

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CHRISTOPHER LANGDON, )  
)  
Plaintiff, )  
)  
v. )  
)  
GOOGLE, INC., d.b.a DELAWARE )  
GOOGLE INC., YAHOO! INC., AOL )  
LLC, and MICROSOFT CORP., )  
)  
Defendants. )

C.A. No. 06 - 319 (JJF)

**DEFENDANTS YAHOO! INC.'S AND MICROSOFT CORP.'S RESPONSE TO  
MOTION FOR EXTENSION OF TIME TO FILE FOR REARGUMENT**

Yahoo! Inc. and Microsoft Corp. normally would consent to Mr. Langdon's request for extension due to adverse personal circumstances, but they are barred by court rule from doing so. "The 10-day limit for filing motions to alter or amend may not be altered, waived, or amended by the court." MOORE'S FEDERAL PRACTICE 3d § 59.31[2] (citations omitted) (emphasis added). "The specified time periods for filing a Rule 59(e) motion ... are mandatory and jurisdictional; therefore, the failure to meet the 10-day deadline to alter or amend a judgment is fatal and compels the denial of the Rule 59(e) motion." *Id.* at §. 59.31[4] (citations omitted) (emphasis added).

**DUANE MORRIS LLP**

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*Attorneys for Yahoo! Inc.,  
and Microsoft Corp.*

Dated: February 28, 2007

**CERTIFICATE OF SERVICE**

I, Daniel V. Folt, do hereby certify that on February 28, 2007, copies of the foregoing Response to Motion for Extension of Time to File for Reargument were served on the following parties in the manner indicated below:

Via Federal Express (signature required)

Christopher Langdon  
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Via e-filing

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/s/ Daniel V. Folt (Del. Bar No. 3143)  
Daniel V. Folt