

**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.*

No. 09-15932  
No. 09-16044

Reply of Amicus Software & Information  
Industry Association Re Motion  
For Two-Week Extension to Submit Amicus  
Brief

The Software & Information Industry Association (“SIIA”) has communicated with Appellant MDY Industries, et al. following submission of its response/opposition to SIIA’s motion. MDY has agreed to stipulate to a November 16, 2009 filing of SIIA’s amicus brief (effectively a 10 calendar day extension). SIIA agreed, and therefore withdraws its two week request. Appellee Blizzard et al. already had consented to an extension of up to two weeks.

SIIA therefore will file its amicus brief by November 16, 2009, with consent.

Respectfully submitted,

By: \_\_\_\_\_ /s Scott Bain

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Dated: November 5, 2009

Counsel for SIIA

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2009, I electronically filed the foregoing

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with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Scott Bain

Counsel for SIIA