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 FREECYCLESUNNYVALE

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **OAKLAND DIVISION**

12 FREECYCLESUNNYVALE,
 13 a California unincorporated association,

14 Plaintiff,

15 v.

16 THE FREECYCLE NETWORK,
 17 an Arizona corporation,

18 Defendant.

CASE NO. C06-00324 CW

**[PROPOSED] STIPULATED FINAL
 JUDGMENT**

19 THE FREECYCLE NETWORK, INC., an
 20 Arizona Corporation,

21 Counterclaimant,

22 v.

23 FREECYCLESUNNYVALE, a California
 unincorporated association,

24 Counterdefendant.

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1 Plaintiff FreecycleSunnyvale (“Sunnyvale”) and Defendant The Freecycle Network, Inc.,
2 stipulate and agree that judgment be entered as follows:

- 3 (1) Final judgment is entered in Sunnyvale’s favor on:
4 a. Sunnyvale’s First Claim for Relief for Declaratory Judgment of Non-
5 Infringement of Trademarks under 15 U.S.C. § 1051 *et seq.*;
6 b. The Freecycle Network’s Counterclaim for Trademark Infringement under the
7 Lanham Act, 15 U.S.C. § 1125(a);
8 c. The Freecycle Network’s Counterclaim for Unfair Competition under the
9 Lanham Act, 15 U.S.C. § 1125(a)
10 for the reasons set forth in the Order Granting in Part Plaintiff’s Motion for
11 Summary Judgment and Denying It in Part and Granting Defendant’s Motion to
12 Strike (“Order”). Dkt. no. 141.
- 13 (2) Sunnyvale’s Second Claim for Relief for Tortious Interference with Business
14 Relations is dismissed with prejudice.
- 15 (3) The Freecycle Network’s Counterclaim for Unfair Competition under the
16 California Business and Professions Code, Cal. Bus. & Prof. Code §§ 17200 and
17 17500, is dismissed with prejudice
- 18 (4) Each side shall bear its costs and fees of suit and neither side shall be considered a
19 prevailing party for purposes of Fed. R. Civ. P. 54(d)(1).

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