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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

MDY Industries, LLC,
Plaintiff/Counterdefendant,
vs.
Blizzard Entertainment, Inc.; and
Vivendi Games, Inc.,
Defendants/Counterclaimants.)

No. CV-06-2555-PHX-DGC

ORDER

Blizzard Entertainment, Inc.; and
Vivendi Games, Inc.,
Third-Party Plaintiffs,
vs.
Michael Donnelly,
Third-Party Defendant.)

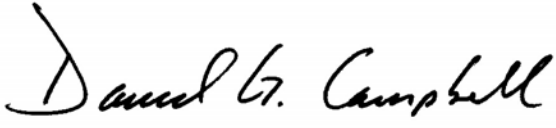
Pending before the Court are the parties’ cross motions for summary judgment. Dkt. ##39, 45. An *amicus curiae* brief has been filed by the public interest group Public Knowledge. Dkt. #75. Public Knowledge argues that WoW users are owners of the WoW software they purchased and therefore do not infringe copyright by using their software in a manner authorized by 17 U.S.C. § 117. *Id.* at 12-21. MDY Industries and Michael

1 Donnelly make the same argument in their reply brief. Dkt. #69 at 2, 5, & n.7. The Court
2 will require Blizzard Entertainment and Vivendi Games to respond to this argument.

3 **IT IS ORDERED** that by **June 20, 2008**, Blizzard Entertainment and Vivendi Games
4 shall file a response brief, not to exceed eight pages in length, addressing the specific
5 argument identified above. No further briefing is permitted.

6 DATED this 10th day of June, 2008.

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David G. Campbell
United States District Judge