

EXHIBIT 40

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The Freecycle Network, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

FREECYCLESUNNYVALE,
a California unincorporated association,

Plaintiff,

v.

THE FREECYCLE NETWORK, INC.,
an Arizona corporation,

Defendant.

THE FREECYCLE NETWORK, INC.
an Arizona corporation,

Counterclaimant,

v.

FREECYCLESUNNYVALE,
a California unincorporated association,

Counterdefendant,

CASE NO. C 06-00324 CW

MANUAL FILING NOTIFICATION

EXHIBIT TO 40

**DECLARATION OF DERON BEAL IN
SUPPORT OF THE FREECYCLE
NETWORK, INC.'S OPPOSITION TO
PLAINTIFF'S MOTION FOR SUMMARY
ADJUDICATION UNDER FED.R.CIV.P. 56**

Date: September 27, 2007
Time: 2:00 p.m.
Before: Honorable Claudia Wilken
Location: Courtroom 2

