

# EXHIBIT 3

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3 3450 E. Sunrise Drive, Suite 140  
4 Tucson, AZ 85718  
Telephone: (520) 882-7623  
Facsimile: (520) 882-7643

5 Attorneys for Defendants  
6 TIM OEY and JANE DOE OEY

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF ARIZONA**

10 THE FREECYCLE NETWORK, INC.,  
11 an Arizona non-profit organization,

12 Plaintiff,

13 v.

14 TIM OEY and JANE DOE OEY,

15 Defendants  
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CASE NO. CIV 06-173-TUC-RCC

DECLARATION OF DENNIS S.  
CORGILL 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, Dennis S. Corgill, declare as follows:

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

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

10 3. On April 14, this office served, on behalf of FreecycleSunnyvale, Initial  
11 Disclosures of Plaintiff FreecycleSunnyvale Pursuant to Fed.R.Civ.P 26(a)(1). Those initial  
12 disclosures were served upon Paul J. Andre, Lisa Kobialka, Esha Bandyopadhyay, and Sean M.  
13 Boyle of Perkins Coie LLP, attorneys of record for The Freecycle Network in  
14 *FreecycleSunnyvale v. The Freecycle Network* Case No. C06-00324 CW (N.D. Cal. filed Jan. 18,  
15 2006). In those disclosures, at page 9, lines 11-12, Plaintiff FreecycleSunnyvale disclosed that,  
16 "FreecycleSunnyvale moderator[] Timothy Oey . . . may only be contacted through counsel for  
17 FreecycleSunnyvale."

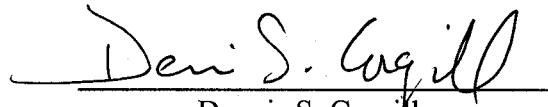
18 3. On April 28, 2006, this office received a letter from Esha Bandyopadhyay of  
19 Perkins Coie LLP, attorneys of record for The Freecycle Network in two pending lawsuits: (a)  
20 *FreecycleSunnyvale v. The Freecycle Network*; Case No. C06-00324 CW (N.D. Cal. filed Jan.  
21 18, 2006); and (b) *The Freecycle Network, Inc. v. Tim Oey and Jane Doe Oey*, Case No. CIV 06-  
22 173-TUC RCC (D.Ariz. filed April 4, 2006). A true and correct copy of that letter is attached to  
23 this declaration as Exhibit A.

24 4. On May 1, 2006, I responded to Ms. Bandyopadhyay's letter of April 28, 2006. A  
25 true and correct copy of my letter is attached to this declaration as Exhibit B.

26 5. On May 2, 2006, this office received a letter from James L. Vana of Perkins Coie  
27 LLP, attorneys of record for The Freecycle Network, Inc., in *FreecycleSunnyvale v. The*  
28 *Freecycle Network*, Opposition No. 91168664 (T.T.A.B. filed Jan. 18, 2006). A true and correct

1 copy of that letter is attached to this declaration as Exhibit C.

2  
3 I declare under penalty of perjury under the laws of the United States of America that the  
4 foregoing is true and correct. Executed in Palo Alto, California, on May 3, 2006.

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8 Dennis S. Corgill  
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## **Exhibit A**

Declaration of Dennis S. Corgill

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

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www.perkinscoie.com

<b>SENDER:</b>	<b>TELEPHONE:</b>	<b>FACSIMILE:</b>
<i>Esha Bandyopadhyay</i>	<i>(650) 838-4300</i>	<i>(650) 838-4350</i>

<b>RECIPIENT:</b>	<b>COMPANY:</b>	<b>TELEPHONE:</b>	<b>FACSIMILE:</b>
<i>Ian N. Feinberg</i>	<i>Mayer Brown Rowe &amp; Maw LLP</i>		<i>(650) 331-2060</i>

RE: *The Freecycle Network, Inc. v. Tim Oey, Case No. 06-CV-00173-RCC**Letter dated April 28, 2006*

This Fax contains confidential, privileged information intended only for the intended addressee. Do not read, copy or disseminate it unless you are the intended addressee. If you have received this Fax in error, please email it back to the sender at perkinscoie.com and delete it from your system or call us (collect) immediately at 415.344.7000, and mail the original Fax to Perkins Coie LLP, 180 Townsend Street, 3rd Floor, San Francisco, CA 94107-1909.

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Perkins Coie LLP and Affiliates (Perkins Coie Brown &amp; Bain P.A. in Arizona)

[BY061180.113]



Esha Bandyopadhyay  
PHONE: 650.838.4355  
FACSIMILE: 650.838.4555  
EMAIL: ebandyopadhyay@perkinscoie.com

101 Jefferson Drive  
Menlo Park, CA 94025-1114  
PHONE: 650.838.4300  
FAX: 650.838.4350  
www.perkinscoie.com

April 28, 2006

Via Facsimile (650-331-2060) and U.S. Mail

Ian N. Feinberg  
MAYER, BROWN, ROWE & MAW LLP  
Two Palo Alto Square, Suite 300  
3000 El Camino Real  
Palo Alto, California 94306-2112

Re: *The Freecycle Network, Inc. v. Tim Oey*, Case No. 06-CV-00173-RCC

Dear Ian:

I am writing to address your client Tim Oey's ("Mr. Oey") failure to comply with the Court's Order Granting The Freecycle Network, Inc.'s *Ex Parte* Motion for Temporary Restraining Order ("Order") in the above-captioned case. As you are aware, the Court has specifically ordered that Mr. Oey and his agents, servants and employees and those persons in active concert and participation with Mr. Oey are "restrained and enjoined from directly or indirectly inducing infringement of The Freecycle Network's intellectual property, including its trademarks or any variation or imitation thereof, disparaging The Freecycle Network's intellectual property, including its trademarks or any variation or imitation thereof, and from disseminating false and misleading statements regarding The Freecycle Network and its intellectual property, including its trademarks or any variation or imitation thereof."

It has been brought to our attention that Mr. Oey has failed to comply with the Court's order, and continues to engage in activity from which he has been restrained and enjoined on at least the following Web sites: Mr. Oey's home page, located at <http://oeyweb.com/timocy/>, Mr. Oey's Web log ("blog"), located at <http://www.blogger.com/profile/19380816>, the Yahoo! group FreecycleSunnyvale, located at <http://groups.yahoo.com/group/freecyclesunnyvale/>, the Yahoo! group SunnyvaleFree, located at <http://groups.yahoo.com/group/sunnyvalefree/>, and the Yahoo! group FCNext, located at <http://groups.yahoo.com/group/fcnext/>. Copies of these Web pages and/or posts from these Web pages are hereby attached for your convenience.

Since Mr. Oey has the ability to remove or modify the above-mentioned Web sites, or posts contained on these Web sites, we request that Mr. Oey immediately comply with the Court's order by removing the aforementioned Web sites, or postings contained on these Web sites, and any other similar publications or Web pages. Should Mr. Oey fail to comply

[/BY061180.096]

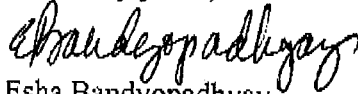
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Ian N. Feinberg  
MAYER, BROWN, ROWE & MAW LLP  
April 28, 2006  
Page 2

with the Court's Order immediately, we will have no choice but to request relief from the Court.

We look forward to your anticipated cooperation. Please feel free to contact me should you have any questions or concerns regarding this or any other matter.

Very truly yours,



Esha Bandyopadhyay

EB:ls

Enclosures



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## Tim Oey



### What's New

- I've now got a blog! Please check it out at <http://timoey.blogspot.com/>!! (2006/04/20)
- Switched jobs at Adobe, updated a few tidbits on the site. (2006/03/05)
- While freecycling is wonderful, discovered that the folks who were trying to control freecyclers were not so great. See [GreenRibbon.us](http://GreenRibbon.us) for more information. (2006/03/05)
- Finally posted some new pictures! [Of our new dog Piper!](#) (2004/03/28)
- Posted version 3.5 of [Coach's Game Card](#). (2004/03/28)
- Wrote article about the [2003 war on Iraq](#). Discovered a truly wonderful way to [combat terrorism by educating girls](#). (2003/04/05)
- Created a home page for [my Dad](#) who died on March 18, 2003. My Dad believed in [Peace](#). (2003/03/30)
- Added list of [Products I Like and Don't Like](#). (2003/03/13)
- Added article about the [US Pledge of Allegiance](#). (2002/10/02)

---

### A little about Tim...

After 2.5 years at the [Bank of Boston](#) (1984-1986), 2.5 years at [Fidelity Investments](#) (1986-1989), 8 years at [Apple Computer](#) (1989-1997) and a year at [Sun Microsystems](#) (1997-1998), Tim is currently at [Adobe Systems](#) (since 1998). From 1998 to 2006 he was the group program manager for Acrobat. Now he is Adobe's Product Development Tools Architect.

In Tim's spare time, he plays with his kids, freecycles stuff, defends free speech, mows the lawn, coaches soccer and volleyball, or helps in the community. Frequently, he thinks about life, the universe, and everything.

### Tim's perspective...

- Be clear.
- Be the ball.
- Know thyself.
- Knowledge is power.
- Everything is relative.
- Reduce, reuse, recycle.
- Think globally, act locally.
- It is often best to just say no.
- What goes around, comes around.
- The constants in life are birth, death, and change.
- When visiting, always leave a place better than it was when you arrived.
- Do unto others as they wish to be done unto, not just as you would have them do unto you.

- The pen is mightier than the sword, and the computer is the mightiest pen yet invented by mankind.  
---Tim's 1993 extension of a quote from Edward Bulwer Lytton and Richard Burton.
- Give a man a fish and feed him for a day. Teach a woman to fish and feed her for a lifetime. Build a fishing school and feed a community for an eternity.  
--- Tim's 1993 extension of a quote from Kuan-tzu (Chinese Philosopher).
- Human life is precious. Our Earth is precious. Please do not waste either. We must educate everyone, encourage planned parenthood, enjoy our differences, and empower individuals. I believe in self-determination. I believe in ecosystems. I believe in balance.
- I don't believe in drugs or smoking, but I do believe people have the right to choose, as long as those choices don't hurt others. I do not tolerate intolerance. I believe in religious freedom. I believe in checks and balances. I believe in free market economies and democratic governments. I believe in sustainable communities.
- Life and death are challenging and difficult. Yet they must balance. So that any may live, all must die. Humankind needs to mature in its understanding of both life and death. Death should not be viewed as a bad thing. It is a natural consequence of life. A mother is the best person to choose whether she aborts her fetus or not. Each individual is the best person to choose when to end his or her own life. God has given us the power and the resources -- we must use them wisely and empower people to determine their own destinies.

### Interesting reading...

- Tim's interesting and sometimes useful articles.
- Tim's favorite links.
- Pictures of my family.
- Products that I have tried and found to be great or not so great.

---

[Home](#) | [Articles](#) | [Links](#) | [Pictures](#) | [Products](#)  
Copyright © 1995-2006 Tim Oey, California USA, 1-408-749-1914  
Hopefully this website will be updated at least once a year :-)



## Contact

My Web Page

## User Stats

On Blogger Since	February 2006
Profile Views	8

## Tim Oey

Gender: male

Industry: Engineering

Location: Sunnyvale : California : United States

## Interests

Bicycling kites environment freecycling free speech democracy peace.

## Blogs

BLOG NAME

TEAM MEMBERS

[Tim's Thoughts](#)

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freecyclesunnyvale : freecyclesunnyvale

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**Group Information**

Members: 18

Category: Distance  
Learning

Founded: Feb 14, 2006

Language: English

 Already a member?

Activity within 7 days: 1 New Message

**Description**The original FreecycleSunnyvale group is now located at: <http://groups.yahoo.com/group/sunnyvalefree/>

STOP

IN THE  
MIDDLE  
OF THE  
ROAD

Join the Blue Ribbon Online Free Speech Campaign!

<http://groups.yahoo.com/group/freecyclesunnyvale/>

4/28/2006

Sign in to Yahoo!

### Yahoo! Groups Tips

**Did you know...**  
You can search right from your browser? It's easy and it's free. See how.

### Yahoo! 360°

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



Keep freecycling free for everyone!

### Most Recent Messages (View All)

**MY Y!**

**RSS**

What's This?

Search:

Search

**Plenty of fresh oranges, still on the vine, are also still available**  
Send me an email if you know anyone who could use them.

Posted - Wed Apr 26, 2006 10:52 pm

### WANTED: Bathroom items

Hello everyone! We finally decided it was time to re-do our TINY bathroom, it's bad. So if anyone has any left overs from when you did your bathroom or

Posted - Fri Apr 14, 2006 5:32 am

### Still have alot of lemons available

For those of you who would like to pick-up some Meyer lemons, please let me know and I will send an address for pick-up after I return today from church this

Posted - Fri Apr 14, 2006 5:23 am

### Received : Financial Calculator

Thanks Allysson very much

Leslie Shields  
mimispandini  
Send IM  
Send Email

Shauna  
blondegirlie66  
Offline  
Send Email

sunny\_vale1  
Offline  
Send Email

MLM  
mohitaii

**Do You Yahoo!? Tired of spam? Yahoo! Mail has the best spam protection around**  
Posted - Fri Apr 14, 2006 5:21 am

**Wanted: Treadmill**  
Looking for a treadmill Available FREE. Fresh oranges still on the tree.  
Posted - Fri Apr 14, 2006 5:21 am

### Message History

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
			3								
							8				

### Group Email Addresses

Post message: [freecyclesunnyvale@yahoogroups.com](mailto:freecyclesunnyvale@yahoogroups.com)  
Subscribe: [freecyclesunnyvale-subscribe@yahoogroups.com](mailto:freecyclesunnyvale-subscribe@yahoogroups.com)  
Unsubscribe: [freecyclesunnyvale-unsubscribe@yahoogroups.com](mailto:freecyclesunnyvale-unsubscribe@yahoogroups.com)  
List owner: [freecyclesunnyvale-owner@yahoogroups.com](mailto:freecyclesunnyvale-owner@yahoogroups.com)

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4/28/2006

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freecyclesunnyvale : freecyclesunnyvale

<http://groups.yahoo.com/group/freecyclesunnyvale/>

sunnyvalefree : Message: ADMIN: Lost and Found

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## Yahoo! Groups Tips

 Did you know...  
 Keep your circle of  
 friends "in the know".
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Search

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Message 1617 of 1978 &lt; Previous | Next &gt;

From: Tim Oey <timoe@...>  
 Date: Sun Apr 2, 2006 7:51 pm  
 Subject: ADMIN: Lost and Found

 reduce\_reuse...  
 Offline  
 Send Email

In addition to freecycling, please note that SunnyvaleFree also supports lost and found posts like those on Craigslist at:  
<http://www.craigslist.com/1af/>

A news story about lost and found on Craigslist can be found at:  
[http://news.yahoo.com/s/ap/20060402/ap\\_on\\_ht\\_te/lost\\_found](http://news.yahoo.com/s/ap/20060402/ap_on_ht_te/lost_found)

As described in the article, I too believe that there are lots of folks out there who just want to do the right thing and help each other.

Cheers,

Tim

one of your local moderators

Reply

Forward

<http://groups.yahoo.com/group/sunnyvalefree/message/1617>

4/28/2006



sunnyvalefree : Message: ADMIN: Lost and Found

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<http://groups.yahoo.com/group/sunnyvalefree/message/1617>

4/28/2006

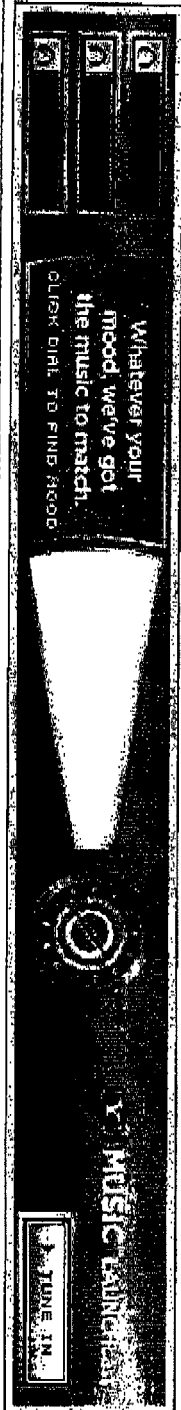
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Message 680 of 1978 < Previous | Next >

From: Tim Oey <limoey@...>

Date: Fri Jan 20, 2006 2:15 am

Subject: ADMIN: freecycle trademark opposition & lawsuit

Hi folks,

As you probably remember, The Freecycle Network (TFN) took issue with Sunnyvale's great freecycling group. Below are some consequences that TFN now faces. FreecycleSunnyvale continues to believe that it is best for freecycle to be free for everyone. The freecycle grassroots movement should stay true to its own freecycling philosophy.

1) On 1/17/2006, The Freecycle Network's (TFN's) proposed trademark registration was published for opposition in the Trademark Official Gazette at:  
<http://www.uspto.gov/web/trademarks/tmog/>

2) On 1/18/2006, the unincorporated non-profit association FreecycleSunnyvale filed a formal opposition to TFN's trademark registration with the USPTO. You can read it at:  
<http://ttabvue.uspto.gov/ttabvue/ttabvue-91168664-OPP-1.pdf>

<http://groups.yahoo.com/group/sunnyvalefree/message/680>

4/28/2006

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3) On 1/19/2006, FreecycleSunnyvale also filed a lawsuit against The Freecycle Network in federal court (US District Court, Northern California). We will point you to a copy of this filing as soon as we can.

4) Mayer, Brown, Rowe & Maw LLP (one of the 10 largest law firms in the world) are the attorneys for FreecycleSunnyvale and are providing their services pro bono. None of the members of FreecycleSunnyvale (which includes Tim Oey) are spending any of their own money for the opposition or the lawsuit. You can read more about the law firm at:

<http://www.mayerbrownrowe.com/overview/index.asp>  
and

<http://www.ipccounsel.com/>

5) Anyone else who wishes may now file an opposition to TFN's proposed trademark registration (please note that there is a fee to file such an opposition). If you or your group has been harmed by TFN, you may also file a lawsuit of your own against TFN.

6) Since a lawsuit and an opposition are now underway, the members of FreecycleSunnyvale may be restricted in what they say.

7) If TFN chooses to negotiate, these cases could be settled in a few months. If not, they may take many months.

Sincerely,  
Tim Oey on behalf of FreecycleSunnyvale

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sunnyvalefree : Message: ADMIN: freecycle trademark opposition & lawsuit

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<http://groups.yahoo.com/group/sunnyvalefree/message/680>

4/28/2006

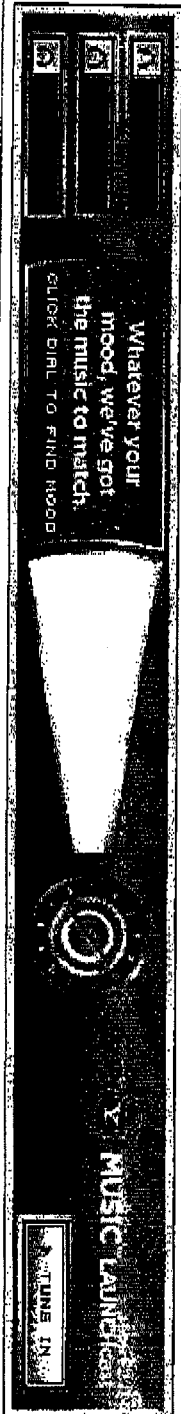
Yahoo! My Yahoo! Mail Make Yahoo! your home page

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From: Tim Oey <timoe@...>

Date: Thu Dec 22, 2005 6:59 pm

Subject: Offer/Event: Free xmas wrapping paper

reduce\_reuse...

Offline

Send Email

Reply

Forward

As heard on KQED Forum this morning (during a talk segment about ReadyMade), the USGS office in Menlo Park (Building 3, 345 Middlefield Road, Menlo Park, CA) is offering old USGS maps for free to use as christmas wrapping paper. These maps have lots of green and red in them. Apparently the USGS office has lots of old maps to get rid of.

FYI #1 -- Check out <http://www.readymademap.com/> for lots of ideas about how to reuse "trash" materials to make new things

FYI #2 -- On the talk show I also mentioned how great freecycling is and encouraged people to join [sunnyvalefree.com/](http://sunnyvalefree.com/)

Enjoy!

<http://groups.yahoo.com/group/sunnyvalefree/message/363>

4/28/2006

sunnyvalefree : Message: Offer/Event: Free xmas wrapping paper

Page 2 of 2

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Cheers,  
Tim

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Message 363 of 1978 < Previous | Next >

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http://groups.yahoo.com/group/sunnyvalefree/message/363

4/28/2006

fnext : Message: Let your voices be heard...

Page 1 of 3

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(IT'S FREE)

REPLAY

**fnext - Free Recycling - The Next Generation****Messages**

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Message 3171 of 5309 &lt; Previous | Next &gt;

From: Tim Oey &lt;timoe@...&gt;

Date: Thu Feb 23, 2006 5:55 pm

Subject: Let your voices be heard...

reduce\_reuse...

Offline

Send Email

Reply

Forward

Many of us know that TFN is already a bit crazy in trying to clamp down on free speech freedoms, but now is a great time to further the cause and keep freecycle free for everyone forever (and drive TFN even crazier).

What you can do on your own:

1) Using TFN's directory, please contact all the freecycle groups in your state and surrounding states to let them know that freecycle is a generic term. Ask them to visit <http://greenribon.us> for more information. There is no need to be that organized about it but if you think you have a state well covered, please post a note to fnext. You'll need to dribble the mails out a few at a time and by as many people as possible to get around Yahoo's intricate group owner spam catchers. Make all your emails unique -- don't repeat exactly the same contents or subject, etc.

2) If you currently have a group within TFN, either take it out of TFN and tell all your members that freecycle should stay free or do comply initially with

Already a member?  
Sign in to Yahoo!

**Yahoo! Groups Tips**

Did you know...  
Commiserate with other  
parents. Find a Parents

<http://groups.yahoo.com/group/fnext/message/3171>

4/28/2006

Group:

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TFN's request so that your group is not deleted but then later sprinkle freecycling around your group and other groups so the free grassroots movement continues to be free (this is likely to really drive TFN nuts). Let more people know about <http://greenribbon.us>

3) Do give TFN GOAs a hard time because they are doing bad things by limiting free speech. Free speech is very important. Let everyone know that TFN does not need to control freecycling for TFN to be successful.

4) Get your freecycling is free statements to Eric for posting on <http://greenribbon.us>

5) Let others know that freecycling is a wonderful thing that people can do via Google, Craigslist, Yahoo Groups, any email list, or however they wish -- even just leaving stuff out on the curb with a "Free" or "Freecycle this" note attached.

Spread the word and let the word be free.

Enjoy!

Cheers,  
Tim

Replies

Author

Date

3190 Re: Let your voices be heard...  
I don't think any of that is a good idea. Why not let the courts decide it? By...

If I told ya.....  
belhaven\_lass  
Feb 24, 2006 1:18 am

3314 Re: Let your voices be heard...  
Hi Lass, The courts will get to it eventually. How is encouraging others to...

Tim Oey  
reduce\_reuse...  
Feb 27, 2006 7:00 am

3336 Re: Let your voices be heard...

xlina (freecycle mode...  
Feb 27, 2006 1:11 pm



fenex: Message: Let your voices be heard...

Page 3 of 3

3349

i second him's post...educating others is a necessity in any grassroots ...

Re: Let your voices be heard...  
I think I've made my intent known when it comes to FreeSpeech :) FreeCycos ...

existentialista  
Free cycle Recycle  
freecycos

Feb 27, 2006  
2:47 pm

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<http://groups.yahoo.com/group/fenex/message/3171>

4/28/2006

## **Exhibit B**

Declaration of Dennis S. Corgill

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



May 1, 2006

VIA FACSIMILE (650.838.4350) and U.S. MAIL

Esha Bandyopadhyay  
Perkins Coie LLP  
101 Jefferson Drive  
Menlo Park, CA 94025-1114

Re: *The Freecycle Network, Inc. v. Tim Oey and  
Jane Doe Oey*

Mayer, Brown, Rowe & Maw LLP  
Two Palo Alto Square, Suite 300  
3000 El Camino Real  
Palo Alto, California 94306-2112

Main Tel (650) 331-2000  
Main Fax (650) 331-2060  
www.mayerbrownrowe.com

**Dennis S. Corgill**  
Direct Tel (650) 331-2058  
Direct Fax (650) 331-4558  
dcorgill@mayerbrownrowe.com

Dear Esha:

This letter responds to your letter dated April 28, 2006, concerning Tim Oey and the temporary restraining order issued by Judge Collins on April 24, 2006 ("TRO").

First, please understand that we represent FreecycleSunnyvale. We do not represent Tim Oey as an individual.

Second, as counsel for FreecycleSunnyvale, we can assure you that FreecycleSunnyvale and its members intend to comply fully with the TRO.

Third, as counsel for FreecycleSunnyvale, we disagree with your interpretation of the TRO. The TRO requires Tim Oey and persons who participate with him to refrain from future conduct. The TRO does not compel action or apply to past conduct. TFN knew about all of the internet postings attached to your letter before TFN filed its lawsuit in Arizona, but TFN failed to draft a proposed order that compels any action with respect to the TRO.

Fourth, on review, we do not understand how any of the contents of the attachments to your letter, even if attributed FreecycleSunnyvale, violate the TRO. We would appreciate your help in identifying which portions of which attachments violate which specific portions of the TRO.

I look forward to your response and to cooperating with you to assure that FreecycleSunnyvale and its members comply with the TRO. Or, we would be happy to take this matter up with Judge Collins before the hearing scheduled for May 9, 2006.

Very truly yours,

Dennis S. Corgill

Berlin Brussels Charlotte Chicago Cologne Frankfurt Houston London Los Angeles New York Palo Alto Paris Washington, D.C.  
Independent Mexico City Correspondent: Jauregui, Navarrete y Nader S.C.

Mayer, Brown, Rowe & Maw LLP operates in combination with our associated English limited liability partnership in the offices listed above.

44020055

# Mayer, Brown, Rowe & Maw LLP

Two Palo Alto Square, Suite 300  
3000 El Camino Real  
Palo Alto, California 94306-2112

Main phone: (650) 331-2000  
Main fax: (650) 331-2060

M	A	Y	E	R
B	R	O	W	N
R	O	W	E	
&	M	A	W	

## FACSIMILE COVER SHEET

FROM:	Dennis S. Corgill	Date:	May 1, 2006
Direct Tel:	(650) 331-2058	Pages:	2 ALL PAGES MUST BE NUMBERED
Direct Fax:	(650) 331-4558		

### TO THE FOLLOWING:

Name	Company	Fax #	Telephone #
Esha Bandyopadhyay, Esq.	Perkins Coie LLP	(650) 838-4350	(650) 838-4355

### MESSAGE:

Please see attached correspondence dated May 1, 2006.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS BY MAIL. THANK YOU.

IF YOU HAVE ANY TRANSMISSION DIFFICULTY,  
PLEASE CONTACT THE FACSIMILE DEPARTMENT AT (650) 331-2029

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Independent Mexico City Correspondent: Jauregui, Navarrete y Nader S.C.

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DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
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&	M	A	W	

## FACSIMILE COVER SHEET

FROM:	Dennis S. Corgill	Date:	May 1, 2006
Direct Tel:	(650) 331-2058	Pages:	2
Direct Fax:	(650) 331-4558	ALL PAGES MUST BE NUMBERED	

### TO THE FOLLOWING:

Name	Company	Fax #	Telephone #
Esha Bandyopadhyay, Esq.	Perkins Cole LLP	(650) 838-4350	(650) 838-4355

### MESSAGE:

Please see attached correspondence dated May 1, 2006.

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IF YOU HAVE ANY TRANSMISSION DIFFICULTY,  
PLEASE CONTACT THE FACSIMILE DEPARTMENT AT (650) 331-2029

Berlin Brussels Charlotte Chicago Cologne Frankfurt Houston London Los Angeles New York Palo Alto Paris Washington, D.C.  
Independent Mexico City Correspondent: Jauregui, Navarrete y Nader S.C.

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## **Exhibit C**

Declaration of Dennis S. Corgill

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

James L. Vana  
PHONE: 206.359.3036  
FAX: 206.359.4036  
EMAIL: jvana@perkinscoie.com

1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
PHONE: 206.359.8000  
FAX: 206.359.9000  
www.perkinscoie.com

April 28, 2006

Ian N. Feinberg, Esq.  
Mayer, Brown, Rowe & Maw LLP  
Two Palo Alto Square, Suite 300  
3000 El Camino Real  
Palo Alto, CA 94306-2112

**Re: Opposition No. 91168664**

Dear Mr. Feinberg:

I attach a copy of a Motion to Suspend for Civil Action that The Freecycle Network filed today with the Trademark Trial and Appeal Board, in connection with Opposition No. 91168664. I have not provided a copy of the complaint referenced in the motion, as you have a copy of that document already. Please let me know if you would like us to send you a copy of that document.

Sincerely,



James L. Vana

JLV:mf  
Enclosure  
cc: The Freecycle Network

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

The Freecycle Network

Applicant

v.

Opposition No. 91168664

Freecyclesunnyvale

Opposer

**MOTION TO SUSPEND FOR CIVIL ACTION**

Pursuant to Trademark Trial and Appeal Board Manual of Procedure Rule 510.02(a) and 37 CFR 2.117(a), Applicant hereby requests that Opposition Proceeding No. 91168664 (the "Opposition") be suspended pending the outcome of civil action Case No. C 06-00324 CW, pending before the United States District Court, Northern District of California between the Opposer and Applicant as set forth below. Applicant believes that the issues set forth in the civil action will have direct bearing on the issues presented in the Opposition.

Attached is a true and correct confirmed copy of the Civil Complaint filed by Opposer on January 18, 2006, in the United States District Court, Northern District of California (the "Complaint"). As the issues that are the subject of the civil action bear directly on the issues and allegations in the Opposition, Applicant respectfully requests that the Opposition be suspended immediately.



A copy of this Motion with all attachments is being served on Opposer's counsel of record by first class mail on April 28, 2006.

Respectfully submitted this 28<sup>th</sup> day of April, 2006.

**PERKINS COIE LLP**

By: 

1201 Third Avenue, Suite 4800  
Seattle, WA 98101-3099  
Telephone: (206) 359-8000  
Fax: (206) 359-9000  
jvana@perkinscoie.com

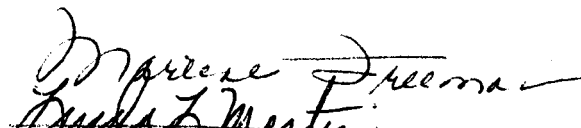
Attorneys for The Freecycle Network

### CERTIFICATE OF MAILING

I hereby certify that on April 28, 2006, I filed via the Electronic System for Trademark Trials and Appeals this MOTION TO SUSPEND FOR CIVIL ACTION with the U.S. Patent and Trademark Office:

with a copy via First Class Mail to:

Ian N. Feinberg  
Mayer Brown Rowe & Maw LLP  
Two Palo Alto Square, Suite 3003000 El Camino Real  
Palo Alto, CA 94306  
ifeinberg@mayerbrownrowe.com  
(Attorneys for Opposer)

  
~~Linda L. Martin~~ MARLENE FREEMAN