

**Procopio  
Cory  
Hargreaves  
& Savitch**

530 B Street • Suite 2100 • San Diego • California 92101-4469  
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LLP

Founded 1946

Jacob C. Reimbolt  
Direct Dial 619/525-3858  
Internet: jcr@procopio.com

October 23, 2002

VIA FEDERAL EXPRESS

OCT 24 2002

Library of Congress  
Department 100  
101 Independence Avenue, S.E.  
Washington, D.C. 20540-6000

**Re: Request for Special Handling for Copyright Application**  
**Title of Work: Bikram's Asana Sequence**

Ladies and Gentlemen:

On behalf of our client, Mr. Bikram Choudhury, we request special handling for the enclosed Copyright Registration Form PA.

The copyrightable performing arts work contained in the enclosed deposit material (a videotape) referenced in this Form PA (the "Work") is the subject of actual infringement by Kim Schreiber-Morrison and Mark Morrison. Mr. Choudhury must immediately obtain a copyright registration for the Work in that those persons are using the work without consent and profiting therefrom. The registration is necessary as part of pending litigation in the United States District Court for the Central District of California entitled Bikram Choudhury, et al. vs. Kim Schreiber-Morrison, et al., Case No. SA02-565 DOC(ANX).

I certify the information above to be true and correct, to the best of my knowledge.

Enclosed are the following items:

1. A copy of the Form PA for Bikram's Asana Sequence; and
2. Two (2) copies of the deposit materials, which deposit materials consist of a videotape.

You are authorized to charge our Deposit Account referenced on the Form PA for payment of the \$30 registration fee, the ~~\$500~~ special handling fee, and any other necessary fees.  
# 580

110098.000000/329828.01

**EXHIBIT 2**

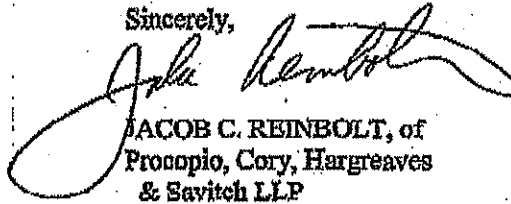
LAW OFFICES OF  
PROCOPIO, CORY, HARGREAVES & SAVITCH, LLP

Library of Congress  
Department 100  
October 23, 2002  
Page 2

Please process the enclosed Form PA, and return the Certificate of Registration to this office using the enclosed self-addressed Federal Express packaging. The Federal Express mailing label contains our billing number and therefore is fully paid.

Thank you, in advance, for your prompt attention to this request for special handling.

Sincerely,



JACOB C. REINBOLT, of  
Procopio, Cory, Hargreaves  
& Savitch LLP

JCR:pdn  
Enclosures

cc: Mr. Bikram Choudhury (w/encs.)  
Mr. James M. Kallett (w/encs.)

110098.000000/329528.01

**EXHIBIT 2**

Copyright Office fees are subject to change.  
 For current fee website at www Copyright Office, or

128641472



**FORM PA**  
 For a Work of the Performing Arts  
 UNITED STATES COPYRIGHT OFFICE  
 REGISTRATION NUMBER

PA PAI  
 EFFECTIVE DATE OF REGISTRATION

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

**TITLE OF THIS WORK** ▼

Bikram's Asana Sequence

**PREVIOUS OR ALTERNATIVE TITLES** ▼

**NATURE OF THIS WORK** ▼ See instructions

2

**a NAME OF AUTHOR** ▼

Bikram Choudhury

**DATES OF BIRTH AND DEATH**

Year Born ▼ Year Died ▼

1946

**Was this contribution to the work a "work made for hire"?**

Yes  
 No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country  
 OR Citizen of USA  
 Domiciled in \_\_\_\_\_

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous?  Yes  No  
 Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼

**b NAME OF AUTHOR** ▼

Selection and arrangement

**DATES OF BIRTH AND DEATH**

Year Born ▼ Year Died ▼

**Was this contribution to the work a "work made for hire"?**

Yes  
 No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country  
 OR Citizen of \_\_\_\_\_  
 Domiciled in \_\_\_\_\_

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous?  Yes  No  
 Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼

**c NAME OF AUTHOR** ▼

Selection and arrangement

**DATES OF BIRTH AND DEATH**

Year Born ▼ Year Died ▼

**Was this contribution to the work a "work made for hire"?**

Yes  
 No

**AUTHOR'S NATIONALITY OR DOMICILE**

Name of Country  
 OR Citizen of \_\_\_\_\_  
 Domiciled in \_\_\_\_\_

**WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK**

Anonymous?  Yes  No  
 Pseudonymous?  Yes  No

If the answer to either of these questions is "Yes," see detailed instructions.

**NATURE OF AUTHORSHIP** Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

**a YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED**

1965

**b DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK**

Complete this information ONLY if this work has been published. Months JUNE Day 7 Year 1994

4

**COPYRIGHT CLAIMANT(S)** Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Bikram Choudhury  
 1862 S. La Cienega Boulevard, Los Angeles, CA 90035

**TRANSFER** If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED  
DEC 24 2002  
 ONE DEPOSIT RECEIVED  
 TWO DEPOSITS RECEIVED  
OCT 24 2002  
 FUNDS RECEIVED

**MORE ON BACK** ▶ • Complete all applicable spaces (numbers 2-4) on the reverse side of this page.  
 • See detailed instructions. • Sign the form at the end.

DO NOT WRITE HERE

Page 1 of 1 **EXHIBIT 2**

EXAMINED BY \_\_\_\_\_ FORM PA  
 CHECKED BY \_\_\_\_\_  
 CORRESPONDENCE  
 Yes \_\_\_\_\_  
 FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

**PREVIOUS REGISTRATION** Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?  
 Yes  No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)  If your answer is No, do not check box A, B, or C.  
 a.  This is the first published edition of a work previously registered in unpublished form.  
 b.  This is the first application submitted by the author as copyright claimant.  
 c.  This is a changed version of the work, as shown by space 6 on this application.  
 If your answer is "Yes," give: Previous Registration Number  Year of Registration

5

**DERIVATIVE WORK OR COMPILATION** Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.  
 Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.  
 Public domain assets

a 6

**Material Added to This Work** Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.  
 Selection, arrangement, and ordering of physical movements

b

**DEPOSIT ACCOUNT** If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.  
 Name  Account Number

Procopio, Cory, Hargreaves & Savitch LLP DA0901024

a 7

**CORRESPONDENCE** Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP

Jacob C. Reinbolt  
 Procopio, Cory, Hargreaves & Savitch LLP  
 530 B Street, Suite 2100, San Diego, CA 92101

b

Area code and daytime telephone number ( 619 ) 238-1900 FAX number ( 619 ) 235-0395  
 Email jon@procopio.com

**CERTIFICATION** I, the undersigned, hereby certify that I am the

- Check only one  author  
 other copyright claimant  
 owner of exclusive right(s)  
 authorized agent of

8

Name of author or other copyright claimant, or owner of exclusive right(s)   
 of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date  If this application gives a date of publication in space 3, do not sign and submit it before that date.

Bikram Choudhury Date October 2<sup>nd</sup>, 2002

Handwritten signature (s)

*Bikram Choudhury*

Certificate will be mailed in window envelope to this address:

Name  Procopio, Cory, Hargreaves & Savitch LLP - ICR  
 Number/Street/Apt.  530 B Street, Suite 2100  
 City/State/ZIP  San Diego, CA 92101

**MAIL SLIP**  
 • Complete all necessary spaces  
 • Sign your application in space 8  
**SEND ALL 3 CLAIMANTS IN THE SAME PACKAGE.**  
 1. Application form  
 2. Non-refundable filing fee (in check or money order payable to Registrar of Copyrights)  
 3. Deposit material  
**MAIL TO:**  
 Library of Congress  
 Copyright Office  
 105 Independence Avenue, S.E.  
 Washington, D.C. 20540-4000

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\*17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

COPYRIGHT  
OFFICE

JH/kd-d

**FILE COPY**

October 28, 2002



**PROCOPIO CORY HARGREAVES & SEVITCH LLP**  
**ATTN: JACOB REINBOLT**  
**530 B STREET SUITE 2100**  
**SAN DIEGO CA 92101**

Control Number: 81-211-9880(P)  
Re: **BIKRAM'S ASANA SEQUENCE**

Dear Mr. Reinbolt:

LIBRARY  
OF  
CONGRESS

We are delaying registration because of questions about the publication of this work and the videotape which was deposited.

We received applications stating that this compilation of exercises was created in 1965 and first published in 1994. The videotapes we received were apparently recorded on October 16, 2002. It appears that the videotapes we received are not the published edition.

Washington  
D.C.  
20559-6000

For registration of work published on film or videotape, one copy of the best edition should be deposited along with a separate written description of the nature and contents of the videotape. To be "published," the compilation must be fixed and copies must have been distributed to the public or offered for further distribution. For example, teaching a yoga routine to classes or performing that combination of movements does not publish the compilation for copyright purposes.

Please send us one copy of the published edition. Or, if this compilation has not been published, please send us a new application omitting the publication space 3b.

Please also verify the year date when this particular compilation of exercises was created. For copyright registration purposes, the creation date is when the compilation was fixed in either a motion picture (film or videotape) or a written copy (text or dance notation). If your current application does not give the correct creation year date, please correct that information on a new application at space 3a.

Because of the considerable span of years between the creation date and the publication date given on your application, please explain whether this specific compilation has been faithfully reproduced in the published edition as well as the videotape we received.

In either case, please also send us the required written description of the nature and contents of the videotape, for example, a synopsis, press kit, or shooting script.

**EXHIBIT 2**

-2-

PROCOPIO CORY HARGREAVES & SEVITCH LLP  
SAN DIEGO CA 92101

Control No. 81-211-9880(P)  
October 28, 2002

Possibly you meant to suggest that the concept for such an approach to this yoga routine was first created in 1965. The concept or idea for a particular manner or style of exercise is not registrable and the application should not refer to it either directly or indirectly. See the enclosed circulars and leaflets for more information about "publication" as well as the limits of copyright protection.

If you have questions or need assistance, I can be reached at (202) 707-1948.

To insure that your reply is given the appropriate special attention, it is very important that you use *only* the following address:

Library of Congress  
Department 100, SPECIAL HANDLING  
101 Independence Ave., SE  
Washington, DC 20540

A pre-printed label is enclosed for your use.

When you reply, please return the enclosed Reply Sheet referring to our Control Number.

**Note:** The Copyright Office is still experiencing some delays in processing mail sent through the U.S. Postal Service, as a result of a disruption in mail service earlier in the year due to concerns about anthrax. U.S. Postal Service mail delivery is improving. Shipments by private carriers, such as Fedex, UPS, DHL, and Airborne Express, generally arrive without delay.

Sincerely,

James Holloway, Senior Examiner  
Performing Arts Section

Enclosures:  
Special Handling label  
Copy of appl.  
Form PA  
Circulars 31, 34  
MP Publication Leaflet  
Reply Sheet

Please do not send another fee unless this letter specifically requested that you do so.

**EXHIBIT 2**

PHONE NOTE

7 EXHIBIT: James Holloway  
CONVERSION: Alyson Swire, MD, 2001 Reinbolt

DATE: November 26, 2002

OF: Procopio, Cory, Hargreaves & Savitch LLP

PHONE NO.: 619 525-3868

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2011 Google

SUMMARY OF CALL

This was the second of two conversations. I had asked for the file in order to speak accurately about this case.

Mr. Reinbolt explained that the creation date is correct for this sequence of yoga movements and that the author has based his career on this particular compilation, teaching other yoga teachers as shown on the videotape deposited.

He explained that the compilation was first fixed in text form, published in a book, and duly registered in the C.O. under TX 179-160 in 1979. Now he wants a registration which states a claim in "compilation and arrangement of movements." He explained that the ownership of the rights in the compilation and the book are the same. He would prefer a new, basic registration because of impending legal action.

In consultation with Linda Gill (PA Section Head) after the telephone call, we agreed that the appropriate and correct means to show Mr. Choudhury's claim in the compilation was a supplemental registration on Form CA. First, the ownership of the compilation and the text is the same. Secondly, the compilation and the text are inseparable elements, unlike songs which contain words and music or a children's book which contains both text and artwork.

Also, Mr. Reinbolt should be made aware that ~~the original registration's EDR probably pre-dates the infringing action, and that~~ the additional benefits of Sections 411 and 412 are secured because the registration was timely.

*(irrelevant to our letter & not our place to bring this up)*

EXHIBIT 2

COPYRIGHT OFFICE

JH/rij-d

File Copy

November 27, 2002



PROCOPIO CORY HARGREAVES AND SAVITCH  
ATTN: JACOB C REINBOLT  
530 B STREET SUITE 2100  
SAN DIEGO CALIFORNIA 92101-4469

Control Number: 81-211-9880(P)  
Re: BIKRAM'S ASANA SEQUENCE

Dear Mr. Reinbolt:

LIBRARY OF CONGRESS

This letter follows recent telephone conversations in which you explained that the videotape deposit we received is not the published edition of the work being claimed. The basis of your registration is the compilation of exercises shown on the videotape. This compilation, you explained, was fixed in text form and published early in 1979 as "Bikram's Beginning Yoga Class." The copyright claim was registered in this Office under number TX 179-160 and it names Bikram Choudhury as author and claimant.

Washington D.C. 20559-6000

In our conversation, you said that you thought it was necessary to have a registration on Form PA for the compilation of exercises in order to pursue legal action because of the type of authorship being claimed. This is not the case. As a practical matter, a claim in any copyrightable work of authorship may be registered on any standard form with the exception of sound recordings and certain special categories (e.g. vessel hulls and mask works).

You also said that the ownership of the copyright in the compilation was the same as the ownership of the book. Given the previous registration's unlimited claim in text and the fact that the compilation and the text in which the compilation is fixed are owned by the same claimant and are inseparable elements, an additional basic registration is not appropriate. You may, however, further refine the basic registration made in 1979 by adding the term "compilation of exercises" or "selection and arrangement of exercises" to the nature of authorship line of the basic registration by using a Form CA.

This supplemental registration will augment but not supercede the previous registration, and a supplemental registration will not stand on its own apart from the basic registration. We will cross-reference the supplemental registration to the original registration only if the CA is signed by the claimant named on the original or that claimant's authorized agent. Moreover, there is no deposit requirement for Form CA. This is because the work has already been deposited with the original registration, and the purpose of the CA application is to augment or correct information given on the application. See Circular 8.

The filing fee for Form CA is \$100. We can apply the current \$30 filing fee towards the CA and the remaining \$70 would be drawn from your deposit account when we

EXHIBIT 2



-2-

PROCOPIO CORY HARGREAVES AND SAVITCH  
SAN DIEGO CALIFORNIA 92101-4469

Control No. 81-211-9880(P)  
November 27, 2002

receive the CA application.

*Thus is  
current law,  
unclear if  
it would apply  
to old law.  
JH*

We would like to point out the benefit of using the 1979 registration *with a 2002* supplemental registration as the foundation of your client's claim. The additional benefits described in sections 410 through 412 of the copyright law apply to the original claim. The court would grant *prima facie* status to the facts given on that application because registration was made within the first five years of publication. Because the original registration was filed within the first three months of publication, and the ability to pursue court costs and attorneys' fees would be preserved.

Therefore, we are filing the application Form PA and the videotapes you sent without action. If you want to augment the previous registration, please send Form CA and authorize us to draw the remaining fees from your deposit account. If you want to appeal this action, however, you may write a formal appeal as we discussed in our telephone conversation giving your reasons why this claim should be reconsidered. See the enclosed Appeals leaflet.

To insure that your reply is given the appropriate special attention, it is very important that you use *only* the following address:

Library of Congress  
Department 100, SPECIAL HANDLING  
101 Independence Ave., SE  
Washington, DC 20540

A pre-printed label is enclosed for your use.

When you reply, please return the enclosed Reply Sheet referring to our Control Number.

**Note:** The Copyright Office is still experiencing some delays in processing mail sent through the U.S. Postal Service, as a result of a disruption in mail service earlier in the year due to concerns about anthrax. U.S. Postal Service mail delivery is improving. Shipments by private carriers, such as Fedex, UPS, DHL, and Airborne Express, generally arrive without delay.

Sincerely,

James Holloway, Senior Examiner  
Performing Arts Section

Enclosures:  
Special Handling Label  
Form CA  
Circulars 4, 8  
SL 4a Appeals Leaflet  
USC 17 Sec 410-41

*Reply sheet*

**EXHIBIT 2**



**Fax Transmission**  
**Examining Division**  
**U. S. Copyright Office**

**To:** Jacob Reinbolt  
Procopio, Cory, Hargreaves & Savitch LLP  
Fax number: 619/ 235-0398

Date: November 27, 2002

**From:** James Holloway  
Senior Examiner, Performing Arts Section  
Fax number: 202-707-1236  
Phone number: 202-707-1948

**Re:** BIKRAM'S ASANA SEQUENCE

MESSAGE

Dear Mr. Reinbolt:

I consulted the head of the Performing Arts Section (Linda Gill) about this case and she came to the same conclusion we discussed. A supplemental registration on Form CA is the appropriate means to show your client's claim in our records and we would not accept another basic registration. She also pointed out the additional benefits of using the 1979 registration as a foundation of your client's claim, and you will find them in sections 410-412 of the statute.

The reference to "inseparability" in the third paragraph of my letter bears a little more explanation. Yes, the compilation of movements may be fixed in different formats such as text or videotape, but the form in which it was presented to us for registration was text. Unlike a song with easily separable words and music, the text and the compilation of movements described by the words are inseparable, rather like a musical arrangement (orchestration, harmonization) where the arrangement cannot be separated from the music on which it is based.

Sincerely,

James Holloway

*P.S. I received your message about the gymnastic floor exercise. I believe I mis-spoke in our earlier conversation - we do not register such claims as choreography, but rather a compilation of floor exercises.*

Library of Congress • Copyright Office • 101 Independence Ave., SE • Washington, DC 20559-6000

*Hard copy to follow with enclosures.*

Page 1 of 4

**EXHIBIT 2**