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7 Attorneys for Plaintiff  
 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.

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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The purpose of this judgment is to allow The Freecycle Network to appeal this judgment to the U.S. Court of Appeals for the Ninth Circuit. For the avoidance of doubt, neither side shall seek to appeal from the stipulated dismissal of claims described in (2) & (3) above.

Dated: May 15, 2008

MAYER BROWN LLP  
IAN N. FEINBERG  
ERIC B. EVANS  
BY:           /s/          Ian N. Feinberg            
          Ian N. Feinberg

Attorneys for Plaintiff  
FREECYCLESUNNYVALE

Dated: May 15, 2008

KING & SPALDING LLP  
LISA KOBIALKA  
  
By:           /s/          Lisa Kobialka            
          Lisa Kobialka

Attorneys for Defendant  
THE FREecycle NETWORK, INC.

*Filer's Attestation: Pursuant to General Order No. 45, Section X(B), the filer hereby attests that the signatories' concurrence in the filing of this document has been obtained.*

For the reasons set forth in this Court's Order of March 13, 2008, Docket no. 141, and upon stipulation of the parties,

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Dated: 5/20/08

  
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Hon. Claudia Wilken  
U.S. District Judge