

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CHRISTOPHER LANGDON,
Plaintiff,
v.
GOOGLE, INC., d.b.a DELAWARE
GOOGLE INC., YAHOO! INC.,
and MICROSOFT CORP.,
Defendants.
C.A. No. 06 - 319 (JJF)

DEFENDANTS YAHOO! INC. AND MICROSOFT CORPORATION'S
REPLY IN SUPPORT OF THEIR MOTIONS TO DISMISS

Defendants' Motions to Dismiss, Plaintiff's Motions for Default (D.I. 25 and D.I. 28) and Plaintiff's Motion to Strike (D.I. 30, D.I. 31 and D.I. 32) are all moot now, as a matter of law, because Plaintiff exercised his right to file an Amended Complaint. The filing of an "amended complaint renders the original complaint a legal nullity." Pennsylvania State Troopers Ass'n v. Commonwealth of Pennsylvania, 2006 U.S. Dist. LEXIS 59537, at \*1 (citing Snyder v. Pasack Valley Hosp., 303 F.3d 271, 276 (3d Cir. 2002)). "An Amended complaint supersedes the original version in providing the blueprint for the future course of the lawsuit." Alan Wright, et al., FED. PRAC. AND PROC. § 1476 (2d ed. 1990). "Since plaintiff filed an amended complaint, its original complaint and all motions related to that original complaint are moot." Sumito Mitsubishi Silicon Corp. v. Memc Electronic Materials, Inc., 2005 U.S. Dist. LEXIS 5174, at \*2 n.2 (D. Del. Mar. 30, 2005) (emphasis added).

Yahoo and Microsoft jointly will file a new Motion to Dismiss those claims asserted in the Amended Complaint on an approved schedule.

**DUANE MORRIS LLP**

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Dated: September 25, 2006

Attorneys for Defendants Yahoo! Inc. and  
Microsoft Corporation

**CERTIFICATE OF SERVICE**

I, Gary W. Lipkin, do hereby certify that on September 25, 2006, copies of the foregoing “Defendants Yahoo! Inc. And Microsoft Corporation’s Reply In Support Of Their Motions To Dismiss” were served on the following parties in the manner indicated below:

Via Federal Express (signature required):

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Via e-filing:

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/s/ Gary W. Lipkin (Del. Bar No. 4044)