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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

MDY INDUSTRIES, LLC,)
)
Plaintiff and Counter-Claim)
Defendant)
)
vs.)
)
BLIZZARD ENTERTAINMENT, INC.,)
and VIVENDI GAMES, INC.)
)
Defendants and)
Counter-Claim Plaintiffs.)

Case No.: CV06-02555-PHX-DGC

**PROPOSED PERMANENT
INJUNCTION**

The Honorable David G. Campbell

BLIZZARD ENTERTAINMENT, INC.,)
and VIVENDI GAMES, INC.)
)
Third-Party Plaintiffs,)
)
vs.)
)
MICHAEL DONNELLY,)
)
Third-Party Defendant.)

PROPOSED ORDER

WHEREAS, this Court has found that MDY Industries LLC and Michael Donnelly (collectively "MDY") are liable to Blizzard Entertainment, Inc. and Vivendi Games, Inc. (collectively "Blizzard") for contributory and vicarious copyright infringement, violations of the Digital Millennium Copyright Act, 17 U.S.C. §§1201(a)(2) and (b)(1), and tortious interference with contractual relations; and

WHEREAS, good cause having been shown;

IT IS ON THIS _____ day of _____, 2009, ORDERED THAT:

1. MDY, and all persons and entities acting in concert with it, are hereby permanently enjoined and restrained from knowingly:

(a) Marketing, selling, supporting, distributing or developing Glider or any other automation (a/k/a "bot"), cheat, or circumvention software that may be used in

1 connection with World of Warcraft (“WoW”);

2 (b) Infringing, or contributing to the infringement of, Blizzard’s copyrights
3 in its “World of Warcraft” software, including but not limited to the copying of game
4 client program information in to RAM in conjunction with a breach of Section 4 of the
5 Terms of Use for the World of Warcraft Game Client as specified in the July 14, 2008
6 order of the United States District Court for the District of Arizona granting summary
7 judgment in Blizzard’s favor;

8 (c) Circumventing, or contributing to the circumvention of, Blizzard’s
9 protection mechanisms that control access to the dynamic, nonliteral elements of
10 “World of Warcraft” including but not limited to the circumvention of Warden and/or
11 scan.dll as specified in the January 28, 2009 order of the United States District Court
12 for the District of Arizona entering judgment in Blizzard’s favor;

13 (d) Operating or supporting any server that authenticates copies of Glider
14 or provides Glider with information about the memory addresses WoW uses to store
15 its game state information;

16 (e) Continuing developing, maintaining or updating Glider or other
17 automation (a/k/a “bot”), cheat or circumvention software, including but not limited to
18 the release of patches or information to facilitate the use of such software and/or to
19 circumvent existing or future security measures taken by Blizzard;

20 (f) Distributing, selling, providing access to, or otherwise making public or
21 known to any other party the source code for Glider or any part thereof, including
22 without limitation “Tripwire” or any other technology used to circumvent Blizzard’s
23 security measures;

24 (g) Providing assistance in any form to third parties in developing their
25 own automation (a/k/a “bot”), cheat or circumvention software for use with WoW.

26 2. This Order shall apply to MDY’s activities worldwide, and shall apply with the
27 same force and effect to any future release of the WoW Game Client in which Blizzard has
28 a financial or other interest, now or in the future, which interest is known to MDY.

1 3. MDY, and any persons or entities controlled directly or indirectly by it, are
2 hereby permanently enjoined and restrained from having any involvement with or holding
3 anything other than a passive investment or financial interest in any enterprise that it, he or she
4 knows is engaging in any of the activities prohibited by this Consent Order.

5 4. In the event that MDY becomes aware that an enterprise in which it has more than
6 a passive investment or financial interest is engaged in any of the activities prohibited by this
7 Order, it must immediately divest itself of any such investment or financial interest and to
8 promptly notify Blizzard of the same.

9 5. The Court shall retain jurisdiction to entertain such further proceedings and to
10 enter such further orders as may be necessary or appropriate to implement and/or enforce the
11 provisions of this Order.

12 IT IS SO ORDERED.

13 DATED this ____ day of _____, 2009.
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17 _____
18 David G. Campbell
19 United States District Judge
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