

EXHIBIT 60

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

MDY INDUSTRIES, LLC, :
Plaintiff and : CIVIL ACTION NO.
Counter-Defendants, CV06-2555
v. : PHX DGC
BLIZZARD ENTERTAINMENT, :
INC., and VIVENDI GAMES, :
INC., : ORIGINAL
Defendants and :
Counterclaim :
Plaintiffs. :
-----:
BLIZZARD ENTERTAINMENT, :
INC., and VIVENDI GAMES, :
INC., :
Third-Party :
Plaintiffs, :
v. :
MICHAEL DONNELLY, :
Third-Party :
Defendant. :

DEPOSITION UNDER ORAL EXAMINATION OF
JOSEPH A. CALANDRINO
Short Hills, New Jersey
January 11, 2008

REPORTED BY: DANA N. SREBRENICK, CSR RPR CLR

ESQUIRE DEPOSITION SERVICES
90 Woodbridge Center Drive
Woodbridge, New Jersey 07095
(732) 283-1060

JOB NO. 64321

1 other senses?

2 A. No, they don't directly speak
3 to that, but they do speak to the purpose,
4 say, of having these multiple levels of
5 memory within a machine.

6 Q. And you have intuited from the
7 discussions of the purpose of a program being
8 in RAM or another portion of a machine, from
9 that you've concluded that loading a program
10 into RAM does not constitute copying in a
11 copyright sense?

12 MR. VENABLE: Objection to the
13 form of the question.

14 A. That would be the intuition
15 that I had reached.

16 Q. Do you disagree with the
17 statement that copying for purposes of
18 copyright law occurs when a program is
19 transferred from a permanent storage device
20 to a computer's random access memory or RAM?

21 MR. VENABLE: Object to the
22 form of the question. Vague and ambiguous.

23 A. Yes, I do disagree with that.

24 Q. And is your disagreement with
25 that statement the basis for your opinion

1 that Glider users who launch World of
2 Warcraft into RAM, using Glider, do not
3 create a copy of the World of Warcraft
4 software?

5 A. Yes, that would be the primary
6 basis.

7 Q. What other bases are there for
8 that opinion?

9 A. Actually, you had specified
10 that so users who do this do not make a copy.
11 So, actually, in terms of how the question
12 was phrased, yes, I would agree with that.

13 Q. I'd ask you to look at what
14 I've written on the bottom as page 4 of the
15 report, so count, page 4.

16 A. It's the page directly after
17 the one with the image on it, correct?

18 Q. Yes.

19 A. Okay.

20 Q. And if you'll look at the first
21 full paragraph about halfway down, there's a
22 sentence that begins, "Therefore"?

23 A. I see it.

24 Q. And that sentence reads,
25 "Therefore, to refer to the movement of data