

APPENDIX B

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Attorneys for Defendants
TIM OEY and JANE DOE OEY

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

THE FREecycle NETWORK, INC.,
an Arizona non-profit organization,

Plaintiff,

v.

TIM OEY and JANE DOE OEY,

Defendants

CASE NO. CIV 06-173-TUC-RCC

**DECLARATION OF TIMOTHY OEY
IN SUPPORT OF OPPOSITION TO
PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION**

Date: May 9, 2005
Time: 3:00 p.m.
Before: Hon. Raner C. Collins
Location: Courtroom 5B

1 I, Timothy Oey, declare as follows:

2 1. I am a resident of Sunnyvale, California, and I reside at 795 Allison Way,
3 Sunnyvale, California 94087.

4 2. The only time that I have been physically present in Arizona was for a day or two
5 as a tourist visiting Monument Valley and the Four Corners Monument in 1994.

6 3. I first learned of the above-captioned lawsuit when my wife, Pat Oey, gave me a
7 copy of legal documents shortly after 2:30 p.m. on Friday, April 21, 2006, when I arrived home
8 after a trip to India. I am represented in the above-captioned lawsuit by Norman P. Soloway and
9 Ashley Lynn Kirk, of Hayes Soloway PC, 3450 E. Sunrise Drive, Suite 140, Tucson, AZ 85718.
10 Counsel agreed to represent me for these initial proceedings on Sunday afternoon, April 23, 2006.

11 4. I am a member of FreecycleSunnyvale, a California unincorporated association. I
12 joined FreecycleSunnyvale on January 28, 2004. A true and correct copy of my welcome to the
13 group is attached to this Declaration as Exhibit A. FreecycleSunnyvale was formally registered
14 as a California unincorporated association on December 27, 2005. A true and correct copy of the
15 registration is attached to this Declaration as Exhibit B.

16 5. FreecycleSunnyvale is comprised of volunteers who moderate a Yahoo! online
17 group (group moderators). The online group assists individuals (group members) in the local
18 Sunnyvale area who want to freecycle items. FreecycleSunnyvale operated a Yahoo! online
19 group named "freecyclesunnyvale" until November 21, 2005, when Yahoo! terminated this online
20 group account at the behest of The Freecycle Network ("TFN"). The freecyclesunnyvale group
21 had approximately 2200 members when it was deleted. On November 22, 2005,
22 FreecycleSunnyvale obtained and now operates another Yahoo! online group account that is
23 named, "SunnyvaleFree." SunnyvaleFree has grown to about 600 members as of May 1, 2006.

24 6. Freecycling is a practice where someone, who has an item that he or she no longer
25 wants, gives that item for free to someone who wants the item so that the item continues to be
26 used rather than ending up as trash in a landfill. Anyone can find a local online group by using
27 Google or another internet search engine and using search terms "freecycle" and the name of the
28 local community. To freecycle an unwanted item, an individual (a) sends an "offer" email to an

1 online group, (b) the "offer" email is posted on the group's home page and relayed to members,
2 (c) individuals who want the item reply to the "offer" email, and (d) the individual offering the
3 item arranges an exchange with one of the individuals wanting the item.

4 7. When I first joined FreecycleSunnyvale I did not know that TFN existed.
5 Freecycling was simply a popular grassroots movement, involving numerous local online
6 freecycle groups.

7 8. Moderators are needed for local online groups to make sure, for example, that
8 individuals in a local area do not use the online group to advertise items for sale. Moderators are
9 also needed to prevent spam.

10 9. After I became a moderator of FreecycleSunnyvale's online group, I was added to
11 the "freecyclemodsquad" Yahoo! online group in February 2004. "Freecyclemodsquad" stands
12 for freecycle moderator squad. The freecyclemodsquad online group is where freecycle
13 moderators discuss freecycling issues.

14 10. I never entered into any contract with anyone to become a freecycle moderator or
15 to use the word "freecycle." To the best of my knowledge, FreecycleSunnyvale never entered
16 into any contract with anyone to use the word "freecycle."

17 11. At least until September 2004, I was unaware that anyone claimed trademark
18 rights in the word "freecyle."

19 12. Up to and including September 2004, and even beyond, Deron Beal, the Executive
20 Director of TFN, commonly used "freecyle" as a generic term. Examples of Mr. Beal's use of the
21 word "freecyle" include:

- 22 a. Mr. Beal used "freecyle" as a noun in emails dated June 23, 2004 and
23 September 20, 2004. True and correct copies of these two emails are attached
24 collectively to this Declaration as Exhibit C.
- 25 b. Mr. Beal used "freecycling" as a gerund in emails dated March 28, 2004 and
26 July 27, 2004. True and correct copies of these two emails are attached
27 collectively to this Declaration as Exhibit D.

- 1 c. Mr. Beal used "freecycler" as a noun in emails dated June 7, 2004, August 14,
2 2004, and January 4, 2005. True and correct copies of these three emails are
3 attached collectively to this Declaration as Exhibit E.
- 4 d. Mr. Beal used "freecycle" as an adjective in emails dated October 5, 2004, and
5 September 29, 2004. True and correct copies of these two emails are attached
6 collectively to this Declaration as Exhibit F.
- 7 e. Mr. Beal used "freecyle" as a verb in emails dated June 17, 2004, and August 5,
8 2004. True and correct copies of these two emails are attached collectively to this
9 Declaration as Exhibit G.

10 13. In September 2004, I became aware that TFN wanted to protect "freecycle" as a
11 trademark.

12 14. On October 16, 2004, I sent an email about TFN's trademark claim to the word
13 "freecycle" to a small group of active volunteers within TFN and known as the New Webpage
14 Planning Team ("NWPT"). In that email, I discussed leaving "freecycle" as a common language
15 word rather than seeking to protect "freecycle" as a trademark. In that email, I also included an
16 excellent article about freecycling from the Associated Press that Mr. Beal previously sent to the
17 freecyclemodsquad on October 16, 2004. A true and correct copy of that email is attached to this
18 Declaration as Exhibit H.

19 15. On November 10, 2004, I received an email, sent by Traci Dale to the NWPT
20 group, questioning the viability of claiming trademark rights in "freecycle" given the extensive
21 use of "freecycle" as a generic term. A true and correct copy of that email is attached as Exhibit I
22 to this Declaration.

23 16. On January 5, 2005, Mr. Beal sent an email to the freecyclemodsquad group,
24 acknowledging that the "freecycle" trademark strategy was at risk. A true and correct copy of
25 that email is attached to this Declaration as Exhibit J.

26 17. During January and February 2005, I actively helped author trademark policies for
27 TFN.

28

1 18. In March 2005, I began to have serious doubts about my earlier decision to support
2 TFN's pursuit of trademark rights in the word "freecycle" after I received an email sent to the
3 entire FreecycleSunnyvale online group on March 19, 2005. A true and correct copy of that
4 email is attached to this Declaration as Exhibit K. Although I had serious doubts, I chose to
5 continue to publicly support TFN's pursuit of trademark rights.

6 19. From approximately January 2005, to August 2005, TFN steadily lost a number of
7 volunteers. My understanding is that many of these volunteers left over TFN's decision to pursue
8 trademark rights in the word "freecycle" and TFN's treatment of local freecycling groups. I
9 admired these volunteers (particularly Pastor Ken Hedden and David Neeley), and I grew to
10 regret my support of TFN's efforts to obtain trademark rights on the word "freecycle."

11 20. In August 2005, a large group of very active volunteers, all of whom I respected
12 (including Deanna, Judy Ruzich, Lynn Jones, Charlotte Hess, and especially Nancy Castleman
13 who was sometimes known as the 'mother of freecycling'), left TFN suddenly. My
14 understanding is that these individuals left TFN because of TFN's trademark policies and
15 treatment of local freecycling groups. On August 18, 2005, I sent an email to the
16 freecyclemodsquad regarding these developments. A true and correct copy of that email is
17 attached to this Declaration as Exhibit L.

18 21. On September 16, 2005, Paula Spencer, on behalf of TFN, sent me an email
19 requesting that I resign as a moderator of FreecycleSunnyvale. A true and correct copy of that
20 email is attached to this Declaration as Exhibit M.

21 22. On September 17, 2005, Chandan Mishra, a FreecycleSunnyvale volunteer
22 moderator, forwarded an email to me that Paula Spencer had sent to her on September 16, 2005.
23 A true and correct copy of that email is attached to this Declaration as Exhibit N.

24 23. On September 23, 2006, Paula Spencer, on behalf of TFN, sent an email to the
25 FreecycleSunnyvale moderators, including myself, stating, "Having reach the deadline and not
26 having received a reply from you, I have asked that the Sunnyvale link be removed from the
27 Freecycle.org page." A true and correct copy of that email is attached to this Declaration as
28 Exhibit O.

Exhibit A

Declaration of Timothy Oey

Case No. CIV 06-00173-TUC-RCC
United States District Court
District of Arizona

Date: 28 Jan 2004 22:24:36 -0000
From: freecyclesunnyvale Moderator <freecyclesunnyvale-owner@yahoogroups.com>
To: timoey@yahoo.com
Subject: Welcome to freecyclesunnyvale

Welcome to the Sunnyvale Freecycle Network!

Click "Polls" to register your votes on freecycling issues.

FREECYCLING ETIQUETTE:

1) Keep it free, legal, and appropriate for all ages. NO POLITICS & NO SPAM. Two strikes & you're out.

2) SUBJECT LINE

Use these phrases:

OFFER:

TAKEN:

WANTED: [Please use sparingly and don't offer money.]

ADMIN: [Use for new ideas specifically related to freecycling]

3) Got more than one thing to give away? Keep it all in one e-mail and number the items for your own clarity.

4) RESPONSES go only to offerer (not to the whole group).

5) PICKUP of items: Arrange however you want. Generally, 1st response, 1st served; if a nonprofit/charity responds, you may want to give it first shot.

Arrange pickup with one person only, rather than "it's on the porch, whoever gets here first gets it."
Also: Give your phone number only to one person at a time or ask for the recipient's phone no.
Otherwise you'll get swamped with phone calls.

6) If you don't live in Sunnyvale and post an offer, please include your general location in the post.
(Or consider starting a freecycle group in your own neighborhood!)

7) CAN WE USE FREECYCLE TO FIND NEW HOMES FOR PETS? Yes, keep it legal & be lovingly careful.

8) KEEP IT FREE. No trading or bartering, please. (Free advice--even if it's really good--doesn't count.)

9) If you take an item (or post a Wanted) with the intent of selling it, please state that information. (This requirement does not apply if you get an item and fix it or otherwise add value before selling it.)

To post a message to members of this group, send an email to freecyclesunnyvale@yahoogroups.com.

To unsubscribe, send an email to freecyclesunnyvale-unsubscribe@yahoogroups.com.

Have fun & keep on freecyclin'!

freecycsunny@yahoo.com
Moderator

Your use of Yahoo! Groups is subject to <http://docs.yahoo.com/info/terms/>

Exhibit B

Declaration of Timothy Oey

Case No. CIV 06-00173-TUC-RCC
United States District Court
District of Arizona

State of California
Secretary of State



I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

FEB 04 2006

A handwritten signature in cursive script, appearing to read "Bruce McPherson".

BRUCE McPHERSON
Secretary of State



**State of California
Secretary of State**

4724

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

DEC 27 2005

STATEMENT BY UNINCORPORATED ASSOCIATION
(Corporations Code section 18200)

A \$25.00 filing fee must accompany this form.

IMPORTANT - Read instructions before completing this form.

This Space For Filing Use Only

ENTITY NAME

1. NAME OF UNINCORPORATED ASSOCIATION

FreecycleSunnyvale

PRINCIPAL OFFICE ADDRESS IN CALIFORNIA, IF ANY (If the association has a principal office address in California, complete Item 2 and proceed to Item 4 (leave Item 3 blank.) If the association has no principal office address in California, leave Item 2 blank and proceed to Item 3.)

2. PRINCIPAL OFFICE ADDRESS

P.O. Box 1

CITY

Sunnyvale

STATE

CA

ZIP CODE

94087

MAILING ADDRESS (If Item 2 was not completed, complete Item 3 with the address to which the Secretary of State shall send any required notices.)

3. MAILING ADDRESS

CITY AND STATE

ZIP CODE

AGENT FOR SERVICE OF PROCESS (If Item 2 was completed, the association may designate an agent for service of process. If, however, Item 3 was completed, the association must designate an agent for service of process. If the agent is an individual, the agent must reside in California and both Items 4 and 5 must be completed. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 4 must be completed (leave Item 5 blank).)

4. NAME OF AGENT FOR SERVICE OF PROCESS

Timothy Oey

5. IF AN INDIVIDUAL, CALIFORNIA ADDRESS OF AGENT FOR SERVICE OF PROCESS

P.O. Box 1

CITY

Sunnyvale

STATE

CA

ZIP CODE

94807

AMENDED FILING (If the unincorporated association filed a previous statement with the Secretary of State, enter the Secretary of State file number in Item 6, and if the name under which the unincorporated association previously filed differs from the name entered in Item 1, enter the former name of the unincorporated association in Item 7. If the last statement filed by the association has expired, or if no prior statements have been filed, leave Items 6 and 7 blank and proceed to Item 8.)

6. SECRETARY OF STATE FILE NUMBER

7. FORMER NAME OF UNINCORPORATED ASSOCIATION (if different from the name in Item 1 above)

EXECUTION

8. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.


SIGNATURE OF PERSON COMPLETING THIS FORM

Co-Moderator
TITLE OF PERSON COMPLETING THIS FORM

Timothy Oey
TYPE OR PRINT THE NAME OF PERSON COMPLETING THIS FORM

December 23, 2005
DATE



Exhibit C

Declaration of Timothy Oey

Case No. CIV 06-00173-TUC-RCC
United States District Court
District of Arizona

To: freecyclemodsquad@yahoogroups.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Wed, 23 Jun 2004 02:19:59 -0000
Subject: [freecyclemodsquad] Re: themed Freecycles

Themed freecycles would be countless in number, even if they sound interesting. I am not allowing them right now as I'd go crazy with all the links. This is a great thing to make possible on a freestanding webpage free of yahoo groups later, but not yet please. Sorry about that....
Deron

----- Yahoo! Groups Sponsor ----->
Yahoo! Domains - Claim yours for only \$14.70
<http://us.click.yahoo.com/Z1wmxD/DREIAA/yOLSAA/rcTolB/TM>
----->

Yahoo! Groups Links

- <*> To visit your group on the web, go to:
<http://groups.yahoo.com/group/freecyclemodsquad/>
- <*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoogroups.com
- <*> Your use of Yahoo! Groups is subject to:
<http://docs.yahoo.com/info/terms/>

To: <freecyclemodsquad@yahoogroups.com>
From: "Deron Beal" <deron@rise-inc.org>
Date: Mon, 20 Sep 2004 13:06:57 -0700
Subject: [freecyclemodsquad] WANTED: new newswire person

Hey all,

Pastor Ken is currently swamped with the New Group Approver group which he is helping to moderate, and he could use someone to step up to the plate to do the Newswire on freecycle.org. It basically means having google automatically send all newspaper articles on freecycle to you and posting them to the webpage. I'd say there are about 5 a week. It's not too hard, but does requires a bit of attention to detail (getting the title right, author, newspaper name, etc and in the right place) and if you occasionally are in to finding interesting related articles, not about freecycling, that you find compelling, then you can add those too. Like Eric recently posted an article about the book "The Gift" by Lewis Hyde which describes the history of gifting economies which a couple of us are now reading.

Interested? Maybe drop Ken a quick line at pastorbelieversunited@yahoo.com

Thanks mucho,
Deron

[Non-text portions of this message have been removed]

----- Yahoo! Groups Sponsor ----->
\$9.95 domain names from Yahoo!. Register anything.
<http://us.click.yahoo.com/J8kdrA/y20IAA/yOLSAA/rcTolB/TM>
----->

Yahoo! Groups Links

- <*> To visit your group on the web, go to:
<http://groups.yahoo.com/group/freecyclemodsquad/>
- <*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoogroups.com
- <*> Your use of Yahoo! Groups is subject to:
<http://docs.yahoo.com/info/terms/>

Exhibit D

Declaration of Timothy Oey

Case No. CIV 06-00173-TUC-RCC
United States District Court
District of Arizona

To: <freecyclemodsquad@yahoogroups.com>, "Marlon Solar" <marloniusthunque@yahoo.com>
From: "Deron Beal" <deron1@worldlinkisp.com>
Date: Sun, 28 Mar 2004 13:17:17 -0700
Subject: Re: [freecyclemodsquad] Freecycle, Policy, and life. (e-z 2 read ramblings)
Reply-To: "Deron Beal" <deron1@worldlinkisp.com>

Hey King Marlonius,
I couldn't help noticing your post to the mod squad. By moderating the Freecycle group in Southern New Jersey, you are helping nearly two hundred people to save tons of stuff from the landfill while feeling just a little bit better about themselves for a brief moment in time. This is not even to mention the hundreds of tons of stuff yet to come in your group alone!! To me that's a pretty good feather to stick in your cap.

However, sometimes moderating can also be a pain. When someone is being a crank or something, then it can be a real bummer. For me personally, when these times have come, I really have learned from them. I used to get all mad at that poster internally, then have to take a step back and send a "nice but firm" response to him and or the group. However, this has definitely changed with time and practice moderating. I honestly don't get near as mad anymore. No kidding. And people are so appreciative and open when I'm able to pull it together with a little humor and patience that I've realized that that is the real "paying forward" part of freecycling for me. Whether or not someone else is a goof, offers me the chance to relativize it and get over it quicker and quicker. Sometimes the guy being a goof even is able to laugh at himself afterwards, you know? I like to think this is helping me a little in "real life" too.

Anyway, I noticed that you said you don't particularly enjoy moderating. No problem with that at all! BUT, I sincerely believe that if everyone would just stick to doing solely what they enjoy, then this world would spin just a wee bit smoother. The thing is, I'll bet my bottom dollar that there are a couple of members of your group who'd LOVE, LOVE, LOVE to moderate and are just waiting to be asked. Why not pass on the staff to the next crown prince or princess and "continue the regal free cycle of life." he, he. Ok, I know I'm sappy. Thanks for the wonderful thing you are making possible!!!
Keep on freecyclin'!
Deron

----- Original Message -----

From: "Marlon Solar" <marloniusthunque@yahoo.com>
To: <freecyclemodsquad@yahoogroups.com>
Sent: Saturday, March 27, 2004 8:39 PM
Subject: [freecyclemodsquad] Freecycle, Policy, and life. (e-z 2 read ramblings)

>
> I continue to be excited about freecycle, but Not
> obsessed.
>
> If someone's post upsets me, I don't lose sleep over
> it. I might just delete it and continue with my life.
> I do enjoy many fun activities beyond moderating.
>
> When I created the South Jersey Freecycle group, it
> was only because no one else had. I don't
> particularly ENJOY being a moderator. I just thought
> someone oughtta do it.

>
> It seems, from my experience, that the only real
> problems I've experienced is clumsy phone tag and
> waiting, which is largely my own fault due to my own
> circumstance.
>
> For for-profit wanted-type posts, I think most
> web-savvy people will sense the difference. I leave
> them in unless my whim dictates otherwise.
>
> The strong opinions I see posted here on the
> moderators list make me think that some folks take
> this way too seriously.
>
> Don't get me wrong, Freecycle is a great concept, but
> it isn't worth ideological warfare.
>
> There I go exaggerating again.
>
> Nite nite!
>
> King Marlonius
> The king who moderates with a flannel fist 
>
> _____
> Do you Yahoo!?
> Yahoo! Finance Tax Center - File online. File on time.
> <http://taxes.yahoo.com/filing.html>
>
>
>
> Yahoo! Groups Links
>
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>

----- Yahoo! Groups Sponsor ----->
Buy Ink Cartridges or Refill Kits for your HP, Epson, Canon or Lexmark
Printer at MyInks.com. Free s/h on orders \$50 or more to the US & Canada.
<http://www.cltracking.com/l.asp?cid=5511>
<http://us.click.yahoo.com/mOaAA/3exGAA/qnsNAA/rcTolB/TM>
----->

Yahoo! Groups Links

<*> To visit your group on the web, go to:
<http://groups.yahoo.com/group/freecyclemodsquad/>

<*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoogroups.com

<*> Your use of Yahoo! Groups is subject to:
<http://docs.yahoo.com/info/terms/>

To: freecyclemodsquad@yahoogroups.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Tue, 27 Jul 2004 20:56:33 -0000
Subject: [freecyclemodsquad] ADMIN STUFF & HONEST ABE

1) IS FREECYCLE WED TO YAHOO. by a shotgun only. we'll be off of it in a flash when we have a freestanding webpage designed so that each group can have their own subwebpage to play with, like www.springfield.freecycle.org with e-mail group functions and freecycle specific needs like a rate your gifting with this person button for no-showers, etc. However, until then, we need to keep everyone findable in yahoo and if all are in yahoo, we can moreeasily develop a way to transfer groups over later.

2) DON'T USE "CLAIMED" as a subject line word. Please just immediately post the object as TAKEN in order to notify the group, even though it technically ain't taken. it stems the flow of e-mails to the gifter and let's the rest of us know not to think about it...

3) ONE STATE APPROVER MOD (not ubermod or jeffe or boss mod, but someone volunteering to help). it was stated that this would be too much extra work for one person. But they wouldn't be co-owners of new groups but merely click on the approve link in an e-mail if the area is acceptable. on a state level it's not that much really. they may have to check with a local neighboring group, but again by state not too difficult. You would lose the mentor element this way with a state mod helper. The local neighboring mod will know this better and directly so, if they are not a co-owner, even if they ain't the best mentor, they still could approve the link to the new group and help out a bit as a non-co-owning mentor. I'm torn on this one.

4) FOR TV NEWS i highly recommend you tell them only the freecycle.org address as no one watches tv with a pen in hand for yahoo group addresses. And make sure they say .org not .com....

5) ABE LINCOLN QUOTE. Yepp, he didn't actually directly say "Think globally, recycle locally" as noted on the webpage. It was actually more like "It is incumbent upon us as a freecycling nation to save four score and seven tons of stuff a day - from landfills." (a lesser known addendum section to the Gettysburg address...).

----- Yahoo! Groups Sponsor ----->
Make a clean sweep of pop-up ads. Yahoo! Companion Toolbar.
Now with Pop-Up Blocker. Get it for free!
<http://us.click.yahoo.com/L5YrjA/eSIIAA/yOLSAA/rcTolB/TM>
----->

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Exhibit E

Declaration of Timothy Oey

Case No. CIV 06-00173-TUC-RCC
United States District Court
District of Arizona

To: freecyclemodsquad@yahoogroups.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Mon, 07 Jun 2004 20:56:20 -0000
Subject: [freecyclemodsquad] ADMIN: new mod member with press

Hey all,

Amy Birnbaum with CBS News would like to put together a rockin' good story about us freecyclers (at least those were approximately her words). I made her a mod squad member so everyone be good and nice for a while. She'll be asking for stories and help from you all in a bit, so put on your thinking caps. She may also be looking for a nice non-urban, perhaps rural or suburban group that has some good gifting going on, perhaps in the Northeast....

Fun, fun,
Deron

----- Yahoo! Groups Sponsor ----->
Make a clean sweep of pop-up ads. Yahoo! Companion Toolbar.
Now with Pop-Up Blocker. Get it for free!
<http://us.click.yahoo.com/L5YrjA/eSIIAA/yOLSAA/rcTolB/TM>
----->

Yahoo! Groups Links

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<http://groups.yahoo.com/group/freecyclemodsquad/>
- <*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoogroups.com
- <*> Your use of Yahoo! Groups is subject to:
<http://docs.yahoo.com/info/terms/>

To: freecyclemodsquad@yahoogroups.com
From: "deronbeal" <deron@freecycle.org>
Date: Sun, 15 Aug 2004 01:46:42 -0000
Subject: [freecyclemodsquad] ADMIN: HURRICANE HELP

Hey all,
If you'd like perhaps, you could forward a similar note to your groups?
Deron

Dear Freecyclers,
It is my dream that we as a group will one day be able to send large volumes of needed supplies (old blankets, clothes, tents, computers) to regions in crisis. We are headed towards 1/2 a million giving people, and we could single-handedly solve problems in times of disaster. Freecyclers... ..them's good people!

Just such a crisis has hit with the current hurricane. However, it looks like what would currently help most are donations of money. If you can spare a few bucks for those in need during this time, please call the Red Cross donation line below.

Thanks to freecyclers everywhere for the good you are doing!!!

American Red Cross Donation Line:
1-800-HELP-NOW
(1-800-435-7669)
English speaking

Keep on freecyclin'!
Deron

The Freecycle Network Founder Guy.

----- Yahoo! Groups Sponsor ----->
Yahoo! Domains - Claim yours for only \$14.70
<http://us.click.yahoo.com/ZlwmxD/DREIAA/yOLSAA/rcTo1B/TM>
----->

Yahoo! Groups Links

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<http://groups.yahoo.com/group/freecyclemodsquad/>
- <*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoogroups.com
- <*> Your use of Yahoo! Groups is subject to:
<http://docs.yahoo.com/info/terms/>

To: freecyclemodsquad@yahoogroups.com
From: "freecyclederon" <deron@freecycle.org>
Date: Tue, 04 Jan 2005 17:21:00 -0000
Subject: [freecyclemodsquad] ADMIN: No more 69 posts please, etc.

1) SAFETY COMMENT IN THE .ORG FAQ: The actual complete wording is: "If you, for example, are a single woman living alone, you may want to say that you'll leave the item on the front porch while you are not home or arrange for a drop-off downtown, etc.. " I kind of feel that the "drop-off downtown" bit covers the "not giving out your address" part but I'm open for suggestions, just let me know off list please. This will never be ideal for example for heavier items so I don't think there is a good answer here.

2) BOLD STUFF IN .org FAQ REQUIRED OF ALL GROUPS: I changed the wording to say the bold part in *this* section only. The bold tips, etc. are, of course, not required of anyone....

3) GROUP SIZE. Kelly says, "although we have a population of 162,000 in the county, no city has more than 12,000 people in it, and we have only three cities approaching that size." and she asks for tips on ideal group size. In general I'd say you need more like 20,000-30,000 population to get a group off the ground but some have done fine with 10,000, particularly if they serve as a hub for some of those other 150,000 people. If your three cities of 12,000 are separate from each other, I'd say set up three groups. If they are close together then pick the largest or most central city as the hub and as the group name -- in this case, I recommend still noting that you cover the entire county of springfield or whatever, in the intro paragraph. This way you cover the whole county but should you decide at some point that two no. 2 could actually break off and try their own group you are not stuck in group no. 1 with a group named after the whole county.

4) NIT PICKIN': GIFTING, GIFTED TO GIFT: vt. to present with or as a gift, often formal. This is indeed a transitive verb in my Webster's and is used quite commonly in the nonprofit world as you can imagine.... (sorry Sharon, that's my story and I'm stickin to it. How else could I keep winning at Scrabble?).

5) CONTESTS TO INCREASE GIVING / INCENTIVES If it adds to the local warm fuzzy feeling, have fun with it and do it. We don't have incentives locally and it works great too. The idea is to help people along so that they realize the real gift is the feeling they receive when "gifting." Any other cherries on top are certainly welcome if it makes things funner for ya.

6) "WHERE MODS GO FOR HELP" Database:
<http://groups.yahoo.com/group/freecyclemodsquad/database>
Go to the Group Outreach and Assitance volunteer for your region for issues with existing longer term groups. Go to your New Group Approver for your state for issues with new groups. There is a separate list in the database section for them. If that doesn't cut it then come to Nancy or me (and give us a couple days to get back to you).

7) ALL MODS WELCOME. You don't gotta be an owner to join the modsquad. We're all learning and doing together, right?

8) TRY NOT TO ASK THE MODSQUAD ABOUT 69 and other potentially explicit (or not) yahoo id's. We can talk about this until we are blue in the face and it still simply comes down to your own judgement in your own group. You make the tough calls as a mod in your local group. Please do your best *not* to ask all of us our opinion because then you'll get about one hundred opinions that we all have to listen to. Ei yei, yei...

Sure feels good to be back home in front of the warm glow of the monitor on a winter afternoon. Anyone else go through occasional withdrawal symptoms?

Hello, my name is Deron and I'm a freecycler....

Yahoo! Groups Links

- <*> To visit your group on the web, go to:
<http://groups.yahoo.com/group/freecyclemodsquad/>
- <*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoogroups.com
- <*> Your use of Yahoo! Groups is subject to:
<http://docs.yahoo.com/info/terms/>

Exhibit F

Declaration of Timothy Oey

Case No. CIV 06-00173-TUC-RCC
United States District Court
District of Arizona

To: freecyclemodsquad@yahoogroups.com
From: "freecyclederon" <deron@freecycle.org>
Date: Tue, 05 Oct 2004 20:57:22 -0000
Subject: [freecyclemodsquad] ADMIN Stuff

1) NO SHOWS. One of the whistles and bells of the new webpage will be an e-bay style "Rate your gifting with this person" which the local mod may choose to "turn on" (like turning on the button for new member moderation or something in yahoo groups) in order to be able to note when someone is a no-show.

2)CROSSPOSTING TO MULTIPLE NEIGHBORING GROUPS. Some mods simply have a rule that requires that you live or work in the community you are a member of. And the only control is asking their crossroads/zip for new membership approval (see explanation in files/faqs/zip code approval method). Then it's basically up to members to self-moderate and let you know if someone is going bonkers looking for their sony playstation all over the state. So, make a simple rule, have a simple control for new members, and don't sweat the active enforcement unless you get complaints about one person who is a pain. Then at least you have a rule/guideline in place in order to have a reason to put the "over-enthusiastic" poster on moderation. They'll get the idea pretty fast.

3) NO COMMERCIAL PLUGS IN FREECYCLE PLEASE. All worldwide mods voted to not allow buy/sell site plugs in freecycle a couple of months back (see polls section of modsquad). So, if they are mentioning their commercial site in signature line or signing their name as "cheapgoodies.com" then they oughta cut it out. Now, I'd advise a little leniency for folks whose work-related auto-signature slips in there. The point isn't to become a control freak dictator type, but to keep the group free of commercial plugs intended for the group to go elsewhere and sell their stuff, etc.

4) BUY/SELL GROUPS NOT KOSHER, particularly when run by freecycle moderators, and when they say "why give it away when you can sell it?" Yuck-o-rama. Not our style. Nancy addressed this already in her e-mail and Group Outreach & Assistance (Judy and crew) will have a look. We polled on this (see previous point). We don't allow this kind of commercial plug in particular. We're about giving freely with no strings attached. If you get members thinking, "Hey I'll try to sell this junk first and then unload it on freecycle," it misses the point entirely. It's about fostering local giving communities. It requires a little reprogramming of our hard-wired brains that say: "I must get money for this item." The only value of an item isn't in dollars, as experienced freecyclers know very well. Value of those little goose bumps you get when someone drives off with something YOU gave them ^ Priceless? Or the value of that warm feeling you get when someone helps you by giving you something for no other reason but that they can? ^ Ya just can't slap a price on that kind of little pleasure epiphany. And the idea that every single item ain't landin' in a landfill? ^ ecstatic mother-earth-helping-tears-of-joy time!. That's what we're about, right? Tons of little baby acts of kindness and givingΣ (about 20 tons a day to be exact).

Thanks for all you guys are making possible. Is this great or what? It're the small acts that count! I've said it before and I'll say it again: "We'll be tellin' our grandkids that, yepp your grandmammy helped launch one of the first gift economies on the web! Seems as common as peanut butter to you now, but back then people wanted money

for everything and threw the rest in a big hole in the ground that we
all paid to dig!"

Keep on keepin' on,
Deron

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freecyclemodsquad-unsubscribe@yahoogroups.com
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<http://docs.yahoo.com/info/terms/>

To: freecyclemodsquad@yahoogroups.com
From: "freecyclederon" <deron@freecycle.org>
Date: Wed, 29 Sep 2004 16:17:18 -0000
Subject: [freecyclemodsquad] ADMIN Stuff

1) PROFILE INFO. Just an FYI: I made up stuff for my profile just because I don't like to share my personal info and said I was a female airline executive born in 1899 or something. Then when I got locked out once, they asked my birthdate in order to get back my password and I had no idea. So, when in doubt, just don't provide any info, I'd say. He, he. Oops.

2) POSTAGE. I would like to task you all with moderating this the next time it comes up in the modsquad. Advise your fellow mod that this is a local issue and that we all have a different take on postage and that "You need to decide for your group, or better yet, ask your members what THEY want." There is no consensus amongst mods on this and if you are in the great white north your take might be different from a clearly defined city like Tucson. I personally think that postage is a can of worms which allows scammers to go from group to group nationwide and leads to many local misunderstandings like "hey, he said he would send me my postage back". For me it falls in the "strings attached" category (similar to money) and should be treated gingerly or not allowed, but hey, you decide!

3) MEMBER LISTS. We allow members to see the list and really don't have any spam problems at all. Because we use the zip code method of approving new members your real spammers don't get in in the first place (see files section/faqs/zip code method for details). It's not worth the trouble for them to research local zip codes or cross roads for a measly handful of e-mail addresses.

4) There are now over 1/2 million of us freecycling and the majority of the groups are still in their infancy and we haven't run maddily away pulling out our hair. In fact, darned near all groups are running totally smoothly. This is a pretty powerful statement to chew on. A year from now, even if we don't have a single new group, we'll grow to a couple million members. But we do have new groups, 600 of them are currently pending with the state new group approvers from the past month alone!! So, like 1/3 of all freecycle groups are not even officially online yet. Uhh, WOW!

Kinda hard to get my brain around this one...
Keepin on doin whatever you're doin 'cause it's workin.

Deron

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Exhibit G

Declaration of Timothy Oey

Case No. CIV 06-00173-TUC-RCC
United States District Court
District of Arizona

To: freecyclemodsquad@yahoogroups.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Thu, 17 Jun 2004 21:01:51 -0000
Subject: [freecyclemodsquad] Hey, is this that really mod freecyclin' party?

Hey All,
Sorry I'm so delinquent in getting back in touch with you all!!

I promised myself not to look at a single e-mail while at my sister's wedding and I stuck to it. Now I've been paying the piper and trying to catch up on the mountain that patiently awaited my return. I guess that's the nature of a mountain, even if it was just recently a hill I came down. Hey, wasn't there a movie about that?

Being somewhat overloaded at present I shall assume that all is well with the modsquad and that everything took care of itself while I checked out for a bit. Please let me know personally and directly at deron@freecycle.org if I *really* need to know something *really* important while I was out.

Interesting stuff in the pipeline:

1) Freecyclopeda on freecycle.org: a freecycle wiki full of anything you all put in it in alphabetical order. Not quite done yet, but I noticed that Eric Snyder already spilled the beans to Canada, so I figured I'd give you a heads up that this will be coming up. It'll have FAQ's and basically whatever you all put in it. That's the neat thing: it is what we the people make it with no higher ups, etc. - a living growing organism kinda like freecycle itself. I'm most excited about this development. BUT it ain't done yet so hang in there.

2) Ahh shoot, I can't remember the bleedin' number two so forget number two.

3) Number three: This is a reminder that we will soon have a new automated approval method for new groups which includes them picking a nearby moderator as a mentor. It'll include all mods and all groups as potential mentors for them to pick from. If picked by a newbie mod you will then have an autoresponse approval to send by hitting reply and you'll need to be open to answering the odd newbie question or two. The e-mail will be sent to YourtownFreecycle-Owner@yahoogroups.com (for example) so you'll at some point need to decide which of your local mods handles it. Since it is split by geography, it will eliminate overlaps and will cut down on excess repeat questions in the modsquad. With over 800 groups, each group may end up moderating one or two other groups a year. This is the cool part of it, distributing the learning curve and removing the burden from all and from me in organizing all the new links and welcome letters, etc.

That's it from here in Tucson, except that it's like 105 degrees out here. Most toasty.
Keep on freecyclin'!
Deron

PS: the National Examiner was supposed to have reported on alien babies being freecycled -- has anyone seen it yet (the article, not the baby)? (Once again, you've read too far...)

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freecyclemodsquad-unsubscribe@yahoogroups.com

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To: freecyclemodsquad@yahoogroups.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Thu, 05 Aug 2004 01:46:39 -0000
Subject: [freecyclemodsquad] ADMIN: praise mother nature...

Praise mother nature!

Our good friend and awesome mod Nancy Castleman has agreed to be a co-mod for the freecyclemodsquad. If i'm off galavanting (or at least am not online), she'll gently guide the discussion in a positive direction or ask that we bring an overdiscussed topic to a close, etc.

So now we have Irene who is comoding in order to organize the freecycled/used t-shirt emblem contest, we have Judy aka teddybear's mom, who is approving new members to the modsquad and Nancy who is helping moderate the board discussion itself.

This should help a bit.

Take care,
Deron

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Exhibit H

Declaration of Timothy Oey

Case No. CIV 06-00173-TUC-RCC
United States District Court
District of Arizona

To: NWPT@yahoogroups.com
From: Tim Oey <timfcnext@oeyweb.com>
Date: Sat, 16 Oct 2004 13:49:40 -0700
Subject: [NWPT] freecycle.org article -- trademark/service mark danger
Reply-To: NWPT@yahoogroups.com

Warning Will Robinson!

Freecycle is in grave danger of losing trademark protection for the word "Freecycle". To protect a trademark it must be treated as an adjective or proper name -- not a noun or a verb or a word in common language use. It must be diligently protected to prevent it from becoming a general purpose word. This happened to "asprin" and "bandaid"

The words phrases "freecycling", "freecyclers", "freecycled", "300 people freecycle" will quickly erode use of "Freecycle" by itself as a trademark.

The Freecycle Network can be protected easily, but the word Freecycle is very likely to turn into the common use modern word "freecycle". This is good for promoting the environment, but not good if The Freecycle Network wishes to protect how the word is used.

Cheers,
Tim

>To: <freecyclemodsquad@yahoogroups.com>
>From: "Deron Beal" <deron@freecycle.org>
>Date: Sat, 16 Oct 2004 07:40:15 -0700
>Subject: [freecyclemodsquad] freecycle.org page

>
>

>Hey all,
>Near as I can tell (Jeff our computer geek friend extraordinaire is checking
>it out) the webpage is down because of an AP article which also has just
>become one of the top "most popular" articles on yahoo.com

>
>The webpage should be up again soon. Here's that pesky troublemaker of an
>article:

><http://story.news.yahoo.com/news?tmpl=index2&cid=964>

>

>Happy Saturday morning to ya...

>

>(I'm gonna go get me some yummy fakin' bakin' -- great stuff, ever try
>it? --for breakfast and a nice hot cup a joe)

>

>Deron

Packrats Recycle Their Clutter Online

Fri Oct 15, 1:21 AM ET

By JEFF DOUGLAS, Associated Press Writer

KANSAS CITY, Mo. - Bill Heeter admits he has a problem. He loves junk.

But the retired businessman is one of a growing number of packrats jumping online to give away their clutter or to take some off others' hoarding hands.

In less than two years, freecycling has caught on worldwide, with about 500,000 givers and takers of everything from couches to cars and pingpong tables to pianos.

A few months ago, Heeter visited www.freecycle.org and joined the online community.

Heeter's biggest problem was books. A thousand or more titles from an Internet textbook selling endeavor piled high in his suburban Kansas City garage.

He offered the books through the freecycling network for anyone to take, and nearly 3,000 freecyclers in and around Kansas City got an e-mail. The same day a woman replied and offered to take all the books to sell at a church garage sale.

"I thought, 'Where has this been?' I've been purging junk for years and never questioned if it'd be useful to someone else," said Heeter, 41. "I can see myself freecycling forever. Our garage will never be like that again."

With his garage cleared, Heeter had space for a lawnmower and a leaf blower. He got those free from fellow freecyclers.

Since discovering the "virtual curb" of sorts, Heeter and his wife have been cleaning out closets and offering more stuff to the free message group hosted by Yahoo. His son gave his unused Pokemon toys to a younger child through freecycling.

Deron Beal started the grass-roots movement in May 2003 in Tucson, Ariz., to slow the growing landfills in his community. The idea has scattered through cyberspace and word of mouth to about 1,500 cities worldwide.

There are freecyclers in Australia and Alaska. Portland, Ore., has the largest freecycling group with about 10,000 members. About 300 people freecycle in Manhattan, Kan., with the same number in Jefferson City, Mo. Every participating city has a local volunteer to manage the group.

Shane Brady and his girlfriend, Kelly Garbato, started the Kansas City freecycling group last September. In one year membership has grown to 3,000 members. About 20 new people sign up each day in Kansas City alone, and the couple volunteers two hours or more moderating daily activity. They also participate. Brady picked up a slightly used poker table soon after he launched www.kcfreecycle.org.

Messages are sent by the thousands each month offering unneeded items or placing wanted ads. But there are a few rules, Brady said. Guns, pets and medication can't be freecycled, for example.

"A lot of the things that are shared would probably end up in a landfill otherwise," Brady said. "Maybe for that reason people enjoy giving more than taking."

But in Jill Duft's experience, people aren't giving away worn-out hand-me-downs.

Her Kansas City home was nearly destroyed by a fire in March. Following the loss, she joined the freecycling message board and was able to refurbish her rebuilt place with a leather recliner, a dining room set and a DVD player. She also replaced her daughter's fire damaged piano for free.

"It's been awesome. I tell so many people about it," Duft said.

She gave away an unused Girl Scout handbook, a working refrigerator and a basketball goal after other freecyclers placed wanted ads.

In an era of Internet scams, widespread computer viruses and illegal music downloads, freecycling is bringing priceless good deeds to the Web by the thousands. The stories freecyclers tell are evidence.

An elementary school librarian received an expensive machine that prints braille text for her school's only blind student. Low-income families find brand-new clothes for their children. Even cars have been freecycled.

"Internet communities like freecycling serve a practical and emotional purpose and the Internet lets us bring these like-minded people together quickly," said Mary Chayko, a sociology professor at the College of Saint Elizabeth in New Jersey, who started researching Internet communities the late 1990s.

Her 2002 book "Connecting: How We Form Social Bonds and Communities in the Internet Age," explored why and how people connect on the Internet.

"People who form and join online communities do so for very authentic reasons," Chayko said, "and research tells us that these groups are no less genuine than real-life bonds that are made in everyday life."

—

On The Net:

<http://www.freecycle.org>

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Exhibit I

Declaration of Timothy Oey

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