

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

NOV 04 2009

MOLLY C. DWYER, CLERK OF COURT  
U.S. COURT OF APPEALS

MDY INDUSTRIES, LLC,  
  
Plaintiff-counter-defendant -  
Appellant,

v.

BLIZZARD ENTERTAINMENT, INC.;  
VIVENDI GAMES, INC.,

Defendants-third-party-  
plaintiffs - Appellees,

v.

MICHAEL DONNELLY,

Third-party-defendant -  
Appellant.

No. 09-15932  
D.C. No. 2:06-cv-02555-DGC  
District of Arizona, Phoenix

**ORDER**

MDY INDUSTRIES, LLC,  
  
Plaintiff-counter-defendant -  
Appellee,

v.

BLIZZARD ENTERTAINMENT, INC.;  
VIVENDI GAMES, INC.,

Defendants-third-party-  
plaintiffs - Appellants,

No. 09-16044  
D.C. No. 2:06-cv-02555-DGC  
District of Arizona, Phoenix

**ORDER**

v.

MICHAEL DONNELLY,

Third-party-defendant -  
Appellee.

The Second Brief on Cross-Appeal submitted on 10/28/2009 is filed.

Within five (5) working days of the filing of this order, Appellee is ordered to file ten (10) copies of the brief in paper format, with a Red cover, accompanied by certification (attached to the end of each copy of the brief) that the brief is identical to the version submitted electronically. A sample certificate is available on the Court's website, [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov), at the CM/ECF button.

FOR THE COURT:

Molly C. Dwyer  
Clerk of Court

By: Pearl Kariakin  
Deputy Clerk