

EXHIBIT 2

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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 IAN N.
FEINBERG IN SUPPORT OF
MOTION TO STAY OR TRANSFER**

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

1 I, Ian N. Feinberg, declare as follows:

2 1. I am an attorney licensed to practice in California. I am a partner of the law firm
3 of Mayer, Brown, Rowe & Maw LLP, with offices at Two Palo Alto Square, Suite 300, 3000 El
4 Camino Real, Palo Alto, California 94306.

5 2. I am one of the attorneys who represent FreecycleSunnyvale in a lawsuit currently
6 pending in the United States District Court for the Northern District of California, Oakland
7 Division. *FreecycleSunnyvale v. The Freecycle Network*, Case No. C06-00324 CW (N.D. Cal.
8 filed Jan. 18, 2006). That lawsuit has been assigned to the Honorable Claudia Wilken, United
9 States District Court Judge.

10 3. On March 31, 2006, I appeared in the courtroom of Judge Wilken on behalf of
11 FreecycleSunnyvale and with regard to a motion to dismiss filed by The Freecycle Network. At
12 the beginning of the hearing, Judge Wilken indicated that she would not dismiss Plaintiff
13 FreecycleSunnyvale's claim seeking a declaration of trademark non-infringement or, in the
14 alternatives, that "freecycle" is generic or that The Freecycle Network engaged in naked
15 licensing. Judge Wilken also indicated during the hearing that she would refer the parties to
16 mediation.

17 4. On May 1, 2006, I participated in a pre-mediation conference call conducted by
18 William N. Herbert, who was appointed as the mediator in *FreecycleSunnyvale v. The Freecycle*
19 *Network*. The mediation has been set for the week of June 12, 2006.

20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct. Executed in Palo Alto, California, on May 2, 2006.

22
23
24 
25 Ian N. Feinberg