

EXHIBIT D

Authentication-Results: mta222.mail.mud.yahoo.com
from=post.harvard.edu; domainkeys=neutral (no sig)
Date: Sat, 5 Nov 2005 23:00:41 -0800
To: copyright@yahoo-inc.com
From: Tim Oey <oey@post.harvard.edu>
Subject: IMPORTANT: freecyclesunnyvale group request
Cc: freecyclesunnyvale-owner@yahoogroups.com
X-eGroups-Moderators: freecyclesunnyvale

Dear copyright@yahoo-inc.com,

It has come to our attention that The Freecycle Network (TFN) may ask that the group:
<http://groups.yahoo.com/group/freecyclesunnyvale/>
be deleted.

Below is the email we recently received from one of their administrators -- database@freecycle.org.

We have inspected our group in detail and have never violated any of the requirements they list. Furthermore we are not using any materials that are under a TFN copyright. All the materials in our group were originally authored by the moderators of the Sunnyvale group and we have even placed them into the public domain. Please inspect our group to verify this.

The logo we currently have on our home page was licensed to us by TFN under the following conditions:

> On 10/9/03 11:05 AM, "Deron Beal" <dbeal@copabhs.com> wrote:
>
>> Yeah, Sunnyvale!
>> You can get the neutral logo from <http://www.freecycle.org> , just don't use
>> it for commercial purposes or you maybe Mark or Albert can help you to do
>> your own fancy schmancy logo!
>>
>> Good luck
>> Deron
>>
>> ----- Original Message -----
>> From: "Lissy Abraham" <lissy_a@earthlink.net>
>> To: <info@freecycle.org>
>> Sent: Tuesday, October 07, 2003 5:07 PM
>> Subject: logo?
>>
>>> Hi Deron, or Mark, or whoever:
>>>
>>> Is it possible you could make me a Freecycling Sunnyvale logo for mysite?
>>> Nothing unique -- just the one with the bicycle and the guitar.
>>>
>>> Thanks,
>>>
>>> Lissy

For the logo we have, we have not violated the loose term "just don't use it for commercial purposes" -- but this was the only "requirement" for using this logo. As you can see, TFN gave us a naked license for the logo and you probably know what that means.

On behalf of the general public and particularly other freecycling groups, I am personally pursuing legal action against The Freecycle Network regarding the generic term "freecycle" and their trademark claim to this term. We and thousands of other people believe this term is generic because it has been used generically in the public press, by The Freecycle Network itself, by moderators and freecyclers in freecycle groups, and by the general public for over 2 years. The term freecycle is just a relatively new word like blog or podcast.

Until this legal action is complete, please leave the freecyclesunnyvale group as is (if the only complaint is that we use the term "freecycle") or advise us of what we need to do to make the group fall within legal compliance and/or Yahoo's TOS. We are happy to make sure the group follows all TOS

and legal requirements in any way necessary.

Please note that it is perfectly legal for discussion groups to discuss trademarks as a matter of free speech. So if you take this approach, no Yahoo Group that mentions the term freecycle should be deleted solely on that basis even if their trademark claim is upheld.

Should you wish to contact me by phone, please call me at 408-536-4541 (work) or 408-749-1914 (home). I am also happy to meet with Yahoo staff in person as I drive by Yahoo's headquarters on a regular basis. If you wish to talk to my intellectual property lawyer that can be arranged as well.

The freecyclesunnyvale group has been a vibrant community for over two years -- supporting freecycling and helping freecyclers in the Sunnyvale, CA -- also home to Yahoo headquarters. It includes among its members a number of Yahoo employees. It is specifically mentioned in a number of Sunnyvale city publications including but not limited to Sunnyvale's Resource Reuses publication at: <http://sunnyvale.ca.gov/NR/rdonlyres/0FAB72E9-C2DB-49E3-83AC-5A8422D37EB0/0/Resources2005.pdf>

Your prompt attention and response in this matter is greatly appreciated.

Sincerely,
Tim Oey
Sunnyvale, CA

From: "Freecycle Database Admin" <database@freecycle.org>
To: <freecyclesunnyvale-owner@yahoo.com>
Subject: [Bulk] [spam] 1st request freecyclesunnyvale
Date: Tue, 1 Nov 2005 09:48:17 -0600
Organization: Freecycle.org

Yahoo! Groups SpamGuard has detected that the attached message to the owner of the Yahoo! Group freecyclesunnyvale is likely to be spam. For more information about SpamGuard, please visit our help pages: <http://groups.yahoo.com/local/spamguard.html>

Dear Owner of the Yahoo group "freecyclesunnyvale",

I am writing on behalf of The Freecycle Network(TM) to notify you that your link has been removed from <http://www.freecycle.org>. This was done at the request of the Group Outreach and Assistance Coordinator for your region because your group is not currently set up in accordance with the basic requirements for all approved Freecycle(TM) groups which include, but are not limited to:

- items posted must be free, legal, and appropriate for all ages
- the group must not be set to full moderation.

We have invested considerable time and resources in insuring that our organization is associated with only appropriately moderated, legal, and totally free services that have a common source of origin from The Freecycle Network(TM). This is why we only allow approved groups to associate with us in each community--to avoid any confusion among the public as who they are dealing with when the Freecycle name is used. Accordingly, please consider this your official notice to stop using the trademark-protected Freecycle name and logo, as well as any and all copyrighted texts, graphics, rules, guidelines, title, or its URL (Yahoo group name).

Please understand that our intent is not to stop your or your group from gifting or exchanging unwanted items with fellow users. Should you wish to remain independent of our organization, you are, or

course, free to start your own gifting-based site under a name that is not confusingly similar to Freecycle. However, if there is another group listed on www.freecycle.org that covers the area that your group hoped to serve, please consider offering your help to that group as a co-moderator. We can all use the help!

For those of your members who are looking to join a local Freecycle group, you may simply refer them to www.freecycle.org where they can find all approved Freecycle groups.

Please let me know when either the group has been deleted or the above-listed Freecycle materials have been completely removed from your group. We appreciate your commitment to furthering the overall mission of promoting the local gift community in your area while keeping good stuff out of landfills.

Sincerely,

Database Admin
Freecycle.org
database@freecycle.org