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VIA E-MAIL ONLY

iTunesStoreNotices@apple.com

Re: Unauthorized Use of Blizzard Intellectual Property

To whom it may concern:

We are counsel for Blizzard Entertainment, Inc. ("Blizzard"). Blizzard is the owner of copyrights in and to numerous highly popular video games, including the Starcraft®, World of Warcraft®, and Diablo® series of video games (including but not limited to "Starcraft", "Starcraft II", "World of Warcraft", "World of Warcraft: The Burning Crusade", "World of Warcraft: Cataclysm", "Warcraft III: The Frozen Throne", "Diablo", and "Diablo II"). In addition, Blizzard possesses numerous federal trademark registrations for the terms "Starcraft", "Warcraft", and "Diablo" in connection with videogames and other related products and services.

As we discussed over the phone with Emily Blumsack, it has come to our attention that a number of iPhone and iPad Apps, are engaged in the unauthorized exploitation of Blizzard's intellectual property (specifically, its copyrights and trademarks), including "Starcraft II" and "World of Warcraft" artwork, designs, screenshots, maps, emblems, weapons, and other in-game assets without our client's authorization or consent. These include unauthorized "guides" or "walkthroughs," weapons guides and "stat trackers," and a host of other Apps (the "Infringing Apps"). Each of the Infringing Apps is available via the iTunes App Store. A partial list of the infringing Apps, including the URLs at which these Apps can be located, is attached hereto as Exhibit A.

As noted, Blizzard has never authorized the development, distribution, or sale of the Infringing Apps. More to the point, Blizzard has never authorized the use of its copyrights or trademarks by any of the developers of the Infringing Apps. Accordingly, the development, reproduction, distribution, marketing and sale of the Infringing Apps violates and infringes our client's copyrights and trademarks, and may constitute unfair competition or unlawful passing off under state and federal law. We have carefully reviewed the Infringing Apps and believe that none of the developers of the Infringing Apps have a colorable (far less meritorious) fair use defense to their use of Blizzard's copyrights or trademarks.

By this letter, we formally request that Apple (1) remove or disable access to the aforementioned web pages and specifically disable access to the Infringing App through the iTunes App Store as

offered thereon; (2) notify the developer of the applicable Infringing App of the infringement; (3) take appropriate action against the account holder, including pursuant to any "Terms of Use" and/or copyright policy promulgated by Apple; (4) take appropriate steps to ensure that the infringing materials remain unavailable on the iTunes web site; and (5) provide us with the name, address, and e-mail address of each of the developers of the Infringing Apps.

We understand that it is Apple's procedure to first notify the developers of an infringement claim before removing an App that has been subject to a copyright claim. However, we believe that in light of the popularity of Blizzard's intellectual property and the (rampant) scope of the infringement, each of the Infringing Apps should be immediately removed, and only re-posted after notification by Blizzard that the dispute has been resolved or the claim removed. We also note that to the extent Apple claims that it is an Internet service provider entitled to the safe-harbors of Section 512 of the DMCA, the failure to expeditiously remove infringing content without receipt of a formal counter-notification that is fully compliant with Section 512(g)(3) (including a consent to jurisdiction and attestation under penalty of perjury) may result in the loss of protection under Section 512.

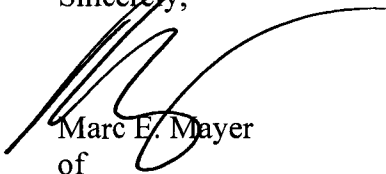
We have spent a great deal of time attempting to identify the developers or publishers of the Infringing Apps. As we advised you, this effort has been hampered by the fact that in many cases, the name and/or contact information for the developer of the Infringing App is not disclosed either on the iTunes App Store or through other publicly available sources. In other cases, the information provided appears to be inaccurate or fraudulent. Accordingly, we request that you provide us with contact information all of the developers of the Infringing Apps order that we may contact them directly.

While Blizzard does not concede by this letter that the Apple iTunes store is subject to the safe-harbors of Section 512 of the DMCA, for the avoidance of doubt, we confirm that the information in this notification is accurate, and we have a good faith belief that use of Blizzard's copyrighted materials in the manner complained of is not authorized by Blizzard. We further hereby state, under penalty of perjury, that we are authorized to act on behalf of Blizzard as set forth in this letter.

Nothing contained in this letter is intended to, nor shall it constitute, a waiver or relinquishment of any rights, claims, defenses, or causes of action possessed by Blizzard, all of which are hereby expressly reserved.

All communications regarding this matter may be directed to my colleague Jill Rubin either by telephone at (310) 312-3202 or email at jpr@msk.com.

Sincerely,



Marc E. Mayer
of
MITCHELL SILBERBERG & KNUPP LLP

cc: Jill P. Rubin, Esq.