

PAUL J. ANDRE, Bar No. 196585  
(pandre@perkinscoie.com)  
LISA KOBIALKA, Bar No. 191404  
(lkobialka@perkinscoie.com)  
ESHA BANDYOPADHYAY, Bar. No. 212249  
(ebandyopadhyay@perkinscoie.com)  
SEAN M. BOYLE, Bar No. 238128  
(sboyle@perkinscoie.com)  
PERKINS COIE LLP  
101 Jefferson Drive  
Menlo Park, CA 94025  
Telephone: (650) 838-4300  
Facsimile: (650) 838-4350

Attorneys for Defendant  
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

**DECLARATION OF DERON BEAL IN  
SUPPORT OF THE FREECYCLE  
NETWORK, INC.'S AMENDED NOTICE  
OF ADMINISTRATIVE MOTION AND  
AMENDED MOTION FOR LEAVE TO  
FILE DOCUMENTS UNDER SEAL**

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

1 I, Deron Beal, hereby declare as follows:

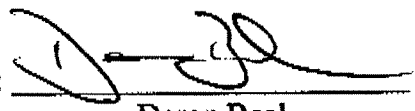
2 1. I am the founder, Executive Director and Board Chair of The Freecycle Network,  
3 Inc. ("The Freecycle Network"). I make this declaration in support of The Freecycle Network's  
4 Amended Notice of Administrative Motion and Amended Motion for Leave to File Documents  
5 Under Seal. I have personal knowledge of the facts stated and if called to testify as a witness,  
6 would competently testify thereto.

7 2. Exhibits 1, 3-5, 9-14, 16, 18-20, 26, 28-31, 33-39, 47, 50, 54, 56, 58-59, 61, 66-69,  
8 71-72, 74, 76-87, 90-94, 97-101, 103, 105-109 attached to the Declaration of Lisa Kobialka in  
9 Support of the Freecycle Network's Memorandum of Points and Authorities in Opposition to  
10 Plaintiff's Motion for Summary Adjudication Under Fed.R.Civ.P. 56 ("Kobialka Opp. Decl.")  
11 (Docket Entry No. 113) and Exhibits 8-11, 13, 15-16, 20, and 23-41 attached to the Declaration of  
12 Deron Beal in Support of The Freecycle Network's Memorandum of Points and Authorities in  
13 Opposition to Plaintiff's Motion for Summary Adjudication Under Fed.R.Civ.P. 56 ("Beal Opp.  
14 Decl.") (Docket Entry No. 111) are emails and postings by The Freecycle Network moderators to  
15 the "ModSquad" message boards. The ModSquad message boards are official forums of The  
16 Freecycle Network where moderators discuss issues relating to groups within the network.  
17 Because only approved ModSquad members have access, these message boards provides a  
18 private forum for moderators to discuss group challenges, vote on issues, debate community  
19 standards, and to share questions and experiences. *See* Beal Opp. Decl., ¶ 14. There are  
20 approximately 2600 volunteer moderators of approved groups who are members of this forum.  
21 *Id.* Only moderators who have been approved by The Freecycle Network are granted access, and  
22 these boards are not accessible by the general public.

23 3. Exhibits 88-89 to the Kobialka Opp. Decl. and exhibits 42-43 to the Beal Opp.  
24 Decl. are documents created by the Trademark Team (formerly known as The Penguin Patrol), a  
25 group started in 2003 within The Freecycle Network to oversee its intellectual property guidelines  
26 and policies. *See* Beal Opp Decl., ¶ 19. The Trademark Team, among other duties, monitors and  
27 educates groups within the network regarding intellectual property matters, including copyright  
28 and trademark protection. *Id.* One responsibility of the Trademark Team is to identify "rogue

groups," online groups that fail to comply with The Freecycle Network's rules and guidelines. *Id.* These rogue groups are monitored and are subsequently reported to Yahoo!, Inc. as being in violation of The Freecycle Network's trademark policies. Exhibits 88-89 to the Kobiakka Opp. Decl. and exhibits 42-43 to the Beal Opp. Decl. are examples of lists of rogue groups, created by the Trademark Team, and are the confidential information of The Freecycle Network.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in Tucson, Arizona on September 18, 2007.

By:   
Deron Beal