

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

8 Attorneys for Defendant  
 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.

CASE NO. C 06-00324 CW

**DECLARATION OF LISA KOBIALKA IN  
 SUPPORT OF THE FREECYCLE  
 NETWORK, INC.'S MEMORANDUM OF  
 POINTS AND AUTHORITIES IN  
 OPPOSITION TO PLAINTIFF'S  
 SUPPLEMENTAL MOTION FOR  
 SUMMARY JUDGMENT**

**[FED. R. CIV. P. 56]**

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

22 Counterclaimant,

23 v.

24 FREECYCLESUNNYVALE,  
 a California unincorporated association,

25 Counterdefendant.  
 26

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. Attached hereto as Exhibit 1 is a true and correct copy of the docket sheet from  
7 the case The Freecycle Network, Inc. v. Tim Oey, et al., Case No. 4:06-cv-00173-RCC, filed in  
8 the United States District Court for the District of Arizona (the "Arizona Action").

9 3. Attached hereto as Exhibit 2 is a true and correct copy of The Freecycle  
10 Network's Opposition to Defendants' Motion to Stay or Transfer ("Opposition"), the Declaration  
11 of Lisa Kobialka in Support of the Opposition, and the Declaration of Deron Beal in Support of  
12 the Opposition, filed on May 18, 2006, in the Arizona Action.

13 4. Attached hereto as Exhibit 3 is a true and correct copy of the Order Granting  
14 Defendants' Motion to Stay, filed on June 20, 2006, in the Arizona Action.

15 5. Attached hereto as Exhibit 4 is a true and correct copy of pages 35 and 38 from  
16 the transcript of the deposition of Lisanne Abraham taken August 10, 2007.

17 6. Attached hereto as Exhibit 5 is a true and correct copy of pages 145-146 from the  
18 transcript of the deposition of Tim Oey taken August 17, 2007.

19 7. Attached hereto as Exhibit 6 is a true and correct copy of page 30 from the  
20 transcript of the deposition of Jason Wong taken August 9, 2007.

21 I declare under penalty of perjury under the laws of the United States of America that the  
22 foregoing is true and correct. Executed in Menlo Park, California on November 8, 2007.

23  
24 By: /s/ Lisa Kobialka  
25 Lisa Kobialka

26 Attorney for Defendant and Counterclaimant  
27 The Freecycle Network, Inc.