

Appeals No. 09-15932 and 09-16044

In the
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MDY INDUSTRIES LLC AND MICHAEL DONNELLY.,
Plaintiffs-Appellants,

v.

BLIZZARD ENTERTAINMENT, INC. AND VIVENDI GAMES, INC.,
Defendants-Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT,
DISTRICT OF ARIZONA
CASE NO. 06 CIV. 2555
JUDGE DAVID G. CAMPBELL

**APPELLANTS' OPPOSITION TO AMICUS SOFTWARE &
INFORMATION INDUSTRY ASSOCIATION'S MOTION FOR TWO-
WEEK EXTENSION TO SUBMIT AMICUS BRIEF**

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Appellants MDY Industries LLC and Michael Donnelly oppose the motion *Amicus Curiae* Software & Information Industry Association (“SIIA”) filed requesting a two-week extension to file its amicus brief on November 20, 2009.

The two attorneys who represent the appellants will be taking vacation during the week of Thanksgiving (November 23-29) and after December 7 through the Christmas holiday. Considering that the appellants must not only: (1) reply to the appellee’s response brief; (2) file a response to the appellee’s cross appeal; and (3) file a response to three amicus briefs all by December 7, there simply will not be sufficient time for the appellants to respond to SIIA’s amicus brief if it is received later than November 13 – a date that was already extended one week by stipulation between the appellants and the two other amici. If the Court extends the deadline for SIIA to file its amicus brief by an additional week, the Court will place an even greater burden on the appellants’ counsel to respond to an already large volume of materials.

The appellants understand the concerns raised by SIIA. But the appellants request that the Court deny SIIA’s motion, and in the alternative, grant no more than a one-week extension, which is a sufficient amount of time already stipulated to by the appellants and the other amici.

Respectfully submitted this 4th day of November 2009,

s/Lance C. Venable/ /
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CERTIFICATE OF SERVICE

- ☒ I hereby certify that on November 4, 2009, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all registrants of the CM/ECF system for this caes.

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- ☒ I hereby certify that on November 4, 2009, I served the attached document by ELECTRONIC MAIL on the following, who are not registered participants of the CM/ECF System:

| Name | Physical or Email Address |
|---------------------|---------------------------|
| Scott E. Bain, Esq. | sbain@siia.net |

s/ Lance C. Venable