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15 Attorneys for Plaintiff
THE FREECYCLE NETWORK, INC.

16
17 IN THE UNITED STATES DISTRICT COURT
18 DISTRICT OF ARIZONA

19
20 THE FREECYCLE NETWORK, INC.,
21 an Arizona non-profit organization,

22 Plaintiff,

23 v.

24 TIM OEY,
an individual

25 Defendant.

CASE NO. 06-CV-00173-RCC

PLAINTIFF THE FREECYCLE
NETWORK, INC.'S NOTICE OF *EX*
PARTE MOTION AND MOTION FOR
TEMPORARY RESTRAINING ORDER

Date: April 24, 2006
Time: 2:00 p.m.
Before: Honorable Raner C. Collins
Location: Courtroom 5B

1 TO DEFENDANT TIM OEY AND HIS ATTORNEY OF RECORD:

2 Pursuant to Federal Rule of Civil Procedure 65, please take notice that on April 24, 2006,
3 or as soon thereafter as possible, Plaintiff The Freecycle Network, Inc. ("The Freecycle
4 Network") will move, and hereby moves, *ex parte*, for a temporary restraining order against
5 Defendant Tim Oey ("Defendant" or "Oey"), restraining and enjoining Defendant from inducing
6 infringement of The Freecycle Network's intellectual property, including its trademarks or any
7 variation or imitation thereof, disparaging The Freecycle Network's intellectual property,
8 including its trademarks or any variation or imitation thereof, and from disseminating false and
9 misleading statements regarding The Freecycle Network and its intellectual property, including
10 its trademarks or any variation or imitation thereof.

11 This motion is based upon the grounds that The Freecycle Network has demonstrated a
12 likelihood of success on the merits of its claims for contributory trademark infringement,
13 trademark disparagement, injurious falsehood, defamation, and intentional interference with
14 business relations; that The Freecycle Network is being irreparably harmed, and will continue to
15 be irreparably harmed, if the requested temporary restraining order is not granted; and that the
16 balance of hardships favors entry of the requested temporary restraining order.

17 This motion is based upon The Freecycle Network's Complaint filed with this Court on
18 April 4, 2006 (attached to the supporting Declaration of Esha Bandyopadhyay as Exhibit A), this
19 Notice of Motion and Motion, the Memorandum of Points and Authorities filed in support of this
20 Motion, the supporting Declaration of Esha Bandyopadhyay, the supporting Declaration of
21 Deron Beal, the [Proposed] Temporary Restraining Order, the materials currently on file in this
22 action, and such argument of counsel as the Court may request.

23 An *ex parte* hearing may be held. Should a hearing date and time be set, The Freecycle
24 Network will inform Defendant of the date and time of such hearing.

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Dated: April 19, 2006

DECONCINI McDONALD YETWIN & LACY, P.C.
& PERKINS COIE LLP

By: _____ /s/ _____

Attorneys for Plaintiff
The Freecycle Network, Inc.