) Directly or indirectly using Plaintiff's trademarks, trade names or service marks,
14 including the marks listed in the Verified Complaint as follows: (1) a unique and
15 inherently distinctive mark consisting of a stylized "R," with a crown on top, which is
16 referred to herein as "the Regal Mark," Reg. No. 1,476,660 on the Principal Register of
17 the United States Patent and Trademark Office; (2) a unique and inherently distinctive
18 service mark for "Regal Home Entertainment," Reg. No. 1,797,599 on the Principal
19 Register of the United States Patent and Trademark Office; and (3) a unique and
20 inherently distinctive mark for "Regal Home Video."

21 (iv) Shipping, delivering, holding for sale, distributing, returning, transferring, or otherwise
22 moving or disposing of in any manner videotapes, VCDs, DVDs, laser discs, or other
23 infringing items containing Plaintiff's Exclusive Copyrighted Programs, or bearing
24 Plaintiff's trademarks, or any reproduction, counterfeit, copy, or colorable imitation of
25 the same;

26 (v) Shipping, delivering, holding for sale, distributing, returning, transferring, or otherwise
27 moving or disposing of in any manner any and all boxes, labels, or other merchandise
28 and items, including, but not limited to, recording and duplicating equipment, used in

1 the manufacture and/or distribution of such infringing merchandise; and

2 (vi) Assisting, aiding, or abetting any other person or business entity in engaging in or
3 performing any of the activities referred to in subparagraphs (i) through (v); and

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

5 (b) Defendants, and each of them, are required to deliver to Plaintiff's counsel forthwith
6 any and all such infringing merchandise in their possession, custody, or control for impoundment; and

7 (c) Defendants, and each of them, are required to deliver to Plaintiff's counsel forthwith
8 any and all videotapes, VCDs, DVDs, boxes, labels, or other merchandise and items, including, but not
9 limited to, recording and duplicating equipment, used in the manufacture and/or distribution of such
10 infringing merchandise.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court confirms the
12 seizures made pursuant to this Court's order and during the pendency of this action all articles seized,
13 including, but not limited to, any videotapes, VCDs, DVDs, laser discs, or other infringing articles,
14 boxes, labels, and other infringing merchandise, including, but not limited to, recording and
15 duplicating equipment, used in the manufacture and/or distribution of such infringing merchandise, and
16 shall remain in the custody of Plaintiff's counsel, as substitute custodian.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the bond, which has been
18 filed by the Plaintiffs in the amount of Five Thousand Dollars (\$5,000.00), shall remain the bond on
19 this Preliminary Injunction.

20 IT IS SO ORDERED.



21 Date: _____, 2008

22 Honorable Susan Illston, District Court Judge

23 RESPECTFULLY SUBMITTED BY:

24
25 Dated: October 21, 2008

26 IDELL & SEITEL LLP



27 Richard J. Idell
28 Elizabeth J. Rest
Rosaclaire Baisinger
Attorneys for Plaintiff

Exhibit "A"

TITLE LIST OF REGAL COPYRIGHTED PROGRAMS

Movie Title	Copyright PA #
Aangkinin Ko Ang Lahat	PA 903-003
Abuso, Case No. 6433	PA 868-824
Aishite Imasu	PA 1-276-577
Akala Ko Ikaw Ay Akin	PA 986-216
Akin Ang Puri	PA 822-877
Akin Ka Lamang	PA 987--328
Ako Ba Ang Nasa Puso Mo?	PA 858-469
Ako Legal Wife	PA 1-309-978
Alindog Ng Lahi	PA 986-219
Alyas Big Time	PA 949-044
Anak Ng Dilim	PA 941-914
Ang Boyfriend Kong Pari	PA 991-056
Ang Dalubhasa	PA 986-220
Ang Joker At Ang Pistolero	PA 946-553
Ang Pinaka Mahabang Baba Sa Balat Ng Lupa	PA 867-338
Anghel De La Guardia	PA 1-012-466
Animal	PA 1-238-225
Ano Bang Meron Ka?	PA 1-194-537
Apoy Sa Dibdib Ng Samar	PA 1-349-094
Araw-Araw, Gabi-Gabi	PA 75-505
Ayos Na Ang Kasunod	PA 1-012-464
Babae Sa Bintana	PA 948-538
Babae Sa Bubungang Lata	PA 765-454
Babae Sa Dalampasigan	PA 891-019
Baby Love	PA 722-762
Bahay Kubo	pending
Bahay Ni Lola	PA 1-194-534
Bahay Ni Lola 2	PA 1-288-216
Bahid	PA 1-194-366
Bala Para Sa Katarungan	PA 987-335
Balawis	PA 822-869
Baliktaran	PA 1-000479
Banal	pending
Banatan	PA 950-725
Bandido	PA 881-529
Bangis	PA 772-140
Baril Sa Baril	PA 920-343
Baryoke	PA 1-343-462
Batang Bangketa	pending
Batang Pro	PA 967-007
Batas Ko Ang Katapat Mo	PA 769-097
Batas Ng Lansangan	PA 1-194-538
Bawal	PA 98-973
Bayolente	PA 986-221
Beautiful Life	PA 1-251-832
Bench Understatement	PA 1- 255-108

TITLE LIST OF REGAL COPYRIGHTED PROGRAMS

Best Friends	PA 769-064
Binibining K	PA 1-352-402
Birhen Ng Manaoag	PA 1-288-217
Boy Gising	PA 792-736
Buhawi Jack	PA 920-348
Burger Boys	PA 984-368
Casaverde	PA 931-900
Cobra	PA 866-546
Codename: Bomba	PA 901-276
Costales	PA 751-614
Curacha	PA 903-006
Da Best In Da West 2	PA 839-601
Dahas	PA 782-215
Dalagang Dagat	PA 967-004
Dalaginding	PA 1-201-592
Daniel Eskultor	PA 1-836-653
Delia Maga (Jesus, Pray for Us!)	PA 722-772
Desperadas	pending
Di Ko Kayang Tanggapin	PA 987-326
Diliroyo	PA 874-354
Diskarte	PA 1-194-536
Dumating Ka Lang Ba Para Umalis	PA 987-331
Duwelo	PA 807-547
El Kapitan, Dugo Ng Birhen	PA 987-333
Emong Salvacion	PA 836-210
Enteng En Mokong	PA 903-002
Escobar	PA 699-260
Esperanza	PA 1-005-502
Eternity	PA 1-343-887
Faces of Love	PA 1-597-202
Fidel Jimenez, Magkakasubukan	PA 994-337
Forever My Love	PA 1-265-301
G.R.O.	PA 991-054
Gagamboy	PA 1-219-389
Gagawin Ko Ang Lahat	PA 949-046
Gamu-gamong Dagat	PA 989-974
Ganito Ako Magmahal	PA 991-057
Garapal	PA 1-012-461
Gatilyo	PA 967-509
Gigil	PA 1-343-460
Ging Gang Gooley Giddyap, I Love You Daddy	VA 647-007
Go Johnny Go	PA 868-963
Hangga't Kaya Kong Lumaban	PA 977-431
Happily Ever After	PA 1-304-646
Happy Hearts	PA 1-390-331
Haragan	PA 877-627
Hari Ng Sablay	PA 1-309-974
Hatiin Natin Ang Ligaya	PA 1-000-476
Hayop Sa Porma	PA 1-288-215
Hey Babe	PA 984-369
Hide & Seek	PA 1-597-106
Higit Pa Sa Buhay Ko	PA 984-365

TITLE LIST OF REGAL COPYRIGHTED PROGRAMS

Hilig Ng Katawan	PA 977-429
Hinahanap-Hanap Kita	PA 946-555
Hindi Magbabago	PA 736-467
Hipag	PA 977-433
Hiram	PA 1-207-170
Homecoming	PA 1-304-642
Hubad Sa Ilalim Ng Buwan	PA 994-343
Hubog	PA 1-194-535
Huling Sagupaan	PA 822-876
Huling Sayaw	PA 868-962
Huwag Mo Nang Itanong	PA 848-674
Huwag Na Huwag Kang Lalapit Darling	PA 924-618
Huwag Po Huwag Po	PA 1-001-304
I Think I'm In Love	PA 1-194-533
I Will Always Love You	PA 1-318-407
I Will Survive	PA 1-238-223
Ibibigay Ko Ang Lahat	PA 967-456
Ibulong Mo Sa Diyos	PA 870-797
Ikaw Lang Ang Mamahalin (Camiguin)	PA 701-900
Ikaw Pa, Eh Love Kita	PA 708-184
Impakto	PA 791-305
Init Ng Laman	PA 946-552
Init Sa Tag-ulan	PA 827-223
Ispiritista	PA 1-296-575
Istokwa	PA 820-740
Jacob	PA 850-691
Junior Quiapo	PA 788-706
Kahit Harangan Ng Bala	PA 758-684
Kahit Hindi Turuan Ang Puso	PA 949-051
Kahit Kailan	PA 836-212
Kahit Mabuhay Kang Muli	PA 915-935
Kahit Minsan Lang	PA 913-740
Kahit Pader Gigibain Ko	PA 891-020
Kailanman	PA 772-139
Kalabit	PA 1-201-590
Kamay Ni Eva	PA 788-710
Kanang Kamay	PA 950-730
Kapag Kumulo Ang Dugo	PA 991-055
Kapag Tumibok Ang Puso	PA 1-373-103
Kargado	PA 920-345
Karibal	PA 1-238-224
Kasangga Mo Ako Hanggang Sa Huling Laban	PA 871-636
Katrina Halili's Fantasies	PA 1-351-170
Kerida	PA 1-207-171
Kirot Sa Puso	PA 913-742
Kriminal Ng Baryo Concepcion	PA 465-456
Kulayan Natin Ang Bukas	PA 903-004
Kung Alam Mo Lang	PA 812-041
Kung Marunong Kang Magdasal, Umpisahan Mo Na	PA 827-224
Kuya	PA 1-216-907
Lagot Ka Sa Kuya Ko	PA 1-332-573
Lamat	PA 1-304-648

TITLE LIST OF REGAL COPYRIGHTED PROGRAMS

Langit Sa Piling Mo	PA 850-433
Let The Love Begin	PA 1-340-880
Ligaw Liham	PA 1-592-665
Ligaw Na Bala	PA 848-675
Lipstik	PA 1-309-977
Live Show	PA 1-194-532
Lovestruck	PA 1-303-025
Luksong Tinik	PA 788-707
Magagandang Hayop	PA 984-367
Magkaagaw	PA 967-457
Mahal Kita Walang Iwanan	PA 987-334
Mainit Na Bala	PA 924-548
Makamandag Na Bala	PA 1-001-305
Mama Dito Sa Aking Puso	PA 860-307
Manananggal In Manila	PA 839-596
Manay Po	PA 1-349-093
Manay Po 2	pending
Mano Mano 3	PA 1-251-831
Mano Po	PA 1-191-052
Mano Po 2	PA 1-219-388
Mano Po 3	PA 1-276-582
Mano Po 5	PA 1-368-665
Mapusok	PA 984-366
Markado	PA 966-993
Masikip Masakit Mahapdi	PA 989-976
Matang Agila	PA 836-652
Medrano	PA 822-875
Message Sent	PA 1-217-899
Metlogs	pending
Mga Batang Bangketa	PA 1-341-065
Minsan Ko Lang Sasabihin	PA 1-012-465
Minsan Lamang Magmamahal	PA 851-387
Minsan May Isang Puso	PA 1-194-531
Minsan, Minahal Kita	PA 987-329
Mister Mo, Lover Ko	PA 1-000-481
Most Wanted	PA 1-012-830
Mulawin	PA 1-318-406
My Bestfriend's Girlfriend	pending
My Kuya's Wedding	pending
Nadine Schmidt: Pinoy Sex Video Fantasies	PA 1-315-908
Nag-aapoy Na Laman	PA 994-341
Nag-iinit Na Damdamin	PA 989-975
Naglalayag	PA 1-264-311
Nakaw Na Sandali	PA 862-893
Nakawin Mo Ang Aking Puso	PA 850-692
Nanggigigil Ako Sa Iyong... Kagandahan	PA 913-741
Nasaan Ang Puso	PA 879-246
Nasaan Ka Nang Kailangan Kita	PA 826-542
Nikilado	PA 788-711
No Read, No Write... Pero Wais!	PA 881-504
Okey Ka Pare Ko	PA 1-304-647
Once In A Blue Moon	PA 1-332-574

1. THE LIST OF REGAL COPYRIGHTED PROGRAMS

Paano Kung Wala Ka Na	PA 847-565
Pahiram Kahit Sandali	PA 924-545
Pakisabi Na Lang Mahal Ko Siya	PA 1-194-539
Pakners	PA 1-207-169
Pakners	PA 848-673
Palaban	PA 1-001-303
Pamahiin	PA 1-341-064
Pangarap Ng Puso	PA 1-012-467
Pares-Pares Trip Ng Puso	PA 931-902
Pasasabugin Ko Ang Mundo	PA 1-012-462
Pa-Siyam	PA 1-304-645
Pedrong Palad	PA 1-000-477
Pempe Ni Sara At Pen	PA 699-262
Pepeng Agimat	PA 986-218
Pera O Bayong	PA 1-012-463
Phone Sex	PA 967-512
Pila Balde	PA 967-458
Prosti	PA 1-207-570
Pulis Probinsya 2	PA 769-061
Raket Ni Nanay	pending
Rampadora	PA 1-199-525
Red Diaries	PA 1-294-530
Rekados	pending
Rollerboys	PA 722-917
Romano Sagrado	PA 676-191
Rome & Juliet	pending
Sa Kabilugan Ng Buwan	PA 925-189
Sa Kamay Ng Batas	PA 793-601
Sa Ngalan Ng Pag-Ibig	PA 751-605
Sa Paraiso Ni Efren	PA 991-053
Sa Piling Ng Aswang	PA 986-214
Sa Piling Ng Iba	PA 987-325
Sa Piling Ng Mga Belyas	PA 1-201-595
Sa 'Yo Lamang	PA 703-872
Saan Nagtatago Si Happiness	pending
Sabado Ng Gabi, Linggo Ng Umaga	PA 967-005
Sabel	PA 1-233-178
Sagad Sa Init	PA 920-346
Sagot Ko Ang Buhay Mo	PA 1-000-478
Saksi Driver	PA 1-309-813
Salawahang Damdamin	PA 920-347
Sambahin Ang Ngalan Mo	PA 756-518
Sana... Pag-Ibig Na	PA 765-457
Sanib	PA 1-201-727
Sarraza	PA 872-237
Say That You Love Me	PA 1-304-643
Selda 14	PA 950-734
Seroks	pending
Seth Corteza	PA 796-933
Seventeen... So Kaka!	PA 977-432
Sex Scandal	PA 1-199-518
Sgt. Larry Layar	PA 946-550

T. LIST OF REGAL COPYRIGHTED PROGRAMS

Shake Rattle & Roll 5	PA 736-457
Shake Rattle & Roll 6	PA 848-676
Shake Rattle & Roll 9	pending
Shake, Rattle & Roll 2K5	PA 1-318-408
Shake, Rattle & Roll 8	PA 1-368-654
Shame	PA 987-327
Sigaw	PA 1-279-214
Sige, Subukan Mo	PA 913-739
Singles	PA 1-238-226
Sisa	PA 949-042
Sizzling Sex Scenes 1	pending
Sizzling Sex Scenes 2	PA 1-312-217
Sizzling Sex Scenes 3	PA 1-341-062
So Happy Together	PA 1-275-624
Super Noypi	PA 1-370-674
Super Ranger Kids	PA 867-337
Suspek	PA 984-364
Tagos Sa Laman	PA 782-216
Taguan	PA 791-306
Talamak	PA 1-288-184
Tar-san	PA 987-332
Tatapatan Ko Ang Lakas Mo	PA 948-541
Tatlong Kasalanan	PA 788-709
Terrorist Hunter	PA 1-341-063
Testigo	PA 1-012-460
The Marita Gonzaga Story	PA 782-226
The Promise	PA 1-385-414
Tiyanaks	PA 1-589-601
Tugatog	PA 1-001-306
Tunay Na Mahal	PA 1-000-480
TXT	PA 1-366-903
U Belt	PA 1-219-439
Uno	PA 1-340-879
Vampira	VAU 314-182
Walang Katumbas Ang Dugo	PA 915-930
Wang Wang (Buhay Bombero)	PA 871-638
Weder Weder	PA 989-977
White Lady	PA 1-369-968
Wow, Multo!	PA 839-602
Xerex	PA 1-199-288
Yamashita	PA 1-201-753
Yes, Darling	PA 841-249
Zsa Zsa Zaturannah	PA 1-376-186

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel, LLP 465 California Street, Suite 300, San Francisco, California 94104.

On October 21, 2008, I served the following document(s):

[PROPOSED] AMENDED PRELIMINARY INJUNCTION

by regular **UNITED STATES MAIL** by placing a true and correct copy in a sealed envelope addressed as shown below. I am readily familiar with the practice of Idell & Seitel LLP for collection and processing of correspondence for mailing. According to that practice, items are deposited with the United States Postal Service at San Francisco, California on that same day with postage thereon fully prepaid. I am aware that, on motion of the party served, service is presumed invalid if the postal cancellation date or the postage meter date is more than one day after the date of deposit for mailing stated in this affidavit.

KARAOKE OUTLET
Attn: Phillip Sing Lam
707 East March Lane, Unit 6
Stockton, California, 94207

KARAOKE DISCOUNT CENTER I
Attn: Howard Kien B. Oum
1419 24th Avenue
San Francisco, CA 94122

KARAOKE DISCOUNT CENTER II,
INCORPORATED, doing business as TPD
DISCOUNT CENTER
Attn: Phuong Toan Nguyen
6291 Jarvis Ave.
Newark, California, 94560

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and I executed this declaration at San Francisco, California.



Beth McFarland