



Exhibit 4

3/16/04 N.Y. Times B1

2004 WLNR 5578559

New York Times (NY)

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March 16, 2004

Section: B

One Sock, With Holes? I'll Take It; **Freecycling** Brings Castoff Goods Back From the Bin

TINA KELLEY

Web site freecycle.org was created by Deron Beal to give people opportunity to exchange unwanted items that are still usable, with proviso that everything is free; Beal hopes site will grow and become nonprofit group, with idea of **freecyclers** meeting international needs (M)

Wanted: old socks, "ripped, without partners, and of any size or color." Offered: a telephone pole. Wanted: a chicken coop, a doghouse, a barn. Offered: "Excellent quality landscaping rocks. Organic lemons will be given away to those who take the rocks as an extra bonus."

The Internet has fed dreams of unimaginable wealth, a hope that in many cases turned out to be as fleeting as an instant message. It began as a way for the military and then academia to communicate, with little thought to profit, before evolving into a worldwide marketplace. Now one group is using the Internet as a way to make connections and fall into riches at the same time. In this case, the treasure comes in the form of someone else's trash.

Dusty but new exercise equipment, a five-person hot tub, and enough white Ikea bookshelves to furnish a small college town have been posted online through a new group that practices **freecycling**, the giving away of useful but unwanted goods to keep them out of landfills and maybe help someone less fortunate in the process.

The Web site has become a haven for newlyweds with empty homes, and retirees with full ones. In New York City, there's the added incentive of freeing space in minivan-size apartments, where a spice rack can take up too much room.

Like many staples of the Internet, this pretty much came about by accident. Deron Beal, 36, who works at a recycling nonprofit group in Tucson, sent an e-mail message in May to everyone he knew, to see if they wanted a queen-size bed and some packing peanuts he no longer needed. He subsequently set up a Web site where people could exchange unwanted items, the only constraint being that the items had to be free. "Legal and appropriate for all ages" was added later. The Web site, www.freecycle.org, was born, and 10 months later,

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more than 35,000 people have signed up in cities all over the world.

Postings are moderated by volunteers in local groups, who have mulled over the ethics of posting Playboys, puppies and pistols. They have had to deal with suspicions that perhaps the people who were posting too many "wanted" listings in one Arizona city were taking goods south of the border to sell in Mexico. ("We figured we were working for a good cause by keeping things out of the landfill," Mr. Beal said. "That was the main thing, and beyond that let the gifter beware.") And they have pondered what to do with people who occasionally forget to stop by to pick up the couch left on the porch for them.

Mr. Beal recalls a favorite post, with the heading, "OFFER: black hair dye, tonight only." It continued, "Clairol Balsam permanent hair dye in black, already mixed up and ready to go. My hair is short, so the bottle is still mostly full. But it needs to be used really soon, so if anyone has an urge to go darker, tonight is the night!"

Mr. Beal said: "Every once in a while someone will try to **freecycle** themselves -- "OFFER: nice guy to good home" or "WANTED: cure for a lonely heart."

But others don't see the humor in it. "I think personally, in this day and age, it would probably be too frightening to post things online to have strangers to come to your home," said Ivy Lester, who is from Dallas but was visiting New York City, where she grew up.

Although she could see **freecycling** for a good cause, the idea of a stranger coming by to pick up an item, even from a doorstep, did not appeal to her. "The Internet is so impersonal, and you have to be so careful nowadays," she said. But mostly, members of the New York City **freecycling** group have been pleased with the cross-country skis they received just before a snowstorm, or happy to have met the need of the guy who refurbishes computer systems for use in day care centers.

That man, Cornell D. Green, posted, "If you're looking at that old 486 in the basement and can't stop laughing, please contact me." Nancy Schubiger, one of the six people who responded to his request, delivered a vanload of computer components to him at a park-and-ride lot in New Jersey on a recent Friday, then wrote to him, "Glad that they won't be dust-gathering paperweights!"

The New York City **freecycling** group has about 300 members, but the Portland, Ore., group has 10 times as many.

"I'm not sure it has a limit," said Christina Salvi, 28, who estimated she has spent half an hour a night moderating the New York group, making sure the postings were marked as Wanted or Offered, and keeping spam, politics and crankiness out of the discourse.

Of course, there are other ways to find free or cheap things in the city, like walking down the street in many neighborhoods the night before trash day. Thrift stores provide bargains. Also online is Craigslist.org, which includes a section of free items, and New York WasteMatch, sponsored by the Department of Sanitation, which matches valuable

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commercial waste and surplus goods with organizations that need them. The city also runs Material for the Arts, which collects reusable items and distributes them to nonprofit arts groups.

Robin Nagle, who teaches a graduate anthropology class on garbage at New York University, said that the curb has been the destination of choice for unwanted items only since the end of World War II.

"You never simply got rid of something because you didn't like it anymore," she said. "You'd turn it into something else." Old adult clothes, for instance, would be resewn into children's clothes, then made into cushions or dolls or rags, then sold as "shoddy" to peddlers, who used old fabric to make paper. Scavengers would travel the city in rented carts in search of useful items.

Mr. Beal hopes to incorporate freecycle.org as a nonprofit group and raise money for its own Web page independent of Yahoo.com's group mail function, which it currently uses. He hopes the new site can help **freecyclers** meet international needs -- for instance, to send computers to Iran after an earthquake.

"We get it drilled into us on television ads: 'Consume, consume, consume. You want more, you need more,' and do we really?" Mr. Beal asked. "I think what's coming out with **freecycling** is, 'Gee, it's kind of fun not to be into all this.'"

As for the wanted old socks, they were destined to be made into puppets in a class for adults with developmental disabilities. The telephone pole, at last inquiry, was still available, in Oregon. So were the rocks and lemons, together, in San Francisco.

Photos (Photos by Left, Associated Press; Above: Jim Cummins for The New York Times)

----- INDEX REFERENCES -----

INDUSTRY: (Regional Web Presences (1RE47); Internet (1IN27))

REGION: (USA (1US73); Americas (1AM92); North America (1NO39); New York (1NE72); Oregon (1OR01))

Language: EN

OTHER INDEXING: (Kelley, Tina; Beal, Deron) (BEAL; CUMMINS; DEPARTMENT OF SANITATION; INTERNET; JIM; NEW YORK UNIVERSITY) (Beal; Christina Salvi; Clairol Balsam; Consume; Cornell D. Green; Deron Beal; Dusty; Gee; Glad; Ivy Lester; Legal; Nancy Schubiger; Offered; Robin Nagle; Scavengers; Thrift; Web) (Computers and the Internet; Philanthropy; Barter; Prices (Fares, Fees and Rates))

EDITION: Late Edition - Final

Word Count: 1347

Westlaw.

The New York Times

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END OF DOCUMENT

Exhibit 5

Digits

The Wall Street Journal, 941 words
May 6, 2004

Document Text

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[Gambits & Gadgets in the World of Technology]

Octopus Opulence

Microsoft Corp. co-founder Paul Allen typically likes to keep a low profile, but he made a big splash at this week's convention of the National Cable and Telecommunications Association in New Orleans by hosting several lavish parties aboard his new 413-foot yacht, Octopus.

Mr. Allen docked it on the Mississippi River behind the convention center and hosted receptions for several of his companies that serve the cable industry, including Digeo Inc. and Oxygen Media Inc. Mr. Allen's security force kept a watchful eye to make sure the media stayed onshore. But guests reported that the boat was over the top -- even by billionaire-yacht standards. Details include: teak floors, a theater and basketball court, two helicopter pads and a sound-mixing studio large enough, guests were told, to produce a major motion picture. For times when Mr. Allen feels like roughing it, the yacht ports a 60-foot yacht and eventually will boast a 10-person submarine that will run on fuel cells so it can stay under water for as long as two weeks.

The opulence of Octopus -- estimates of its price started at \$200 million -- may have stirred a bit of yacht-envy on the part of some of the other moguls at the gathering. Take the exchange that happened at one session that featured Mr. Allen, Comcast Corp. Chief Executive Brian Roberts and Time Warner Inc. Chief Executive Richard Parsons. Asked whether Time Warner would bid for Adelphia Communications Corp., Mr. Parsons stopped in the middle of confirming his interest and said: "I've changed my mind. We're going for a boat."

"I can help you on that," chimed in Mr. Allen, who also owns at least one other yacht.

Mothers Online

As any busy mother will tell you, the Internet can be a huge time saver when it comes to tasks like getting homework help and paying bills.

A new survey shows women are turning to the Web for more than that: Forty-eight percent of those who responded to a survey by Opinion Research Corp. for America Online Inc. said they stay in touch with loved ones by sending photos online. Fully 75% use the Web to plan trips. Seventy-one percent get news, 63% look for recipes, 55% click for coupons and discounts, and 42% pay their taxes online.

Nearly 55% of the 1,653 women who opted to respond to the survey play games online, most frequently with their children. Thirty-nine percent use the Web to help with homework, and 38% to shop.

That doesn't surprise Lynne Builta, who four years ago launched an online site Mommyshop.com. Ms. Builta is projecting sales of \$1 million this year, up from \$27,000 in 2000. She says many new mothers find they need lots of new gear. They can go online and have the products delivered to their doorstep. Once she had her second child, Ms. Builta said, "I shopped online for everything."

Spring Sweep

With the dreaded spring-cleaning season under way, there is a new, Internet-based alternative for getting rid of all that clutter in the basement and garage.

Known as "freecycling," the approach creates Web-based communities in cities across the country that allow members to post by e-mail a listing of items they are looking to unload. The catch? Everything must be given away free.

The freecycle movement has gained a modest measure of success since it was launched in May 2003 by Deron Beal of Rise Inc., a nonprofit organization in Tucson, Ariz. that promotes recycling initiatives. There are now

freecycling groups in 412 cities with 61,000 members. The largest, in Portland, Ore., has 4,723 members.

There are few limits on the kinds of items given away or sought. Typical items offered up include unused exercise equipment and storage boxes. Other items are more obscure. Recent listings in the Tucson area included someone looking for a reptile enclosure for their sick water dragon; another person offering up left-handed garden gloves and someone looking to unload a hot tub.

Membership is free and is organized through Yahoo groups. Information about freecycling is available at www.freecycle.org.

Big Blue Fights Back

International Business Machines Corp.'s investor-relations Web site featured something new on Monday -- an attack on a Wall Street analyst's view of its future. The message: "We believe [investors] should question the report's conclusions."

IBM didn't identify the analyst, but competitors quickly realized it was Toni Sacconaghi of Sanford C. Bernstein & Co., a research house. Mr. Sacconaghi has been saying for months that IBM's long-term growth of per-share earnings will be 7% to 9% annually, significantly lower than the "double digit" growth that IBM publicly targets. Barron's magazine cited Mr. Sacconaghi's forecast over the weekend, and that apparently triggered IBM's uncharacteristic outburst. Other Wall Street analysts who generally are more bullish on IBM said they couldn't recall a similar published refutation of an analyst's work. IBM's statement said the Bernstein report was based on historical analysis that doesn't consider the "increased competitiveness of IBM's products."

Mr. Sacconaghi says IBM hadn't contacted him and he was surprised to learn of the Web-site message. He noted that he has been saying for more than a year that IBM's long-term growth in sales will be around 5% and per-share earnings will be less than 10%. He added: "It's unclear why it elicited an unprecedented response."

An IBM spokesman said "it's good governance to keep investors informed." He added that the "statement speaks for itself" and said Herve Parks, IBM's veteran investor-relations chief, wouldn't be available to comment.

Digits was compiled by Ann Grimes, with contributions from Peter Grant, David Armstrong and William Bulkeley.

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Exhibit 6

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2004 WLNR 17905742

PEOPLE

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May 10, 2004

Volume 61

Section: TrendsNo. 18 Special Double Issue/The 50

Most Beautiful People

Free For All

Got a used hot tub to unload? Or a stuffed armadillo? Givers find takers on Deron Beal's "**freecycling**" Web site

Richard Jerome Strawberry Saroyan In Los Angeles

In November 2002 Deron Beal hired on as a manager for RISE, a non-profit that provides a recycling service for local businesses in Tucson. It didn't take long to realize he had a problem. "The businesses started giving us all this stuff that's not recyclable but that they don't want to throw away," he says. "Computers, desks. I didn't know what to do with it, but I couldn't bear to say no."

Beal tried giving the items to charity but after hours of calls scarcely made a dent. Then, last May, an epiphany: Why not set up a Web group where people can unload trash that might be someone else's treasure? A kind of cyber curbside. "I thought, 'If I give this a nifty name,'" says Beal, 36, "'who knows?'"

One year later Beal's site (www.freecycle.org) has become an Internet phenomenon with 53,000 members in 360 cities--including London, Tokyo, Sao Paulo and Melbourne. And just how does one **freecycle**? For starters, the network is broken down into local groups, each with its own volunteer moderator (collectively known as the "mod squad"). If there's an object, or even a service, you want to give or receive, you post an e-mail, leave a contact and, if someone bites, arrange for a pickup. The rules are simple: no politics or spam, and everything must be free. Some popular goods offered up: exercise equipment, moving boxes and anything related to gardening.

But the site attracts some decidedly uncommon offers and requests. There was the offer of a "'63-'64 schoolbus motorhome...NO Brakes." And a plea for wings, feathers and a stuffed armadillo for "extreme art purposes." One woman offered a mixed bottle of partially used hair dye: "It needs to be used really soon, so if anyone has an urge to go darker, tonight is the night." An Austin, Texas, **freecycler** who asked to be identified only by his user name "dancestoblue" offered fishing tackle-but only to someone who once had tackle stolen. "As a kid 34 years ago, give or take, I stole a tackle box," he explains. "There's no way

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I can find the person and make it right, so I'm trying to do the next best thing."

In many cases local **freecycling** groups have developed into Web-based communities where members help each other out. Oregonians Livia Vande and Larry Thompson scored not only a free photo album for their April 24 wedding, but free photography from a fellow **freecycler**. But they also gave back. "We helped a refugee family at Christmastime," says Vande. "We inherited a lot of stuff from Larry's grandmother and tried to give them as much as we could to start a little household."

Beal is thrilled by the response. "It's inspiring," he says, "to see someone driving off with something of yours that they really need." Born in Lancaster, Ohio, he arrived at a career in recycling via a circuitous route. After earning a degree in foreign service at Georgetown University in Washington, D.C., and later an M.B.A., he worked as a finance manager for Procter & Gamble and studied literature in Germany. He considered teaching, then switched to environmentalism and settled in Tucson in 1999. An admitted "computer illiterate," he started his **freecycling** venture with an e-mail to just 30 or 40 friends. When he set up the site in Tucson, the group snowballed, and he got some tech help. At the bungalow home he shares with his wife of nine months, pastry chef Jennifer Columbus, 37, Beal tries to live the **freecycling** life--with mixed results. Sure, Columbus would like him to clear out the shed. "But there's a difference between a weird pack rat and Deron," she says. "He has everything splayed out, but it's not, like, gross." Though he makes no income from **freecycling**, Beal has reaped rewards. "We got this great kitchen table," Columbus says, "and a neat old 1930s couch." It has given him some big ideas too, such as rallying his tens of thousands of members for good causes. "It has to grow up by itself," he says. "I'm just helping it along."

By Richard Jerome. Strawberry Saroyan in Los Angeles

NEED A PLUMBER? A SHRINK? A SATURDAY NIGHT DATE? MILLIONS ARE FINDING IT ON CRAIGSLIST

"I need a wife," begins one candid personal ad. Others troll for jobs and apartments. One guy wants a stooge to take the CPA ethics test for him. Welcome to the eclectic world of the daddy of online community bulletin boards: craigslist--Irreverent cyber-classifieds that attract millions of viewers in 35 cities. "Craig" is Craig Newmark, 51, a self-styled computer nerd who one day in 1995 innocently sent out e-mails about upcoming events in San Francisco to a bunch of friends. "People started sending me more stuff to put on the list, and more people asked to be added to it," he says. Newmark charges only job posters in the Bay Area to make a living and pay his staff of 14. The rest post for free. "Everyone else can make as much as they want," he says. "But nerd values suggest you live comfortably--then try to change the world."

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COLOR PHOTO: COMPOSITE PHOTO "There's something radical about getting something for nothing," says Beal (at his recycling job in Tucson, with items posted on his site).

TWO COLOR PHOTOS: PHOTOGRAPHS BY WERNER SEGARRA

COLOR PHOTO: PHOTOGRAPH BY DAVID PAUL MORRIS Craig Newmark (in San Francisco) added a barter section to his site.

----- INDEX REFERENCES -----

COMPANY: PROCTER AND GAMBLE CO (THE)

REGION: (USA (1US73); Americas (1AM92); Ohio (1OH35); Arizona (1AR13); North America (1NO39); California (1CA98))

Language: EN

OTHER INDEXING: (CPA; GEORGETOWN UNIVERSITY; OREGONIANS LIVIA VANDE; PLUMBER; PROCTER GAMBLE; SHRINK; VANDE) (Beal; Born; Craig; Craig Newmark; DAVID PAUL; Deron; Larry; Larry Thompson; Newmark; Richard Jerome; Strawberry Saroyan; WERNER SEGARRA)

KEYWORDS: (Trend); (Internet)

Word Count: 1029

5/10/04 PPLEMAG 195

END OF DOCUMENT

Exhibit 7

Authentication-Results: mta329.mail.scd.yahoo.com
from=freecycle.org; domainkeys=neutral (no sig)
X-YahooFilteredBulk: 209.68.5.9
X-pair-Authenticated: 67.52.36.178
From: "Freecycle Database Admin" <database@freecycle.org>
To: <freecyclesunnyvale-owner@yahoogroups.com>
Subject: [Bulk] [spam] 1st request freecyclesunnyvale
Date: Tue, 1 Nov 2005 09:48:17 -0600
Organization: Freecycle.org
X-eGroups-Moderators: freecyclesunnyvale

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>

Received: (qmail 96375 invoked from network); 1 Nov 2005 15:49:14 -0000
Received: from unknown (66.218.66.218)
by m31.grp.scd.yahoo.com with QMQP; 1 Nov 2005 15:49:14 -0000
Received: from unknown (HELO relay.pair.com) (209.68.5.9)
by mta3.grp.scd.yahoo.com with SMTP; 1 Nov 2005 15:49:13 -0000
Received: (qmail 95981 invoked from network); 1 Nov 2005 15:48:55 -0000
Received: from unknown (HELO WP1) (unknown)
by unknown with SMTP; 1 Nov 2005 15:48:55 -0000
X-pair-Authenticated: 67.52.36.178
Message-ID: <00d101c5defb\$c71c10b0\$4501a8c0@WP1>
Reply-To: "Freecycle Database Admin" <database@freecycle.org>
From: "Freecycle Database Admin" <database@freecycle.org>
To: <freecyclesunnyvale-owner@yahoogroups.com>
Subject: 1st request freecyclesunnyvale
Date: Tue, 1 Nov 2005 09:48:17 -0600
Organization: Freecycle.org
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="-----_NextPart_000_00C5_01C5DEC9.62C3A970"
X-Priority: 3
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 6.00.2900.2180
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.2180
X-eGroups-Remote-IP: 209.68.5.9

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 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, of 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

Exhibit 8

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@copebhs.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

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<http://groups.yahoo.com/local/spamguard.html>

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- 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).

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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

Exhibit 9

Authentication-Results: mta103.mail.scd.yahoo.com
from=freecycle.org; domainkeys=neutral (no sig)
X-YahooFilteredBulk: 209.68.5.15
X-pair-Authenticated: 67.52.36.178
From: "Freecycle Database Admin" <database@freecycle.org>
To: <freecyclesunnyvale-owner@yahogroups.com>
Subject: [Bulk] [spam] 2nd request freecyclesunnyvale
Date: Mon, 14 Nov 2005 10:04:38 -0600
Organization: Freecycle.org
X-eGroups-Moderators: freecyclesunnyvale

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>

Received: (qmail 25659 invoked from network); 14 Nov 2005 16:06:26 -0000
Received: from unknown (66.218.66.218)
by m28.grp.scd.yahoo.com with QMQP; 14 Nov 2005 16:06:26 -0000
Received: from unknown (HELO relay01.pair.com) (209.68.5.15)
by mta3.grp.scd.yahoo.com with SMTP; 14 Nov 2005 16:06:25 -0000
Received: (qmail 87757 invoked from network); 14 Nov 2005 16:06:02 -0000
Received: from unknown (HELO WP1) (unknown)
by unknown with SMTP; 14 Nov 2005 16:06:02 -0000
X-pair-Authenticated: 67.52.36.178
Message-ID: <015b01c5e935\$512847e0\$4501a8c0@WP1>
Reply-To: "Freecycle Database Admin" <database@freecycle.org>
From: "Freecycle Database Admin" <database@freecycle.org>
To: <freecyclesunnyvale-owner@yahogroups.com>
Subject: 2nd request freecyclesunnyvale
Date: Mon, 14 Nov 2005 10:04:38 -0600
Organization: Freecycle.org
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="-----=_NextPart_000_0145_01C5E902.D2A1E980"
X-Priority: 3
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 6.00.2900.2180
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.2180
X-eGroups-Remote-IP: 209.68.5.15

Dear Owner of the Yahoo group "freecyclesunnyvale,"

This is your second and final notification to cease and desist using the trademark-protected Freecycle(TM) name and logo, any confusingly similar derivations thereof, and The Freecycle Network's(TM) copyrighted texts/rules/guidelines in your Yahoo group, including in the title/name of the group. Please do make the necessary changes to your group name, group URL, and applicable texts to avoid any confusion with Freecycle services or delete the group immediately.

Realize that unauthorized use of these protected materials is confusing to the public and may be damaging the Freecycle Network's reputation and goodwill. Moreover, your unauthorized use is a violation of the Yahoo Terms of Service, and a trademark and copyright infringement report will be filed with Yahoo if we cannot verify that these materials have been removed within 48 hours of the sending of this notice.

As we noted in our first letter, you are welcomed to continue the operation of a gifting or exchange-oriented site similar to that

operated by our organization. However, any Freecycle mark, logo or name, as well as any and all materials copyrighted by The Freecycle Network, must be removed before the end of the 48-hour period.

Thank you for your attention to this matter,

Database Admin
Freecycle.org
database@freecycle.org

Exhibit 10

Authentication-Results: mta198.mail.re2.yahoo.com
from=yahoo-inc.com; domainkeys=neutral (no sig)
Date: 21 Nov 2005 13:51:38 -0800
X-yahoo-newman-id: null
Date: Mon, 21 Nov 2005 13:25:04 -0800 (PST)
From: Yahoo! <yahoo-dev-null@yahoo-inc.com>
To: tim@oey.us
Subject: Yahoo! Administrative Notice
X-Spam-Track: 0: 100 ; SERVER=66.218.86.246

Dear Yahoo! account holder:

By creating and using your Yahoo! account, you agree to abide by Yahoo!'s Terms of Service (TOS). Pursuant to the TOS, Yahoo! reserves the right to terminate your account or otherwise prohibit use of your account in the event that, among other things, Yahoo! believes that you have violated or acted inconsistently with the letter or spirit of the TOS.

It has come to our attention that you may have violated the TOS. Please reread the TOS and cease any use of your account that may violate the TOS.

If your use of your Yahoo! account is brought to our attention again, and we believe that such use violates the TOS, then we may terminate your account without further notice.

Please do not reply to this email. Any questions concerning Yahoo!'s Services should be submitted through the on-line form in the help area (<http://help.yahoo.com>).

-Yahoo!