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7 Attorneys for Plaintiff
 FREECYCLESUNNYVALE,

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 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT**
 11 **OAKLAND DIVISION**

12 FREECYCLESUNNYVALE,
 a California unincorporated association,

13 Plaintiff,

14 v.

15 THE FREecycle NETWORK,
 16 an Arizona corporation,

17 Defendant.

Case No. C06-00324 CW

**DECLARATION OF ERIC B. EVANS IN
 SUPPORT OF
 FREECYCLESUNNYVALE'S
 SUPPLEMENTAL NOTICE OF
 MOTION AND MOTION FOR
 SUMMARY JUDGMENT**

[FED. R. CIV. P. 56]

18
 19 AND RELATED COUNTERCLAIMS
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1 I, Eric B. Evans, declare as follows:

2 1. I am an attorney with the law firm of Mayer Brown LLP, counsel of record for
3 Plaintiff and Counterdefendant FreecycleSunnyvale (“Sunnyvale”), and am admitted to practice
4 before this Court. I submit this declaration in support of Sunnyvale’s Supplemental Motion for
5 Summary Judgment. I have personal knowledge of the following facts and, if called as a
6 witness, could and would testify competently thereto.

7 2. I have personally reviewed the Electronic Case Filing (“ECF”) docket for the U.S.
8 District Court for the District of Arizona for the case *The Freecycle Network, Inc. v. Tim Oey*,
9 No. 06-CV-00173 RCC (D. Ariz., filed Apr. 4, 2006) (“the Arizona Case”). A true and correct
10 copy of the complaint in the Arizona Case, downloaded from the ECF docket, is attached as
11 Exhibit A.

12 3. A true and correct copy of the order granting The Freecycle Network, Inc.’s
13 motions for a temporary restraining order and for a preliminary injunction, entered May 11,
14 2006, in the Arizona Case, downloaded from the ECF docket, is attached as Exhibit B.

15 4. A true and correct copy of documents bearing Bates numbers YAH 0442-YAH -
16 446, produced by Yahoo!, Inc. and retained in Yahoo!, Inc.’s records since the time that they
17 were received by Yahoo!, Inc. from persons purporting to act on behalf of The Freecycle
18 Network, Inc. is attached as Exhibit C.

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20 I declare under penalty of perjury under the laws of the State of California and the United
21 States of America that the foregoing is true and correct. Executed this 25th day of October, 2007
22 at Palo Alto, California.

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/s/ Eric B. Evans_____

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Eric B. Evans

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