

# EXHIBIT 38

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16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **OAKLAND DIVISION**

19 FREECYCLESUNNYVALE,  
20 a California unincorporated association,  
21  
22 Plaintiff,

23 v.

24 THE FREECYCLE NETWORK, INC.,  
25 an Arizona corporation,  
26  
27 Defendant.

28 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 38 TO**

**DECLARATION OF LISA KOBIALKA IN  
SUPPORT OF THE FREECYCLE  
NETWORK, INC.'S MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
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

**MANUAL FILING NOTIFICATION**

Regarding Exhibit 38 to the Declaration of Lisa Kobialka in Support of the Freecycle Network, Inc.'s Memorandum of Points and Authorities in Opposition to Plaintiff's Motion for Summary Adjudication Under Fed.R.CIV.P. 56:

This filing is in paper or physical form only, and is being maintained in the case file in the Clerk's office.

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DATED: September 6, 2007

**PERKINS COIE LLP**

By: /s/  
Lisa Kobialka

Attorneys for Defendant and Counterclaimant  
The Freecycle Network, Inc.