

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

**SUPPLEMENTAL STATEMENT OF RELATED CASES
UNDER FED. R .APP. P. 28-2.6**

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Appellants MDY Industries LLC and Michael Donnelly submit their Supplemental Statement of Related Cases under Fed. R. App. P. 28-2.6 to the Court.

Vernor v. Autodesk, Inc. – Docket No. 09-35969 was filed on October 30, 2009 and is a related case under Fed. R. App. P. 28-2.6(c). This case raises the same or closely-related issue to the Appellant’s issues on appeal of whether an entity who lawfully acquires a copy of the Appellee’s software program owns the copy of that software and whether the term “owner” has the same meaning in both 17 U.S.C. § 109 and § 117.

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 case.

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s/ Lance C. Venable