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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.

BLIZZARD ENTERTAINMENT, INC.,
and VIVENDI GAMES, INC.

Third-Party Plaintiffs,

vs.

MICHAEL DONNELLY,

Third-Party Defendant.

Case No.: CV06-02555-PHX-DGC

APPENDIX TO

BLIZZARD AND VIVENDI'S
SECOND SUPPLEMENTAL
STATEMENT OF FACTS
IN SUPPORT OF THEIR
RESPONSE TO MDY
INDUSTRIES, LLC and
MICHAEL DONNELLY'S
MOTION FOR SUMMARY
JUDGMENT

The Honorable David G. Campbell

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EXHIBIT 59

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THIRD AFFIDAVIT OF GREG
ASHE

The Honorable David G. Campbell

BLIZZARD ENTERTAINMENT, INC.,
and VIVENDI GAMES, INC.

Third-Party Plaintiffs.

vs.

MICHAEL DONNELLY,

Third-Party Defendant.

1 I. Greg Ashe, declare as follows:

2
3 1. I submit this affidavit in support of Vivendi Games, Inc. ("VG") and
4 Blizzard Entertainment, Inc.'s ("Blizzard") Responses to MDY's Statement of
5 Disputed Facts in Response to Blizzard's Motion for Summary Judgment filed in the
6 case of MDY Industries LLC v. Blizzard Entertainment and Vivendi Games. I
7 submit this affidavit based upon my own personal knowledge and my familiarity
8 with the matters recited herein. I could and would testify to the same under oath
9 should I be called as a witness before the Court.

10 2. I am Manager, Technical Research. at Blizzard Entertainment, Inc.
11 ("Blizzard"). I have been employed by Blizzard since October 2004, and have held
12 my current position for the past one year and five months. In this position, I have
13 responsibility for various aspects of the World of Warcraft® computer game
14 ("World of Warcraft" or WoW"), including creating and implementing programs and
15 technology to stop cheating.

16 3. Brian Kopp distributes a book that instructs WoW players on how to
17 play the game to their advantage within confines of the EULA and TOU.

18 4. Brian Kopp previously distributed a direct link to cheat program with
19 his book.

20 5. Brian Kopp's distribution of a cheat program is what caused Blizzard
21 the most concern.

22 6. Brian Kopp no longer distributes a cheat program with his book.

23 7. Blizzard no longer sends takedown notices to eBay asking eBay to
24 remove Brian Kopp's auctions.

25 8. Additional details are confidential pursuant to the terms of a settlement
26 agreement between Blizzard and Brian Kopp.

27 9. Glider now offers its users the ability to load Glider after WoW has
28 launched. However, Glider users can still load Glider before loading WoW.

10. For those users that choose to load Glider before loading WoW, Glider continues to successfully avoid detection by scan.dll.

EXECUTED this 12th day of May, 2008, at Irvine, California.

GREG ASHE

Subscribed and sworn to before me this ____ day of May, 2008.

Notary Public

My Commission Expires:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Orange

On May 12, 2008 before me,

Denise R. Lopez Notary Public

personally appeared

Greg Ashe

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

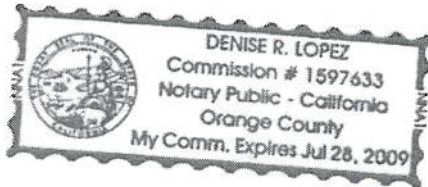
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Denise R. Lopez

Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Affidavit

Document Date:

May 12, 2008

Number of Pages:

3

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

Greg Ashe

☒ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here