

1 **DECONCINI McDONALD**  
**YETWIN & LACY, P.C.**  
2 2525 East Broadway, Suite 200  
Tucson, Arizona 85716-5300  
3 Telephone: 520-322-5000  
Facsimile: 520-322-5585

4 LISA ANNE SMITH, AZ Bar No. 016762  
5 ([lsmith@dmyl.com](mailto:lsmith@dmyl.com))  
SHEFALI MILCZAREK-DESAI, AZ Bar No. 021237  
6 ([smdesai@dmyl.com](mailto:smdesai@dmyl.com))

7 **PERKINS COIE LLP**  
101 Jefferson Drive  
8 Menlo Park, California 94025-1114  
Telephone: (650) 838-4300  
9 Facsimile: (650) 838-4350  
*Pro hac vice admission pending*

10 PAUL J. ANDRE, CA Bar No. 196585  
11 ([pandre@perkinscoie.com](mailto:pandre@perkinscoie.com))  
LISA KOBIALKA, CA Bar No. 191404  
12 ([lkobialka@perkinscoie.com](mailto:lkobialka@perkinscoie.com))  
ESHA BANDYOPADHYAY, CA Bar No. 212249  
13 ([ebandyopadhyay@perkinscoie.com](mailto:ebandyopadhyay@perkinscoie.com))  
SEAN BOYLE, CA Bar No. 238128  
14 ([sboyle@perkinscoie.com](mailto:sboyle@perkinscoie.com))

15 Attorneys for Plaintiff  
THE FREECYCLE NETWORK, INC.

17 IN THE UNITED STATES DISTRICT COURT

18 DISTRICT OF ARIZONA

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  
MOTION AND MOTION FOR  
PRELIMINARY INJUNCTION

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, for a preliminary injunction against Defendant Tim  
5 Oey ("Defendant" or "Oey"), restraining and enjoining Defendant from inducing infringement of  
6 The Freecycle Network's intellectual property, including its trademarks or any variation or  
7 imitation thereof, disparaging The Freecycle Network's intellectual property, including its  
8 trademarks or any variation or imitation thereof, and from disseminating false and misleading  
9 statements regarding The Freecycle Network and its intellectual property, including its  
10 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 preliminary injunction.

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] Order for Entry of Preliminary Injunction, the materials currently on  
22 file in this action, and such argument of counsel as the Court may request.

23  
24 Dated: April 19, 2006

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

25  
26 By: \_\_\_\_\_ /s/

27 Attorneys for Plaintiff  
28 The Freecycle Network, Inc.