

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

**UNOPPOSED MOTION TO WITHDRAW APPELLANTS'
PETITION FOR EN BANC REHEARING**

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On March 3, 2011, Appellants MDY Industries and Michael Donnelly (collectively “MDY”) filed a Petition for En Banc Rehearing with this Court. MDY hereby requests that its Petition be withdrawn from consideration. Because the Court issued its mandate in this case on February 28, no further action is needed. Counsel for MDY has received permission from Blizzard Entertainment’s counsel to notify the Court that this motion will not be opposed.

Respectfully submitted this 18th day of April 2011,

s/Lance C. Venable/ /
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CERTIFICATE OF SERVICE

☒ I certify that on April 18, 2011, 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.

☐ I certify that on _____, 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

s/ Lance C. Venable