| 28 | 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 20 21 22 23 24 25 26 27 28 | IAN N. FEINBERG (SBN 88324) ifeinberg@mayerbrownrowe.com ERIC B. EVANS (SBN 232476) eevans@mayerbrownrowe.com Two Palo Alto Square, Suite 300 3000 El Camino Real Palo Alto, CA 94306-2112 Telephone: (650) 331-2060 Attorneys for Plaintiff FREECYCLESUNNYVALE UNITED STATES NORTHER OAKLANI FREECYCLESUNNYVALE, a California unincorporated association, Plaintiff, v. THE FREECYCLE NETWORK, an Arizona corporation, Defendant. AND RELATED COUNTERCLAIMS | EN DISTRICT D DIVISION Case No. C06-00324 CW DECLARATION OF ERIC B. EVANS IN SUPPORT OF FREECYCLESUNNYVALE'S REPLY RE ITS SUPPLEMENTAL NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT [FED. R. CIV. P. 56] | |
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| 7 Attorneys for FREECYCL? 8 9 9 10 10 11 12 FREECYCL? 13 a California (1) 14 v. 15 THE FREEC 16 an Arizona (2) 17 18 19 AND RELA 20 21 21 22 23 24 25 26 27 | | Facsimile: (650) 331-2060 | | |
| Facsimile: (Attorneys for FREECYCL) 8 9 9 10 10 11 12 FREECYCL) 13 14 14 v. 15 THE FREEC 16 an Arizona control 17 18 19 AND RELATION 20 21 21 22 23 24 25 26 27 27 | | Palo Alto, CA 94306-2112 | | |
| Palo Alto, CA Telephone: (Facsimile: () Attorneys for FREECYCL Reference FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL Attorneys for FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL Attorneys for FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL Attorneys for FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL FREECYCL Attorneys for FREECYCL FREECYCL FREECYCL Attorneys for FREECYCL FREECYCL FREECYCL FREECYCL Attorneys for FREECYCL FREECYCL Attorneys for FREECYCL FREECYCL FREECYCL Attorneys for FREECYCL FREECYCL Attorneys for FREECYCL Attorneys for FREECYCL FREECYCL Attorneys for FREECYCL Attorneys fo | | Two Palo Alto Square, Suite 300 | | |
| Two Palo Alt 3000 El Cam Palo Alto, CA Telephone: (Facsimile: ()6Attorneys for FREECYCL89910111212FREECYCL89101112FREECYCL131414v.15THE FREEC an Arizona co171819AND RELA20212122232425262727 | | ERIC B. EVANS (SBN 232476) | | |
| ERIC B. EV. eevans@may Two Palo Alt 3000 El Cam Palo Alto, CA Telephone: (Facsimile: (Attorneys for FREECYCL Attorneys for FREECYCL FREECYCL a California to ta California to<td>2</td><td></td><td></td> | 2 | | | |

| 1 | I, Eric B. Evans, declare as follows: | | |
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| 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 Reply on its Supplemental | | |
| 5 | Motion for Summary Judgment. I have personal knowledge of the following facts and, if called | | |
| 6 | as a witness, could and would testify competently thereto. | | |
| 7 | 2. True and correct copies of pages 15 and 16 from the transcript of the deposition of | | |
| 8 | Lisanne Abraham, taken August 10, 2007, are attached as Exhibit A. | | |
| 9 | | | |
| 10 | I declare under penalty of perjury under the laws of the State of California and the United | | |
| 11 | States of America that the foregoing is true and correct. Executed this 15th day of November, | | |
| 12 | 2007 at Palo Alto, California. | | |
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| 14 | /s/ Eric B. Evans | | |
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| | 1 EVANS DECL. RE REPLY ON SUPPL. MOTION FOR SUMMARY JUDGMENT CASE NO. C06-00324 CW | | |