
Traci Dale, 11/10/04 5:13 AM -0700, [NWPT] Further thoughts about The Freecycle servic**1**

To: NWPT@yahoogroups.com
From: Traci Dale <tracidale@yahoo.com>
Date: Wed, 10 Nov 2004 04:13:35 -0800 (PST)
Subject: [NWPT] Further thoughts about The Freecycle service mark
Reply-To: NWPT@yahoogroups.com

--- Tim Oey <timfcnext@oeyweb.com> wrote:

> So, comments anyone?

As I ponder this further, I'm beginning to wonder if we have a chance at winning this. We're talking about *everyone* using the name correctly in order to protect it, right? Not just those who are official members/moderators, but the general public has to understand and use it correctly.

I just honestly don't see that happening. I've seen so many rogue groups and cranky members and moderators who think that this focus of Freecycle should be grassroots rather than an organization... I'm wondering how many would actually jump at the chance to undermine the trademark approval process. (I actually worked in the Trademark office in Crystal City, VA one year in the early '80's).

I'm wondering if it's too late already. Has this been announced on the mod-squad already? (I don't go there often anymore and don't feel like scanning 10,000 archives.)

This is *exactly* what happened to the term kleenex, isn't it? Do you actually think Proctor & Gambol (or whoever the heck invented it) didn't try to keep the trademark? They simply had no control over the general public's use of it.

I hate to be the bearer of bad news this fine autumn morning, but I'm thinking that Deron might need to keep his day job. Sorry, dude, I do love ya and want the best for the Freecycle Network, but I'm also a realist.

Traci-Dale, the now very sad moderator gal in Poquoson, VA

Free advice for today: The next time you have a world changing idea that you don't know will be world changing, have an organized plan on how to implement the infrastructure that you don't know you're going to need once it explodes. (Sorry... lame attempt at humor... I do amuse myself on occasion...just not much today.) <rueful grin followed by a heavy sigh>

=====

"It is more blessed to give than to receive."
www.freecycle.org

Do You Yahoo!?

Printed for Tim Oey <oey@post.harvard.edu>

1

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<*> To unsubscribe from this group, send an email to:
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Exhibit J

Declaration of Timothy Oey

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

To: freecyclemodsquad@yahoo.com
From: "freecyclederon" <deron@freecycle.org>
Date: Wed, 05 Jan 2005 21:59:34 -0000
Subject: [freecyclemodsquad] ADMIN: Freecycle as adj., GOA contacts, etc.

1) FREECYCLE OFFICIALLY ONLY AS AN ADJECTIVE. I have since met with my lawyer about copyright issues. He says that anything official should never use the word "Freecycle" as anything but an adjective. "Freecycle" Guidelines, The "Freecycle" Network, etc. Using it as a verb risks it becoming generic as a phrase for any company that would like to set up a webpage like ours and charge for it, have pop-up ads, etc. So getting in Webster's is not a good thing if we want to protect the name from monied interests and profit-takers. It also always needs to be capitalized.

So, officially, we will need to start making sure that the webpage, for example, doesn't say something like "Keep on Freecyclin'". This of course really stinks, but is definitely not a little thing. And technically where ever it is used officially it needs to say Freecycle (TM) with the elevated TM after it. Emily our wonderful GOA volunteer for the Northeast region has been doing some of this lately for the site (adding TM's and C's etc.)

Originally I was told it should be an SM for Service Mark but apparently SM is only recognized in the US and TM is good all over, basically. So even though we are getting a Service Mark which will become an "r" when registered (same as with a TM), TM is the better thing to use. This means that I've also asked Thomas Pradel our main German man to change the logo to reflect the TM bit instead of SM. Ei yei yei. This legal stuff is a topsy turny rollercoaster that just makes my stomach turn...

We will most likely have our first court case with a company that is already trying to get a competing trademark for Freecycle. I have a first sponsor lined up and should be able to have enough cash to cover the court case, I hope.

2) THE GOA FOLKS ARE LISTED ON FREECYCLE.org UNDER FAQ TOWARDS THE BOTTOM. The wonderful mega volunteers with the group outreach and assistance (GOA) have agreed to allow their addys to be posted in this somewhat public fashion. Their addresses are clearly marked as ONLY FOR YOU MODS to contact. We'll give this a try and see how it goes. We also clearly note that the info@freecycle.org is the only contact for nonmod members. Three more cheers for the GOA folks who are offering up their hearts in time above and beyond the call of their own groups...

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----->
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:
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Exhibit K

Declaration of Timothy Oey

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

To: freecyclesunnyvale@yahoogroups.com
From: "southbaypen" <dss@batnet.com>
Date: Sat, 19 Mar 2005 21:03:39 -0000
Subject: [freecyclesunnyvale] Re: ADMIN: Freecycle Trademark heads up

I was freecycling down to the local freecyclers the other day, whistling the Freecycled Blues, toting an old toaster to freecycle, and hoping to freecycle me a bookshelf, when suddenly a very large dude in a suit stopped me short and said:

"Hold on there, buddy. You be violating some serious trademark shit, taking the F-word in vain like that."

I was taken aback. "Are you out of your freecyclin' mind? This is a freecycled country, man! Now get the F-C outta my way!"

He tightened his vise-like grip on my arm. "Now listen up, and listen good. You may think this is a joke, but there's a lot of very influential people watching this Freecycle(tm) thing, and they're not gonna let some ex-hippie programmer dude who never outgrew his Rebellin' Against Authority phase screw it up."

"Influential people? What is this crap?"

"That's right. You got people giving shit away for free, you be stepping on the turf of every honest businessman trying to make a buck selling that same shit. Pretty soon all you got is folks shuffling shit, and the whole country falls to pieces. Now McScram before I scotch tape a xeroxed kotex onto the back of your spandexed ass!"

"Hold on. You're trying to tell me somebody's paying you to watch for trademark infringement because they are afraid that freecyclers are going to ruin the economy? I don't believe a word of it. You're going to have to freecycle a better story than that."

He looked around furtively, then pulled me in close and spoke quickly in a low voice.

"All right. Look, I'll level with you, but this stays between you and me. Don't you go emailing this shit to all your friends."

I solemnly drew an X across my chest, saying, "Freecyclers' honor."

"Ok listen. The Freecycle Network(tm) started with a couple of groups here and there, and it's grown to over a million members in less than two years, with over FIVE million hits on the Freecycle(tm) website. That kind of Internet growth rate makes advertising executives cream their pants. And that's just the tip of the iceberg.

Now we've got some very large companies nosing around, trying to figure out how to get a piece of this action. Think about it. Building materials left over from big jobs...Home Depot could be all over that. Books and magazines...you think Borders isn't watching that? Baby clothes and toys...don't even get me started!"

He leaned into my ear and said in a coarse whisper, "At this very moment, Walmart is drawing up plans for a nationwide chain of Freecycle(tm) Centers."

I pulled away in shock. "You've got to be kidding!"

"It's true. And you know what that means? Pretty soon every major retailer in the country is going to be trying to jump onto this bandwagon, and we've got to be prepared. That's why we have to protect the trademark. We can't lose control of this now, when it's about to be the biggest thing since the golden arches."

It was all too much for me. Deep down in my gut, I knew that if Corporate America thought that freecycling was a good idea, then there must be something seriously wrong with it, and I wanted no part of it. I jumped back on my freecycle, and peddled like hell.

"Come back!" he yelled after me. "There's some serious money to be made giving away shit for free!"

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----->

For Freecycle Etiquette and other Freecycle information please see:
<http://groups.yahoo.com/group/freecyclesunnyvale/files/>

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Yahoo! Groups Links

- <*> To visit your group on the web, go to:
<http://groups.yahoo.com/group/freecyclesunnyvale/>
- <*> To unsubscribe from this group, send an email to:
freecyclesunnyvale-unsubscribe@yahoogroups.com
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Exhibit L

Declaration of Timothy Oey

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

To: freecyclemodsquad@yahoogroups.com
From: Tim Oey <timoe@yaho.com>
Date: Thu, 18 Aug 2005 23:36:40 -0700
Subject: [freecyclemodsquad] Civil disobedience...

Hi all,

First my sincere apologies! I have had a significant role in a number of Freecycle directions that I now see are leading freecycle down a path that is not quite right.

Which directions were those?

Ersatzfreund (came partly out of my efforts to see that groups have backup owners/moderators -- one of my bicycling friends was killed by a drunk driver -- leaving his popular and well run bicyclingadvocacy group hanging without an owner -- it took Herculean efforts to get Yahoo to create a new owner for that group)

Freecycle trademark (Freecycle wanted to protect it -- so I contributed considerable energy and expertise, I was the main original author behind the current trademark guidelines)

Freecyclenext (Many could see that a much better system was possible, I'm a software developer, so I helped lead the charge)

I see two reasonable paths for Freecycle.

One is the traditional corporate style path that requires trademarks, money, lawyers, money, insurance, money, and strong controls. Trademarks are expensive. 24x7 systems supporting millions of users around the world are expensive. Lawyers are expensive. Insurance is expensive. But if you start raising enough money to support all of these, you become a target and need lawyers and insurance, etc. It's quite a treadmill.

The second less traveled path is one where freecycle goes back to its roots, lets go, and becomes, again, a true, open, grassroots movement. Some optional, helpful guidelines, but no absolute rules and no one telling anyone else what to do. This may not perfectly fit anyone's ideal dream. But it may just be good enough and much less resource intensive.

Here is my alternate vision for freecycle:

1) Allow ersatzfreund to be optional for those who do not otherwise have anyone else they can trust to be a backup owner. If a group has a 2nd backup owner then great -- that's super! If they choose not to have a backup owner, oh well, they are setting up their community for possible outages but they are adults and can take responsibility for this.

2) Abandon the Freecycle trademark pursuit and let all freecyclers do as much freecyclin' as they please. This will force the term into the public domain such that no one can trademark it. This action would be very natural, it would be free, it would be fun, and all freecyclers everywhere would help enforce it. Furthermore it fits well with a "viral" marketing approach to freecycle. People hear about it and want to know where it came from -- which will lead back to The Freecycle Network without strong trademark enforcement. It will also generate lots of goodwill.

3) Abandon the effort to create a new freecycle system. A big industrial company like Yahoo has trouble enough keeping its servers stable and running. Having freecycle create such a system puts a considerable burden on it and also introduces a significant single point of failure -- if the freecycle system goes down, all freecycling on it stops. Yahoo Groups has gotten freecycle very far so it obviously works. It may not be perfect but it seems to be good enough (like VHS, qwerty keyboards, Microsoft, and tons of other examples).

4) Do maintain the trademark on the full name "The Freecycle Network" (this should be fairly easy) and do take credit for birthing freecycle.

5) Do have The Freecycle Network become a 501(c)3 nonprofit and allow individuals and corporations to make donations to support the gentle expansion of freecycle -- enough to keep Deron and a few others gainfully employed -- and freecycle.org up -- but not enough to make it a target for those who might want to sue to win money. After all, freecycling is an open movement -- it's like trying to sue the weeds that grow in the wild.

6) Drop strong enforcement of many things so that GOAs won't seem to be like police to some or enforcers to others but a genuine helpful set of people that may be able to come in and help a moderator out with their group -- make being a GOA easy and fun.

7) Welcome back all the freeshare and splinter groups and allow them to use the freecycle term freely. Plus most of the people who have left including Nancy, Lunnye, Judy, Deanna, Pastor Ken, and others are very good, thoughtful people.

8) Do keep a freecycle directory on freecycle.org but make the only requirements to be listed be:
- everything offered on such groups must free
- exchanges keeps stuff out of landfills
- centered on a single geographical location.

Everything is free is freecycle's major attraction. Let members report groups where the moderator has disappeared or is allowing selling/trading/spamming (non-freecycle stuff) to go on. Let members vote with their feet as they choose which group they wish to belong to. No group would own a territorial lock on any region -- rather they would win and keep members by serving them better than their competition. Have all groups establish a geographical center point so it is clear to everyone where that group is located. This will naturally cause groups to stay smaller. Most Freecycle guidelines would basically stay as is. It can be at group discretion how tightly they are enforced -- do they want to attract or repel members?

9) Make the NGA job fun and easy. Allow NGAs discretion to tune their areas where they see obvious needs for more groups (high population areas). The goal of NGAs is to see that there are as many successful groups in their area as possible -- they don't want just a few monster groups -- they also don't want millions of teeny groups that can't get enough critical mass to be effective.

10) In general make all freecycle volunteer roles fun and easy (not work!).

11) Make the organization very transparent and easy to understand so that everyone can know what's going on. Document everything publicly.

12) Give moderators a more direct voice in the future of freecycle. Establish a mechanism so that all moderators who choose to vote, can vote on changes and directions for freecycle. Having a discussion group focused on The Freecycle Network organization is critical to this. Moderators of this group could run it more like a "meeting" -- where there is a bit of process to introduce a topic, that one topic is discussed and debated until some options emerge, and then it is voted on. Decisions that are made in the past can be re-visited -- it is ok to change as we grow, no need to be stuck with past mistakes. The Freecycle Network then has a good way to perpetuate itself as a system.

There are undoubtedly a number of other fine additions and refinements to my suggestions above -- the overall goal should be to make freecycling light, easy, self-sustaining, resource efficient, and fun for everyone!!! If it's causing lots of stress, something is going wrong.

Like my Ben & Jerry's bicycling jersey says "If it's not fun, why do it?"

Sincerely,
Tim Oey
Reduce Reuse Recycle
Former California NGA
Current Sunnyvale CA co-owner

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a

href="http://us.ard.yahoo.com/SIG=12h624ipv/M=320369.6903865.7846595.3022212/D=groups/S=1705064235:TM/
Y=YAHOO/EXP=1124440639/A=2896112/R=0/SIG=1107idj9u/*http://www.thanksandgiving.com
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----->

Please remember to trim your posts when responding to messages posted on the site. Thank You.

Report news articles: newswire@freecycle.org
Contact your GOA: http://freecycle.org/faq_mod.php

Modsquad Moderators
Beverly/bevcan23, Deb/debsawyers, or Irene/teddybearsmother
We can be reached at freecyclemodsquad-owner@yahoo.com

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

Exhibit M

Declaration of Timothy Oey

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

Date: Fri, 16 Sep 2005 16:30:58 -0400 (EDT)
Subject: [Bulk] Trademark Issues
From: "Paula" <california@freecycle.org>
To: timcafc@oeyweb.com, petritim123@yahoo.com, timoey@yahoo.com

Tim,

As a volunteer representative of The Freecycle' Network you have publicly requested that members actively campaign against the organization obtaining the Trademark it has filed for. The following are quotes from your post:

"The best way to keep freecycle in the public domain is for as many people and groups as possible to continue to use the term generically.

If you feel that the term freecycle is generic, you can let the USPTO know by sending a letter to:
Commissioner Of Trademarks" (address followed)

"Yahoo listens to its customers, so if folks complain about groups being deleted for use of the term "freecycling" than members/moderators of those groups should complain to Yahoo "(email address followed)

This is contrary to the mission of this organization to keep the trademark free from external corporate use and solely open to local members of The Freecycle' Network. Therefore, I must ask that you step down as the as a moderator of the Freecycle Sunnyvale list. I would appreciate your cooperation as soon as possible and confirming that you have done so.

Sincerely,
Paula

Be kind to each other.
www.freecycle.org

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Exhibit N

Declaration of Timothy Oey

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

From: "chandan mishra" <chandan@hotmail.com>
To: <timoey@yahoo.com>
Subject: [Bulk] FW: Why we asked Tim Oey to resign
Date: Sat, 17 Sep 2005 02:52:38 -0700

Hi Tim,
I would like to know your side of story.

Thanks,
Chandan

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

From: notify@yahoogroups.com [<mailto:notify@yahoogroups.com>] On Behalf Of Paula
Sent: Friday, September 16, 2005 8:42 PM
To: chandan@hotmail.com
Subject: Why we asked Tim Oey to resign

Dear Owner and Mods,

Unfortunately, today I had to ask Tim Oey to step down as a moderator of your group. A copy of the actual letter to him stating the reasons follows at the bottom of this note.

This is not intended as any reflection upon your group and we sincerely hope you will continue to run your list in the same manner as you have in the past. We value you and the hard work you do on behalf of your community, the planet and Freecycle.

It is my hope that Tim will remove himself as a moderator of your group and all will continue as it has been. If he chooses not to step down, then I would ask that he be removed as a moderator.

If you would contact me and let me know that you have received this note and share your thoughts with me I would greatly appreciate it.

All the best,
Paula
California Group Outreach and Assiatance Team Member

Be kind to each other.
www.freecycle.org

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Copy of my letter to Tim Oey:

Tim,

As a volunteer representative of The FreecycleT Network you have publicly requested that members actively campaign against the organization obtaining the Trademark it has filed for. The following are quotes from your post:

"The best way to keep freecycle in the public domain is for as many people and groups as possible to continue to use the term generically.

If you feel that the term freecycle is generic, you can let the USPTO know by sending a letter to:
Commissioner Of Trademarks" (address followed)

"Yahoo listens to its customers, so if folks complain about groups being deleted for use of the term "freecycling" than members/moderators of those groups should complain to Yahoo "(email address followed)

This is contrary to the mission of this organization to keep the trademark free from external corporate use and solely open to local members of The FreecycleT Network. Therefore, I must ask that you step down as the as a moderator of the Freecycle Sunnyvale list. I would appreciate your cooperation as soon as possible and confirming that you have done so.

Sincerely,
Paula

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www.freecycle.org

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Exhibit O

Declaration of Timothy Oey

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

Date: Fri, 23 Sep 2005 18:11:13 -0400 (EDT)
Subject: Re: Trademark Issues
From: "Paula" <california@freecycle.org>
To: "Paula" <california@freecycle.org>
Cc: "Tim Oey" <oey@post.harvard.edu>,
freecycle-sunnyvale-owner@yahoogroups.com, deron@freecycle.org,
chandan@hotmail.com, jjtrader@yahoo.com

Tim,

Having reached the deadline and not having received a reply from you, I have asked that the Sunnyvale link be removed from the Freecycle.org page.

I am truly sorry this has become necessary.

All the best,
Paula

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www.freecycle.org

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> Tim,

>

> Once again I apologize for not getting back to you sooner, but life seems
> to keep throwing me curves. Hopefully this has allowed you and the other
> mods more time to discuss things.

>

> As far as I am aware there was never any moderation of your posts on
> either the Modsquad or the OIDG lists concerning your opinions about the
> path the Freecycle' Network should take. The issue of having
> Ersatzfriend as a co-owner of the groups is very different from the
> trademark filing. The trademark filing pertains to a legal issue, and
> thus is a matter for the Executive Director and the Board of Directors to
> determine, not the mods of the various lists.

>

> It is standard procedure for non-profit companies to protect their names,
> and apply for the available trademarks, etc... There has been no
> deviation from this plan for Freecycle', and it's been clearly stated
> publicly for many months now. Out of respect for your feelings for the
> purpose of this group, and your knowledge of the limited means to defend
> this interest, I sincerely hope you will reconsider pursuing a legal case
> against the trademark application.

>

> Tim, I must respectfully ask once again, that you agree to relinquish
> your position as a moderator based on your continued stance against the
> pending trademark application and your instigation of a campaign to such
> an end. As this discussion could conceivably go on for an extended period
> of time, we need to ask for your reply by Friday at 3:00 PM local time.

>

> You asked what would happen if you and your fellow mods do not agree to
> this request. We only have one option available, and that is to remove
> the link for the Sunnyvale list to the freecycle.org site. If that were
> to happen we would also ask that all references to Freecycle' be removed.
> We all hope this will not become necessary.

>

> This is a very unhappy situation for everyone involved, and I personally
> am very sorry that it has come to this, but there are often consequences
> to our actions, and your actions have resulted in this situation.

>

> Please let me know your decision at your earliest convenience. I have
> cced the owners list and Chandon and Jason on this letter so they will
> have all the available information first hand.
>
> Fondly,
> Paula
>
> Be kind to each other.
> www.freecycle.org
>
> Freecycle' and the Freecycle' logo are trademarks of The Freecycle'
> Network in the United States and/or other countries.
>
>> Hi Paula,
>>
>> This is likely to take more than a few days to talk out with my
>> co-moderators as they don't seem to be checking their emails or
>> responding
>> as quickly as I do.
>>
>> How about 2 weeks time?
>>
>> And, what happens then if I do not resign?
>>
>> And, what if the other moderators and/or members of the
>> freecyclesunnyvale
>> group do not want me to resign?
>>
>> The trademark discussion was shut down by Deron on freecycle discussion
>> lists before any real information was shared and considered -- unlike
>> the
>> discussion on ErsatzFriend (EF) -- where the moderators ended up voting
>> for making EF optional (which is the side I strongly supported).
>>
>> I can see that Deron does not want to engage in any discussion in this
>> area as he has firmly made up his mind. Which is most unfortunate
>> because
>> the path he is going down has a number of consequences he is not going
>> to
>> like in the long run. It is quite similar to the mistakes that were
>> originally made when EF was first set up.
>>
>> My alternative also has consequences but I firmly believe that it is a
>> much better choice for The Freecycle Network (TFN) in the long run.
>>
>> I also believe that it is very unfair of TFN to judge people based on
>> outside free speech. As long as moderators are not doing anything
>> illegal,
>> they should just let it go. There are many who are afraid to discuss
>> their views simply because they have seen that whoever does gets
>> blacklisted and get kicked out of the network. This certainly confirms
>> their fears.
>>
>> Sincerely,
>> Tim
>>
>>
>> At 4:10 PM -0400 9/19/05, Paula wrote:
>>>Tim,
>>>
>>>I'm sorry for the delay in responding to you, I was not feeling well
>>> over

>>>the week-end and did not get to most of my email until this morning.
>>>
>>>You asked if I really believed this was right. I have to say that I do
>>>think you over-stepped the boundaries of acceptable behavior when you
>>>solicited letters to the USPTO to stop the trademark application from
>>>being approved. And I appreciate the fact that you posted in on the
>>>Freecyclenext list, which is now a quasi official group. But there are
>>>still many freecycle members there, and it was sent to FCN as some of
>>> them
>>>were very concerned with your request. And we do not control who
>>> belongs
>>>to what groups within Freecycle, let alone anywhere else.
>>>
>>>You know dissenting viewpoints are accepted and acknowledged. And no,
>>> we
>>>don't expect only good things to be said about FCN. This is a very
>>>organization and thus changes rapidly, as new people join and new groups
>>>are formed.
>>>
>>>The Sunnyvale list is and has been a fine example of what a Freecycle
>>> list
>>>should be. You know that! You created it and nurtured it, and it is
>>>vibrant and healthy. And you know I am forever grateful that you also
>>>brought me into the FCN community and nurtured me as well.
>>>
>>>And Freecycle is and should be a good place for gentle people to come
>>> and
>>>be welcome. It's about gifting things and building community first and
>>>foremost. And part of the community aspect is not just your local area,
>>>but also the Freecycle community, and your actions were not a way of
>>>building but looked rather like you were trying to tear down something
>>>that is already in the process and has been for quite a while.
>>>
>>>I know you have always been a strong believer in the concept behind
>>>Freecycle and with that in mind, I once again ask that you please turn
>>> the
>>>Sunnyvale group over to others and let it continue to be part of the
>>>Freecycle community. We cannot work at cross purposes here, Tim. By
>>>virtue of your inciting a letter writing campaign to stop the Trademark
>>>approval you have shown more than a dissenting point of view. And that
>>>makes it imperative that you step down as an owner and moderator of the
>>>group.
>>>
>>>Please let me know your decision by Wednesday.
>>>
>>>All the best,
>>>Paula
>>>
>>>Be kind to each other.
>>>www.freecycle.org
>>>
>>>Freecycle and the Freecycle logo are trademarks of The Freecycle
>>>Network in the United States and/or other countries.
>>>
>>>> Hi Paula,
>>>>
>>>> So do you really want to pursue this?
>>>>
>>>> Do you personally believe this is right?
>>>>
>>>> Or are you just following what Deron has asked you to do?
>>>>

>>>> No judge or jury or review panel, just a dictate?
>>> >
>>> > So what am I really guilty of? The post in question went to a group
>>> > outside of The Freecycle Network (TFN). My post did not go to any
>>> official
>>> > freecycle groups although it could have -- so your reference to
>>> freecycle
>>>> "members" in your original post is not quite accurate. Are people
>>>> going
>>>> to be controlled for what they say outside of official freecycle
>>>> groups?
>>>> Is freecycle going to have spies and snitches everywhere? Is
>>>> dissension
>>>> even allowed on official freecycle groups?
>>>>
>>>> Is there a requirement that people only say positive things about The
>>>> Freecycle Network? Is that grounds for kicking out a moderator or a
>>>> group?
>>>>
>>>> Are there major problems with how the Sunnyvale group is being run?
>>>> Should
>>>> this not be the true criteria for determining if a moderator should
>>>> stay
>>>> or go? The Sunnyvale group is running quite well with no issues and
>>>> the
>>>> 2000+ people on the list are quite happy at the moment.
>>>>
>>>> Is it "you're either with me or against me"? If someone has different
>>>> opinions and voices them with others, then they are out? So it is ok
>>>> to
>>>> do
>>>> it anonymously? But not when people know who you are?
>>>>
>>>> Have the moderators voted on this as criteria for whether to keep a
>>>> TFN
>>>> group or a TFN moderator?
>>>>
>>>> Does TFN really want to up the ante this much? I've scaled way back
>>>> from
>>>> what I was doing earlier and was just going to let things slide for
>>>> the
>>>> most part, but we could heat this up a real lot and make it really
>>>> juicy
>>>> with lots more publicity. I can pull a lot of strings, if I am so
>>>> inclined. So far I've just expressed my own personal opinions in a few
>>>> spots online.
>>>>
>>>> I can understand that some might be very unhappy with the viewpoint
>>>> I've
>>>> arrived at. Well, I'm likewise disappointed in the viewpoints others
>>>> have
>>>> arrived at. That's just life. TFN should be better geared to handle a
>>>> diversity of opinion.
>>>>
>>>> When I joined freecycle it was a simple thing -- an open grassroots
>>>> movement that was loose and easy. Just do generally the right thing
>>>> and
>>>> that was good enough. I think it best that freecycle return to its
>>>> gentle
>>>> beginnings and lead by example rather than whacking people on the
>>>> head.
>>>> The whacking of moderators encourages them to whack members in turn

>>>> and
>>>> we
>>>> know what that leads to... Organizations usually reflect their
>>>> leadership.
>>>>
>>>> There seem to be a large number of folks who are downright scared of
>>>> TFN.
>>>> They are in hiding and don't want to speak their mind for fear of
>>>> retribution. Is that what freecycle is about now? GOA secret police?
>>>> It
>>>> does seem to be what happens, does it not?
>>>>
>>>> I'm standing up for what I believe. I hope that someday my efforts
>>>> (sacrifice?) here may make freecycle a safe, gentle, and welcome place
>>>> again for gentle folks. Or at least I can take some arrows and help
>>>> clear
>>>> a way for those who are afraid.
>>>>
>>>> The thing that could save freecycle is for it to embrace its nature
>>>> and
>>>> not put iron bars around it and try to protect it in traditional ways.
>>>> Freecycling is a new thing, not a traditional thing. It is the
>>>> moderators
>>>> and members who make freecycle work on a day to day basis, not Deron
>>>> or
>>>> the central TFN organization. Their attempts at strong controls are
>>>> just
>>>> not what made freecycling spread so fast and become so popular with
>>>> people
>>>> inside and outside of TFN.
>>>>
>>>> What do you think? I look forward to your reply.
>>>>
>>>> Cheers,
>>>> Tim
>>>>
>>>> P.S. If TFN does win a registered trademark in the US on the plain
>>>> word
>>>> "freecycle", I'll drop my further opposition. But until then, may the
>>>> best
>>>> case win.
>>>>
>>>> P.P.S. Yahoo's spam filters classified your emails to me as junk. You
>>>> must
>>>> be sending out a lot of email these days or something...
>>>>
>>>>
>>>>
>>>> At 4:30 PM -0400 9/16/05, Paula wrote:
>>>>>Tim,
>>>>>
>>>>>As a volunteer representative of The Freecycle' Network you have
>>>>> publicly
>>>>>requested that members actively campaign against the organization
>>>>>obtaining the Trademark it has filed for. The following are quotes
>>>>> from
>>>>>your post:
>>>>>
>>>>>"The best way to keep freecycle in the public domain is for as many
>>>>> people
>>>>>and groups as possible to continue to use the term generically.
>>>>>

>>>>If you feel that the term freecycle is generic, you can let the USPTO
>>>> know
>>>>by sending a letter to:
>>>>Commissioner Of Trademarks" (address followed)
>>>>
>>>>"Yahoo listens to its customers, so if folks complain about groups
>>>> being
>>>>deleted for use of the term "freecycling" than members/moderators of
>>>> those
>>>>groups should complain to Yahoo "(email address followed)
>>>>
>>>>This is contrary to the mission of this organization to keep the
>>>> trademark
>>>>free from external corporate use and solely open to local members of
>>>> The
>>>>Freecycle' Network. Therefore, I must ask that you step down as the
>>>> as
>>>>a moderator of the Freecycle Sunnyvale list. I would appreciate your
>>>>cooperation as soon as possible and confirming that you have done so.
>>>>
>>>>Sincerely,
>>>>Paula
>>>>
>>>>Be kind to each other.
>>>>www.freecycle.org
>>>>
>>>>Freecycle' and the Freecycle' logo are trademarks of The Freecycle'
>>>>Network in the United States and/or other countries.
>>>>
>>>>
>>>>
>>
>>
>>
>
>

Exhibit P

Declaration of Timothy Oey

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

reduce_reuse_re... · timoey@gmail.com | Group Owner - Edit Membership

Start a Group | My Groups

sunnyvalefree · Sunnyvale, CA USA

- Home
- Messages
- Pending
- Post
- Files
- Photos
- Pending
- Links
- Database
- Polls
- Members
- Pending
- Calendar

- Promote
- Invite

Management

Info Settings

Group Information

Members: 623
 Category: Recycling
 Founded: Nov 21, 2005
 Language: English

Yahoo! Groups Tips

Did you know...
 Share images with a photo album. Create a Photo Album Now.

Yahoo! 360°

Keep connected to your friends and family through blogs, photos and more. Create your own 360° page now.

Home

ⓘ Pending messages require your approval. If you take no action, they will automatically expire after 14 days.

Management Tasks: 24 Messages Waiting For Approval
Activity within 7 days: 10 New Members - 72 New Messages

Description (Edit, Add Photo)

Trash to Treasure: Do you have stuff you no longer need? Looking for free stuff? This is the place! Spread the word!

Free recycling harnesses the power of the Internet to connect people who have stuff with others nearby who want it so it doesn't wind up in a landfill.

Briefly, here is how it works:

1. Find a group near you.
2. Join it.
3. Post OFFER (or WANTED) using this as a prefix in the subject line.
4. Get replies.
5. Arrange exchange with just one.
6. Offerer (Wanter) posts TAKEN (RECEIVED) when exchange is complete.
7. For details see Free Recycling Instructions

This free recycling group is centered around	
Zip Code	94087-1306
City	Sunnyvale
County	Santa Clara
State	California
Country	USA

Everything posted must be free, legal, and tangible. No trading and no services. After you join you'll receive an e-mail with further instructions.

Please note: The Freecycle Network (TFN) deleted the original and very successful freecyclesunnyvale group which was founded in Oct 2003. The SunnyvaleFree group was set up by the original moderators and is not associated with TFN. We are totally free in word and deed. All of our materials are free for *anyone* to use to set up their own free recycling groups (unlike TFN).

If you are interested in connecting to the local Sunnyvale Community, please join the SunnyvaleCafe list.

Most Recent Messages (View All) MY 360! RSS What's This?

Search:

Search

OFFER: Color printer, car sunscreens, notecards
 - Epson Color Stylus 800--working, but a bit temperamental - package of 2 quick stick car window sunscreens by Especially for Baby - over 40 dog-themed
 Posted - Wed May 3, 2006 9:21 am

fichen1
 Send IM
 Send Email
 Invite to Yahoo! 360°

Wanted: a lot of bricks/flat stones for yard
 We want to rip out our plants in the back portion of our yard and cover the dirt with bricks or those flat stones so we can set up a little table and chairs.
 Posted - Wed May 3, 2006 6:43 am

Holly Gallo
 guntimhol
 Offline
 Send Email
 Invite to Yahoo! 360°

TAKEN: Tall kitchen garbage bags
 Posted - Tue May 2, 2006 9:44 pm

Susan Howard
 susanwired
 Offline
 Send Email
 Invite to Yahoo! 360°

offered: magazines
 Consumers Reports, 2004 magazines complete set (Jan - Dec) Consumers Reports, 2003 magazines complete set (Jan - Dec) Located near Fremont Ave exit of 85 ...
 Posted - Tue May 2, 2006 9:29 pm

Ann H.
 annhnp
 Offline
 Send Email
 Invite to Yahoo! 360°

OFFER : portable dishwasher, non-working but quick fix I'll bet
 ...if you know what you are doing. I didn't. Worked fine for about 6 or 7 times. I got it free off craigslist. Sure it's some quickie drain thing-y widget or
 Posted - Tue May 2, 2006 7:22 pm

Tim
 ttannatt
 Offline
 Send Email
 Invite to Yahoo! 360°

Message History

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2006	414	352	359	410	18							
2005										113	356	

Group Email Addresses

Post message: sunnyvalefree@yahoogroups.com
Subscribe: sunnyvalefree-subscribe@yahoogroups.com
Unsubscribe: sunnyvalefree-unsubscribe@yahoogroups.com
List owner: sunnyvalefree-owner@yahoogroups.com

YAHOO! SPONSOR RESULTS

Santa Clara California- Hotel - Official site- Hyatt regency Santa Clara. Luxury hotel and premier location. Near the convention center and paramounts great America theme park. Book online for Hyatt.coms rate guarantee.
www.santaclara.hyatt.com

Santa Clara - Sort hotels by price, distance, and star rating. Book packages today.
www.orbitz.com

Santa Clara Hotel Portugal - Save with CheapTickets® Best Price Guarantee on hotels - Book now.
www.cheaptickets.com

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Exhibit Q

Declaration of Timothy Oey

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

Date: Thu, 27 Apr 2006 17:16:15 -0700
From: "W NH" <what.now.huh@gmail.com>
To: timoey@yahoo.com
Subject: From DB

.....
To: OIDG@yahoogroups.com From: "Deron Beal" <deron@freecycle.org> Date: Thu, 27 Apr 2006 17:08:08 -0700
Subject: [OIDG] Legal Update

Legal Update

I am writing to let you know that we have filed a lawsuit against Tim Oey for contributory trademark infringement, trademark disparagement, and other related claims. The first step in this process was taken

earlier this week when our attorneys filed and argued a motion for a temporary restraining order against Mr. Oey. The Judge ruled in our favor, and stated clearly that Mr. Oey has induced our infringement of our

intellectual property, has disparaged our intellectual property, has disseminated false and misleading statements about us and our intellectual property, and is causing us immediate and irreparable harm. I have uploaded

a a copy of the Judge's order to the OIDG files section. I highly encourage you to give this a read thru. This case is entirely separate from the case in Northern California.

Both pending legal cases stand at the beginning of a long process of a

year or longer. These things are very slow going. However, we mustn't let this detract us from continuing to focus on our goal of keeping good stuff out of landfills. Do note that because we are now involved in

active litigation, we have certain obligations relating to the retention of documents relevant to this case. In the next couple of days, I will be distributing information which outlines these obligations.

Presumably this means that the moderators of the Modsquad and OIDG will need to take care in saving any posts that are requested by group members to be removed, etc. Not sure on this one yet.

Further, in the Northern California lawsuit (in which we are being

sued), I'm glad to say that our lawyers were able to establish that the plaintiff has, in fact, no monetary damages he can obtain against us. As a result, the plaintiff has now removed this request from his lawsuit

against us. This most likely means that The Freecycle Network will not, as a result of damages from that lawsuit, be driven into bankruptcy.

This is HUGELY positive news! What remains at risk from that

lawsuit is

however that which represents our most valuable and singular association with your volunteer efforts alone and uniquely with our nonprofit mission: our name. Nothing is more critical to defend than this name and

keeping Freecycle free of profit motives and the dilution of the goodwill of literally thousands of volunteer moderators and millions of members."

So, we're in great shape: in the lawsuit against us we've been able to

get their claim for damages removed *and* in our lawsuit begun against Tim Oey, we've had a huge first victory in the judge's clear support and strong wording in a temporary restraining order against Mr. Oey.

As regards the question as to why both Mr. Oey and his spouse are both named in our complaint, I appreciate the concern. I must admit that a lot of the formalities of the litigation are being handled by our

attorneys and I don't always understand all of the legal issues. My limited understanding is that when an individual is sued, if the individual is

married, then both partners are included because of the nature of the

legal and fiduciary bond between them and that this is common legal practice.

IMPORTANT SIDE NOTE: Our law firm, Perkins & Coie, is providing their services pro bono because they believe deeply in our cause, in our

nonprofit mission, in our name and in the need to protect it. I can't begin to tell you how uniquely special their help is. Nor can I begin to show just how many hours they have invested in protecting our name for us.

This is HUGE. Because of this representation we have incurred virtually no legal costs nor do we anticipate the need to incur future legal costs in this regard. These guys also represent Craig's List and Google and

reeeeeally know their stuff. We are in good hands.

Should you have any questions, please don't hesitate to contact me. If I don't know the answer, I will check with our lawyers, and get back to

you. Unlike other issues, I will be unable to engage in active debate and discussion and I'll have to ask your patience in receiving a

response and your understanding that there will be much I am not
legally
permitted to comment on.

Thank you all very much. I think you can feel very good about
our
current position. Would that we hadn't had to begin this legal
journey at
all, but since it was begun against us, we must now do all we
can to

defend ourselves.

Thank you for the thoughtful comments and your patience and my
apologies if the strain is showing on me. I'm doing the best I
can to juggle a
great deal and the support of a number of you of late has been
greatly

appreciated. We are making great progress here legally and I'll
continue
to do my best to inform you as I am permitted.

Deron

.....
.....