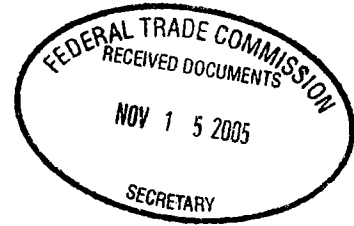


**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)
)
BASIC RESEARCH, L.L.C.,)
A.G. WATERHOUSE, L.L.C.,)
KLEIN-BECKER USA, L.L.C.,)
NUTRASPORT, L.L.C.,)
SOVAGE DERMALOGIC)
LABORATORIES, L.L.C.,)
BAN, L.L.C.,)
DENNIS GAY,)
DANIEL B. MOWREY, and)
MITCHELL K. FRIEDLANDER,)
Respondents.)
_____)



Docket No. 9318

PUBLIC DOCUMENT

**NONPARTY YAHOO! INC.'S MOTION FOR ENLARGEMENT OF TIME TO
RESPOND TO RESPONDENTS' SUBPOENA DUCES TECUM**

Yahoo! Inc. hereby moves to extend the time to respond to the third party subpoena *duces tecum* issued by Respondents until fifteen business days after the Court has ruled on Complaint Counsel's Motion to Quash Respondents' Twenty-Five Subpoenas Directed to Third Parties. In support of this Motion, Yahoo! Inc. states as follows:

1. Yahoo! Inc. is not a party in this action.
2. On October 21, 2005, Respondents served, via registered mail, a third party subpoena *duces tecum* to Yahoo! Inc. Respondents also issued similar subpoenas to 24 other third parties.
3. Yahoo! Inc. received the subpoena on October 26, 2005.
4. Also, on October 26, 2005, Complaint Counsel filed a Motion to Quash Respondents' Twenty-Five Subpoenas Directed to Third Parties on behalf of Yahoo! Inc. and the 24 other recipients of subpoenas.
5. The subpoena issued to Yahoo! Inc. has a return date of November 11, 2005 (Veterans

Day, a federal holiday), and demands documents from seven broad categories, including “[a]ll documents relating to your company’s access to” the Federal Trade Commission’s website, as well as “[a]ll documents identifying employees, officers, directors, contractors and/or other agents” who accessed that website.

6. As explained in Complaint Counsel’s Motion to Quash Respondents’ Twenty-Five Subpoenas Directed to Third Parties, the subpoena is irrelevant to the above-captioned case, and it imposes undue burdens on Yahoo! Inc. Yahoo! Inc. intends to file a motion setting forth its objections to the subpoena.

7. Yahoo! Inc.’s counsel has conferred with Respondents’ counsel (Andrea Ferrenz), who has indicated that Respondents do not oppose Yahoo! Inc.’s filing of a Motion for an extension of time to respond to the subpoena.

8. Good cause exists to justify this brief extension. Yahoo! Inc. has retained counsel and initiated a review of this subpoena. Yahoo! Inc. is new to this litigation, however, and the November 11, 2005, deadline does not provide sufficient time for it to complete the work necessary for compliance. Yahoo! Inc. and its counsel require additional time to examine the demands, determine the steps that are necessary to gather any responsive documents from Yahoo! Inc.’s numerous employees and global databases, and evaluate Yahoo! Inc.’s capacity to respond to each demand. Moreover, after completing a thorough evaluation, Yahoo! Inc. may conclude that responding to these demands is untenable, given the broad scope of the subpoena, the burden imposed on collecting information, and conflicting legal requirements.

9. In addition, in light of Complaint Counsel’s Motion to Quash Respondents’ Twenty-Five Subpoenas Directed to Third Parties, it would be unduly burdensome and inefficient to require

Yahoo! Inc. to comply with the subpoena prior to the Court's resolution of this Motion.

10. A proposed order is attached hereto.

Respectfully submitted,

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RS

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Counsel for Yahoo! Inc.

Dated: November 14, 2005

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

In the Matter of)
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BASIC RESEARCH, L.L.C.,)
A.G. WATERHOUSE, L.L.C.,)
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MITCHELL K. FRIEDLANDER,)
Respondents.)

Docket No. 9318

PUBLIC DOCUMENT

**ORDER GRANTING NONPARTY YAHOO! INC.'S MOTION FOR ENLARGEMENT
OF TIME TO RESPOND TO RESPONDENTS' SUBPOENA *DUCES TECUM***

On November 14, 2005, Yahoo! Inc. filed a motion for an enlargement of time to respond to Respondents' subpoena *duces tecum*. Yahoo! Inc. has demonstrated good cause for extending the requested time limit.

It is hereby ordered that Yahoo! Inc.'s response to Respondents' subpoena *duces tecum* shall be filed fifteen business days after the Court has ruled on Complaint Counsel's Motion to Quash Respondents' Twenty-Five Subpoenas Directed to Third Parties.

ORDERED:

Stephen J. McGuire
Chief Administrative Law Judge

Date: