

EXHIBIT I

(MDY's SDF)

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Case No. CV 06-2555 PHX DGC

MDY INDUSTRIES, LLC,

Plaintiff/Counterclaim Defendant,

VS.

BLIZZARD ENTERTAINMENT, INC., and

VIVENDI GAMES, INC.,

Defendants/Counterclaim Plaintiffs.

BLIZZARD ENTERTAINMENT, INC., and

VIVENDI GAMES, INC.,

Third-Party Plaintiffs,

VS.

MICHAEL DONNELLY,

Third-Party Defendant.

VIDEOTAPED DEPOSITION OF

JOSEPH THALER

Friday, November 9, 2007

9 AM to 11 AM

Cary, North Carolina

Reported by: Jane G. LaPorte, Merit Writer

Registered Professional Reporter

1 much any direct X8 or 9 game and has various
2 features to allow them to customize.

3 Q. Tell me a little bit more about Inner
4 Space. What do people use it for?

5 A. Typically, currently, I would say they
6 use it for automating online gameplay or adding
7 features that they wish they were there.

8 Q. Now, you said -- your first response
9 was: Automating online gameplay; is that creating
10 bots?

11 A. People do use it to create bots; that's
12 not the only purpose of Inner Space.

13 Q. What is a bot?

14 A. A bot is essentially a robot, except in a
15 virtual form.

16 Q. And how are bots used by players?

17 A. In various ways.

18 There are bots where it will help them
19 press buttons while they play themselves.

20 Or there are also bots that run while,
21 you know, they are away from the keyboard.

22 Q. So, when you saw "automates gameplay," it
23 can automatic gameplay throughout a whole range,
24 including all of gameplay, correct?

25 A. Only if it is extended by a third party

1 basically, just a copy of that ported to Inner
2 Space.

3 Q. So, the only -- is it fair to say the
4 only one you created from scratch was the one from
5 World of Warcraft?

6 A. I suppose.

7 Q. And what's the name of that extension?

8 A. It's called ISX WOW; ISX WARDEN, I
9 suppose.

10 Q. Which one -- can you explain the
11 difference between ISX WOW and ISX WARDEN -- if
12 there is one?

13 A. They are completely separate and
14 developed by separate people.

15 I developed ISX WARDEN. And I started
16 ISX WOW, but it's been handed off to other
17 developers.

18 THE WITNESS: I'm not sure if I answered
19 your question or not.

20 Q. If you could tell me exactly what each of
21 them do.

22 I'm trying to distinguish between their
23 functionality.

24 A. ISX WARDEN is a protective solution
25 for -- specifically, for Blizzard's Warden software;

1 it allows things to be hidden from it.

2 Q. To be hidden from Warden software, which
3 is part of World of Warcraft; is that what you said?

4 A. Yes.

5 Q. Can you tell me what's your understanding
6 of what Warden does?

7 A. It scans computers, looking for cheats
8 and hacks.

9 And I suppose there is also -- I don't
10 know if it's built into Warden also -- but they also
11 search for certain Trojans and key loggers that may
12 affect their customers.

13 Q. Are you describing scan DLL in the
14 subsequent -- last part of your response?

15 A. Most likely.

16 Q. So, Warden protects from hacks and
17 cheats.

18 Is that the -- a good summary of what
19 Warden does; a high-level summary?

20 A. That's a good summary of what it intends
21 to do, yes.

22 Q. Can you distinguish for me between what
23 it does and what it intends to do?

24 A. I don't believe that all functionality in
25 Warden is specific to finding cheats and hacks.