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 The Freecycle Network.

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 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **OAKLAND DIVISION**

13
 14 FREECYCLESUNNYVALE, a California
 unincorporated association,

15 Plaintiffs,

16 v.

17 THE FREECYCLE NETWORK, INC., an
 18 Arizona corporation,

19 Defendant.

CASE NO. C O6-00324 CW

**DEFENDANT THE FREECYCLE
 NETWORK, INC.'S NOTICE OF
 MOTION AND MOTION TO DISMISS
 COMPLAINT UNDER RULE 12(b)(6)**

Date: March 31, 2006
 Time: 10:00 a.m.
 Place: Courtroom 2 (Oakland)
 Judge: Honorable Claudia Wilkin

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 22 **TO PLAINTIFF AND ITS ATTORNEYS OF RECORD:**

23 PLEASE TAKE NOTICE that on March 31, 2006, at 10:00 a.m., or as soon thereafter as
 24 the matter may be heard in the courtroom of the Honorable Claudia Wilkin, located at 1301 Clay
 25 Street, Oakland, California, 94612, Defendant The Freecycle Network, will and hereby does move
 26 to dismiss Plaintiff FreecycleSunnyvale's complaint.
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 NOTICE OF MOTION AND
 MOTION TO DISMISS
 CASE NO. C O6-00324 CW

1 This motion is made on the grounds that the Plaintiff has failed to state a claim for which
2 the Court may grant relief.

3 This motion will be based on this Notice of Motion and Motion, the Memorandum of
4 Points and Authorities, the Request for Judicial Notice filed herewith, and upon such further
5 evidence and argument as may be presented at the hearing on this motion.

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7 DATED: February 24, 2006

PERKINS COIE LLP

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9 By /s/ _____
10 Paul J. Andre
11 Lisa Kobialka
12 Sean Boyle
13 Attorneys for Defendant
14 The Freecycle Network
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