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11 KONAMI DIGITAL ENTERTAINMENT, INC.  
12 and KONAMI CORPORATION

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA

15 KONAMI DIGITAL  
16 ENTERTAINMENT, INC. and  
17 KONAMI CORPORATION,  
18  
19 Plaintiffs,

20 v.

21 VINTAGE SPORTS CARDS INC.;  
22 THE UPPER DECK COMPANY, a  
23 California Corporation; THE UPPER  
24 DECK COMPANY, a Nevada  
25 Corporation; and DOES 3 – 10,  
26 inclusive,

27 Defendants.

No. CV 08-06630 VBF PJWx

**ORDER GRANTING  
PRELIMINARY INJUNCTION  
AGAINST THE UPPER DECK  
COMPANY**

Date: February 11, 2009  
Time: 3:00 p.m.  
Courtroom: 9

Action Filed: October 8, 2008

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1 This matter is before the Court on plaintiffs Konami Digital Entertainment,  
2 Inc. and Konami Corporation's (together, "Konami") Renewed Motion for a  
3 Preliminary Injunction against defendants The Upper Deck Company, a California  
4 corporation, and The Upper Deck Company, a Nevada corporation (together,  
5 "Upper Deck").

6 The Court, having reviewed the First Amended Complaint, the briefs and  
7 evidence submitted by the parties, and the argument of counsel, and finding  
8 Konami's motion to be well-taken, IT IS HEREBY ORDERED THAT:

9 1. Until the conclusion of the litigation or further order of the Court,  
10 Upper Deck, its partners, officers, directors, employees, agents, and representatives  
11 and all persons, firms and corporations in active concert or participation with any of  
12 them, are enjoined from:

13 a. Using, displaying or reproducing Konami's trademarks or any  
14 copyrighted drawings, artwork or text from the Yu-Gi-Oh! Trading Card Game  
15 ("Yu-Gi-Oh! TCG") in connection with the distribution, promotion, advertising,  
16 offering for sale or sale of any Yu-Gi-Oh! TCG products, including through  
17 postings on Upper Deck's websites and in any other advertising or promotional  
18 material for the Yu-Gi-Oh! TCG;

19 b. Promoting or holding itself out to members of the public as an  
20 authorized distributor or rights-holder to the Yu-Gi-Oh! TCG, or referring to the  
21 Yu-Gi-Oh! TCG as one of Upper Deck's brands; and

22 c. Offering for sale, selling or otherwise distributing without  
23 Konami's authorization any Yu-Gi-Oh! TCG products that were authorized to be  
24 printed by Konami, and that were provided by Konami to Upper Deck, prior to the  
25 notice of termination of the distribution agreement between Konami and Upper  
26 Deck on December 11, 2008, other than authorized products in Upper Deck's actual  
27 possession that were paid for by customers prior to December 11, 2008.  
28

1           2.     Upper Deck, its partners, officers, directors, employees, agents, and  
2 representatives and all persons, firms and corporations in active concert or  
3 participation with any of them, are further ordered to return to Konami, via its  
4 attorneys of record, all computer files, disks, card files, card packages, Yu-Gi-Oh!  
5 TCG plates, card databases, promotional cards, and other materials that contain  
6 Konami's trademarks or copyrighted works from Yu-Gi-Oh! TCG and are being  
7 used, or were used, in connection with the promotion of Yu-Gi-Oh! TCG  
8 products.\*\*

9  
10           February 26, 2009

*Valerie Baker Fairbank*

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The Hon. Valerie Baker Fairbank  
United States District Judge

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12  
13           \*\*This order is conditioned on Plaintiff's posting a security in the amount of seven  
14 hundred thousand dollars (\$700,000).  
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1 January 21, 2009

2 Respectfully submitted,

3 MORRISON & FOERSTER LLP

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5 By:           /s/ Anthony L. Press            
6       Anthony L. Press

7       Attorneys for Plaintiffs  
8       KONAMI DIGITAL  
9       ENTERTAINMENT, INC. and  
10       KONAMI CORPORATION

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