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The Freecycle Network, Inc.

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

14 FREECYCLESUNNYVALE,
a California unincorporated association,

15 Plaintiff,

16 v.

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

19 Defendant.

21 THE FREECYCLE NETWORK, INC.
22 an Arizona corporation,

23 Counterclaimant,

24 v.

25 FREECYCLESUNNYVALE,
a California unincorporated association,

26 Counterdefendant.

CASE NO. C 06-00324 CW

**DECLARATION OF LISA KOBIALKA
IN SUPPORT OF THE FREECYCLE
NETWORK, INC.'S REPLY TO
FREECYCLESUNNYVALE'S
OPPOSITION TO MOTION TO STRIKE
UNDER F.R.C.P. 37(c)**

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

1 I, LISA KOBIALKA, declare:

2 1. I am an attorney with the law firm of Perkins Coie LLP, counsel of record for
3 Defendant and Counterclaimant The Freecycle Network, Inc. ("The Freecycle Network"). I have
4 personal knowledge of the facts set forth in this declaration and can testify competently to those
5 facts.

6 2. The Freecycle Network produced 82,149 pages of documents in this case prior to
7 the discovery cut-off.

8 3. By virtue of The Freecycle Network's popularity, there have been hundreds of
9 thousands of members/users since its inception that are identified by The Freecycle Network's
10 documents. Attached hereto as Exhibit A is a true and correct copy of a document Bates labeled
11 FN 000001-02, indicating that the number of members of The Freecycle Network in 2006 was
12 2,173,732.

13
14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct. Executed in Menlo Park, California on September 19, 2007.

16
17 By /s/ Lisa Kobialka
18 Lisa Kobialka
19 Attorneys for Defendant and Counterclaimant
20 The Freecycle Network, Inc.
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