

Exhibit 1

Trademark/Service Mark Application, Principal Register**Serial Number: 78475113****Filing Date: 08/27/2004****The table below presents the data as entered.**

| Input Field | Entered |
|-------------------------|--|
| MARK SECTION | |
| MARK FILE NAME | \\t\ics\EXPORT11\IMAGEOUT 11\784\751\78475113\xml1\ APP0002.JPG |
| STANDARD CHARACTERS | NO |
| USPTO-GENERATED IMAGE | NO |
| LITERAL ELEMENT | FREECYCLE |
| COLOR MARK | YES |
| COLOR(S) CLAIMED | The color(s) GREEN, TAN, BLACK, ORANGE, YELLOW is/are claimed as a feature of the mark. |
| DESCRIPTION OF THE MARK | The mark consists of The word "freecycle" is in lower case Ravie (Open Type) font in green with a slight black shadow. The double "ee" is superimposed over the spokes of the wheels of an old fashioned bicycle facing to the left. The wheels of the bicycle project below the "ee" to a level even with the bottom of the "y" and slightly above the "f." The wheels and frame of the bicycle are tan outlined in black. The letter "I" within the "freecycle" name has been replaced with the fretboard facing downward. The headstock and fretboard are black with two white stripes suggesting strings running along its length. The headstock with six tuning pegs is reflexed to the left and is level with the bottom of the letter "y." The body of the guitar is shaded in black around the edge with an insertion of a white and orange line running from the top left corner of the body to the neck of the guitar. The interior of the body is orange with an image of a gold reflection surrounding the left side of the bridge and completely surrounding the strings. Four black lines, suggesting strings, begin above the sound hole and stop below the bridge. The body of the guitar projects above the name approximately the same width as the type face for the name.. |
| PIXEL COUNT ACCEPTABLE | YES |
| PIXEL COUNT | 891 x 250 |
| OWNER SECTION | |
| NAME | THE FREECYCLE NETWORK |
| STREET | 901 NORTH PERRY AVENUE |
| CITY | TUCSON |
| STATE | AZ |
| ZIP/POSTAL CODE | 85705 |
| COUNTRY | United States |

| | |
|--------------------------------------|---|
| PHONE | 520-631-2171 |
| FAX | na |
| EMAIL | deron@freecycle.org |
| AUTHORIZED EMAIL COMMUNICATION | Yes |
| LEGAL ENTITY SECTION | |
| TYPE | CORPORATION |
| STATE/COUNTRY OF INCORPORATION | Arizona |
| GOODS AND/OR SERVICES SECTION | |
| INTERNATIONAL CLASS | 042 |
| DESCRIPTION | DESIGN, CREATION, HOSTING AND MAINTENANCE OF A FREE WEBSITE THAT PROVIDES OTHERS WITH A GLOBAL INTERNET BASED SYSTEM OF GIVING AND RECEIVING PERSONAL PROPERTY FOR FREE |
| FILING BASIS | Section 1(a) |
| FIRST USE ANYWHERE DATE | 05/01/2003 |
| FIRST USE IN COMMERCE DATE | 05/01/2003 |
| SPECIMEN FILE NAME(S) | \\tigrs\EXPORT11\IMAGEOUT 11\784\751\78475113\xml1\ APP0003.JPG |
| SPECIMEN DESCRIPTION | HOMEPAGE FOR WEBSITE FREECYCLE.ORG |
| SIGNATURE SECTION | |
| SIGNATURE | /John C. Lacy/ |
| SIGNATORY NAME | John C. Lacy |
| SIGNATORY DATE | 08/27/2004 |
| SIGNATORY POSITION | Attorney |
| PAYMENT SECTION | |
| NUMBER OF CLASSES | 1 |
| NUMBER OF CLASSES PAID | 1 |
| SUBTOTAL AMOUNT | 335 |
| TOTAL AMOUNT | 335 |
| ATTORNEY | |
| NAME | JOHN C. LACY |
| FIRM NAME | DeCONCINI McDONALD YETWIN & LACY, P.C. |
| INTERNAL ADDRESS | #200 |
| STREET | 2525 EAST BROADWAY |
| CITY | TUCSON |

| | |
|--------------------------------|---|
| STATE | AZ |
| ZIP/POSTAL CODE | 85716 |
| COUNTRY | United States |
| PHONE | 520-322-5000 |
| FAX | 520-322-5585 |
| EMAIL | jlacy@dmyl.com |
| AUTHORIZED EMAIL COMMUNICATION | Yes |
| OTHER APPOINTED ATTORNEY(S) | JAMES A. JUTRY |
| CORRESPONDENCE SECTION | |
| NAME | JOHN C. LACY |
| FIRM NAME | DeCONCINI McDONALD YETWIN & LACY, P.C. |
| INTERNAL ADDRESS | #200 |
| STREET | 2525 EAST BROADWAY |
| CITY | TUCSON |
| STATE | AZ |
| ZIP/POSTAL CODE | 85716 |
| COUNTRY | United States |
| PHONE | 520-322-5000 |
| FAX | 520-322-5585 |
| EMAIL | jlacy@dmyl.com |
| AUTHORIZED EMAIL COMMUNICATION | Yes |
| FILING INFORMATION | |
| SUBMIT DATE | Fri Aug 27 17:40:02 EDT 2004 |
| TEAS STAMP | USPTO/BAS-20616920282-200 40827174002213551-7847511 3-2004e31ac8bdab84df68ea0 3f888eca601d-CC-320-20040 827173421319417 |

Trademark/Service Mark Application, Principal Register**Serial Number: 78475113****Filing Date: 08/27/2004**

To the Commissioner for Trademarks:

MARK: FREECYCLE (stylized and/or with design, see mark)

The literal element of the mark consists of FREECYCLE.

The color(s) GREEN, TAN, BLACK, ORANGE, YELLOW is/are claimed as a feature of the mark.

The mark consists of The word "freecycle" is in lower case Rave (Open Type) font in green with a slight black shadow. The double "ee" is superimposed over the spokes of the wheels of an old fashioned bicycle facing to the left. The wheels of the bicycle project below the "ee" to a level even with the bottom of the "y" and slightly above the "f." The wheels and frame of the bicycle are tan outlined in black. The letter "l" within the "freecycle" name has been replaced with the fretboard facing downward. The headstock and fretboard are black with two white stripes suggesting strings running along its length. The headstock with six tuning pegs is reflexed to the left and is level with the bottom of the letter "y." The body of the guitar is shaded in black around the edge with an insertion of a white and orange line running from the top left corner of the body to the neck of the guitar. The interior of the body is orange with an image of a gold reflection surrounding the left side of the bridge and completely surrounding the strings. Four black lines, suggesting strings, begin above the sound hole and stop below the bridge. The body of the guitar projects above the name approximately the same width as the type face for the name..

The applicant, THE FREECYCLE NETWORK, a corporation of Arizona, residing at 901 NORTH PERRY AVENUE, TUCSON, AZ, United States, 85705, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 042: DESIGN, CREATION, HOSTING AND MAINTENANCE OF A FREE WEBSITE THAT PROVIDES OTHERS WITH A GLOBAL INTERNET BASED SYSTEM OF GIVING AND RECEIVING PERSONAL PROPERTY FOR FREE

In International Class 042, the mark was first used at least as early as 05/01/2003, and first used in commerce at least as early as 05/01/2003, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) HOMEPAGE FOR WEBSITE FREECYCLE.ORG.

Specimen - 1

The applicant hereby appoints JOHN C. LACY and JAMES A. JUTRY of DeCONCINI McDONALD YETWIN & LACY, P.C., #200, 2525 EAST BROADWAY, TUCSON, AZ, United States, 85716 to submit this application on behalf of the applicant.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: jlacy@dmyl.com.

A fee payment in the amount of \$335 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /John C. Lacy/ Date: 08/27/2004

Signatory's Name: John C. Lacy

Signatory's Position: Attorney

Mailing Address:

JOHN C. LACY

#200

2525 EAST BROADWAY

TUCSON, AZ 85716

RAM Sale Number: 320

RAM Accounting Date: 08/30/2004

Serial Number: 78475113

Internet Transmission Date: Fri Aug 27 17:40:02 EDT 2004

TEAS Stamp: USPTO/BAS-20616920282-200408271740022135

51-78475113-2004e31ac8bdab84df68ea03f888

eca601d-CC-320-20040827173421319417





Changing the world one gift at a time.

home | Frequently Asked Questions | Start a Group | Other Resources

Make a Donation

Freecycle Groups:

- Canada
- International
- US Northeast
- US Central
- US Southern
- US Southwest
- US West Coast
- US Pacific
- All Groups

Newest Freecycles

- Cedar Springs
- Waterford
- Howard County

Biggest Freecycles

- freecycleportland(8263)
- AustinFreecycle(5542)
- freecyclenewyorkcity(5391)
- cmicagofreecycle(5354)
- DFWFreecycle(5042)
- grfreecycle(4703)
- FreecycleDC(4596)
- FreecycleSeattle(3711)

1203 Cities! Others coming soon! If you want to start one, visit our Start-A-Group page.

If you know of one that isn't listed, let us know.



1658486

THE COUNTER:

Number of cities freecycling: 1203
Number of people freecycling: 392,416

Welcome!

The worldwide (!) Freecycle Network is made up of many individual groups across the globe. It's a grassroots movement of people who are giving (& getting) stuff for free in their own towns. Each local group is run by a local volunteer moderator (them's good people). Membership is free. To sign up, find your city by clicking on the region on the right. It will generate a automatic e-mail which, when sent, will sign you up for your local group and send you an response with instructions on how it works. Or, go directly to the webpage for your city's group by clicking on your city's link on the left. Can't find your city? It takes about ten minutes to start your own (click on "Start your own" for instructions). Have fun and keep on Freecyclin'!

The Freecycle Network is a project of RISE, Inc., a 501(c)3 nonprofit organization whose mission includes reducing waste, generating employment training, and fostering cooperation between other nonprofit organizations and the public.

RISE started the Freecycle Network in May 2003 to promote waste reduction in Tucson's downtown and help save desert landscape from being taken over by landfills. Freecycle provides individuals and non-profits an electronic forum to "recycle" unwanted items. One person's trash can truly be another's treasure!

How does Freecycling work?

One rule: everything posted must be free. Whether it's a chair, a fax machine, piano, or an old door to be given away, it can be posted on the network. Or, maybe you're looking to acquire something yourself? Respond to the posting directly and you just might get it. After that it is up to the giver to set up a pickup time for passing on the treasure.

Non-profit organizations also benefit from the Freecycle Network. Post the item or items you want to give away and a local organization can help you get it to someone in need.

Who can Freecycle?

As Abe Lincoln once said, "Think globally, recycle locally." The Freecycle Network is open to all cities and to all individuals who want to participate. Freecycle groups are run by local volunteer moderators from across the globe who facilitate each local group - Grassroots at its best!

To sign up for a Freecycle Yahooogroup, choose your region below. And then find the closest freecycle to your location. If you click ~~core~~, you will be taken to the website of your freecycle group. If you click ~~JOIN~~, an email windows will pop up. Send a blank email to the address in the 'to' field and you will be signed up shortly for that freecycle group. If you have any questions, please let us know!

- Canada
- International
- US Northeast
- US Central
- US Southern
- US Southwest
- US West Coast
- US Pacific

What information is on this website

Frequently Asked Questions - This is accumulated answers to questions, advice and general etiquette that you should read before joining the list.

Start A Freecycle Group - If you are interested in starting a Freecycle group in your area, this page will help you find out how we can help you.

Other Resources - A list of websites and other resources that are related to what Freecycle is doing. Recycling, trading, free resources, etc.

Exhibit 2

A promotional banner for Soundsgood! featuring a blue background with white snowflakes and red and green Christmas ornaments. The text reads: "Treat yourself to a great audio book this holiday season? soundsgood! Click to Start Your 14-Day FREE TRIAL Now! Visit (soundsgood.com) now for thousands of audio books in CD, cassette & downloadable formats".

Treat yourself to a great audio book this holiday season? **soundsgood!** Click to Start Your 14-Day FREE TRIAL Now! Visit (soundsgood.com) now for thousands of audio books in CD, cassette & downloadable formats

To print this page, select "Print" from the File menu of your browser



From each according to his junk, to each according to her need

Need a pile of dirt? Got a pile of dirt? It's Christmas every day in the new world of freecycling.

By Katharine Mieszkowski



Nov. 25, 2003 | Brad Wallis, 42, an [erotic photographer](#) who lives in Portland, Ore., works part time remodeling houses to support his art.

But over the past two months the self-described "starving artist" has developed a taste for giving his possessions away to strangers. "I don't have any money. I'm unemployed, but if I am able to give things to other people that make them happy and that they need, what a wonderful gift that is -- to me," he says.

On the [Freecycle Portland mailing list](#), Wallis has offered up a bizarre accumulation of freebies that include large mirrors, art prints, tires, firewood, bike helmets, bicycle racks, trees, a sump pump, 12 Cuban cigars and even a whole computer.

"I was going to give away a computer case, but I ended up putting a hard drive in and an operating system to make it a completely working system," he says. "Because I could, because I didn't really need it, and I could make it a nicer gift to give to somebody."

Via Freecycle, Wallis has also received his share of gifts from people he'd never met before: a little tabletop fountain, a 35-millimeter camera, a toaster-oven and a mini-fridge.

"I grew up poor, and growing up poor you collect stuff, because you're never sure when you're going to need it and you can't buy it," says Wallis, who admits he has "packrat tendencies."

If a true packrat hordes, a "freecycler" can't stand to see something that might be useful to someone else go to waste, languishing unused in a musty garage, attic, bottom dresser-drawer or -- worse yet -- a landfill. That type of person has always existed, but today, thanks to the efficient distribution capabilities of the Internet, Wallis has joined forces with an entire tribe of thrifty givers. At [Freecycle](#) everything is free, and you can get rid of practically anything, from a pile of dirt to a beading loom.

In the face-to-face world, it's often hard to find that deserving person who needs your specific load of useless castoffs. Enter the Internet, which not only makes such networking easy but also has long been suffused with an ethic that [promotes](#) gift giving. Since May 2003, the Freecycle concept has exploded, spreading from city to city with the speed of a grass (roots) fire.

"A gift economy is different from anything that most people have ever experienced," says [Albert Kaufman](#), 42, an unemployed activist and musician who is the moderator of the Portland freecycle list. With more than 2,000 members, it is one of the largest created so far. "It's pretty wonderful," Kaufman says. "It's sort of like Christmas all the time." Best of all: You don't have to [buy anything new](#).

While eBay recasts clutter as a collection of valuable commodities to be marketed to the highest bidder, Freecycle magically transforms junk into presents, allowing almost anyone a chance to play Santa Claus channeling St. Francis. Which raises the question, what's really more valuable: Selling that 1980 Strawberry Shortcake lunchbox you've been carting around for decades for the best price possible? Or knowing that your much-neglected ice-cream maker, bread machine and transcription device have been given away to good homes where they may actually be turned on occasionally?

Besides the lofty altruism, freecycling is also about trying to get rid of junk: an old washing machine that may work but hasn't been hooked up in years, a jumbo dog-carrying cage for a dearly departed pooch, those coffee mugs that seem to breed and multiply in the kitchen cabinet. Lurking on the lists are the detritus of many abandoned projects and long-forsaken hobbies: On the Tucson list on Nov. 17 a woman's 10-pound bowling ball was up for grabs with this caveat: "It's grey marble color and unfortunately I had my name etched into it but I hope someone can use it and is a better bowler than I was!" The ball, along with a blue bowling-ball carrying case and a pair of "almost new" size 6 and a half bowling shoes, was spoken for in just 13 minutes.

Picture a vast junk box floating in the ether, spilling over with an inflatable raft, a clothesline, a 12-inch radial-arm saw, an Elmo sandbox, 18 post-mastectomy bras, three squashes, two rats, a rat cage and all sorts of other battered treasures, all flanked by a giant sign: FREE STUFF.

"We all have something that we don't want to admit that we're not using and will never use," says Deron Beal, 36, who started the very first Freecycle list in May 2003 in Tucson, Ariz., where he works part time for a nonprofit recycling group called Rise. Beal created the list as a way to hook other nonprofits up with the used couches, computers, office chairs, desks and file folders that the businesses he worked with no longer needed. Since then, the Tucson list has grown beyond the nonprofit world to include more than 1,600 members, and the concept has been adopted in more than 82 cities, including Kansas City, Orlando, Washington, Bangalore and Tokyo, with new lists now starting at the rate of 10 per week.

The [ground rules](#) are simple: Posts to the list indicate whether an item is an "offer" or "wanted" in the subject line, and there's no cash, barter or trade allowed. While offloading [free stuff](#) on the Net certainly isn't new to local community sites, Freecycle has spawned a mini-movement devoted to giving. Some people may get on the lists solely in search of freebies, but they soon start feeling the itch to part with their own extra filing cabinets, hearing aids and plasterboard.

Sometimes the goal of wasting-not is taken to extremes. Bryan Cordova, 24, a recycling education coordinator for a nonprofit environmental organization who has given away cacti, towels and a twin bed on the Tucson list, recently found himself mailing a dog food coupon to a fellow freecycler. "It was a coupon for a free bag of dog food," he says. "It wasn't a brand that I was planning on purchasing for my dog. It was just a few dollars' value, but why let it go to waste?"

Unlike donating to a charity such as Goodwill, freecycling puts the giver in touch with the people who will be benefiting from his or her largesse: "You deal with them directly so you know that the person who is getting what you're giving away is somebody who needs it," says Anna Harrison Griessel, a 39-year-old video and film producer who lives in Green Valley, Ariz. Griessel has given away five bags of clothes, a Microsoft keyboard, piano books and cookbooks on the Tucson list.

There's the added incentive that it takes less effort to shoot an e-mail out offering a single item than mustering up the energy to clean out a whole closet to justify a trip to the Salvation Army. And freecyclers argue that they do reach the needy who can't afford to log on for freebies via the many nonprofits that frequent the lists.

Once you start giving things away on the list and meeting the people who want them, the game of giving can become an end in itself. "It's just sort of fun now to walk through my house one room at a time and see what I can get rid of," says Griessel.

"Paying it forward" and "karma" pervade the way freecyclers think about their lists. "People are always talking about doing the right thing and helping your fellow man and saving the environment," says Martha Blake, 36, a stay-at-home mother in White Salmon, Wash., who is the moderator for the [Columbia Gorge Freecycle list](#), which has 203 members. "We all have really good intentions and have all these dreams of things we want to do to help, but we always seem to be stuck in our everyday things and never get to those. This is kind of handed to them on a silver platter: This is your chance." She received an old bookshelf from the list, which she converted into a ferret playground, and gave away a fish and a fish tank to a local 7-year-old boy whose mother didn't want him to have a more labor-intensive animal as his first pet.

The spread of freecycling, however eco-friendly a way it may be to relieve chronic overconsumption, does raise the not-so-ideal prospect of perpetual junk shuffling -- as soon as you get rid of your clutter, you take on someone else's. But maybe that will turn out to be the Internet's greatest gift -- in the future, there will be *no* junk, because every last thing will have found its way to a person who truly needs and appreciates it.

About the writer

[Katharine Mieszkowski](#) is a senior writer for Salon Technology.

Sound Off

Send us a [Letter to the Editor](#)

Related stories

[It's not easy being green](#)

Is online shopping good for the environment or just a better way to be as wasteful as we want to be?

By Katharine Mieszkowski

12/07/00

GO TO:

[Salon.com](#) >> [Technology](#)

[Salon](#) | [Search](#) | [About Salon](#) | [Table Talk](#) | [Advertise in Salon](#) | [Investor Relations](#)

[News & Politics](#) | [Opinion](#) | [Tech & Business](#) | [Arts & Entertainment](#)
[Indie film](#) | [Books](#) | [Life](#) | [Sex](#) | [Comics](#) | [Audio](#) | [Dialogue](#)
[Letters](#) | [Columnists](#) | [Salon Gear](#)

Reproduction of material from any Salon pages without written permission is strictly prohibited
Copyright 2005 Salon.com

Salon, 22 4th Street, 16th Floor, San Francisco, CA 94103

Telephone 415 645-9200 | Fax 415 645-9204
[E-mail](#) | [Salon.com Privacy Policy](#) | [Terms of Service](#)

Exhibit 3

1/27/04 SJMERCN 1C

Page 1

(Cite as: 2005 WL 929089, *12 (E.P.A.))

1/27/04 San Jose Mercury News 1C
2004 WLNR 2960583San Jose Mercury News (CA)
Copyright 2004, San Jose Mercury News**January 27, 2004**

Section: Business

FREECYCLING MOVEMENT GAINS GROUND IN VALLEY FROM TRASH TO TREASURE: GOODS GIVEN AWAY, PUT
TO NEW USES

MIKE CASSIDY column

We are a consumer nation. Update. Upgrade. Buy. Buy. Buy.

Which leaves us with stuff. Lots of stuff. Stuff in the garage, under our beds, in the back yard. Stuff headed for the landfills, which themselves are stuffed with stuff.

''And I have all this stuff,'' says Lissy Abraham, of Sunnyvale, ''and I want to get rid of it. I just have to find the person who wants it.''

So in October, she started Silicon Valley's first **freecycling** community.Yes, **freecycling** (www.freecycle.org). The movement started in Tucson, Ariz., last year and is now sweeping the nation. Really.Think of it as eBay without the money and with a dose of ''think globally, act locally.'' **Freecyclers** use Yahoo Groups as a free bulletin board, requiring registration only. Givers post their excess items on Yahoo and takers send an e-mail saying they will come and pick it up.

The Internet is how we do things -- sell cars, music, books, plane tickets. But it's also how many seek to change the world in big ways and small.

Freecycling is hardly earth-shattering. Of course it isn't the only way to give stuff away. There are trucks from charities to pick up what you don't need. There are cardboard ''free'' signs attached to couches, computers and filing cabinets on our curbs.

And there are other Internet-enabled giveaway programs, such as the ''free stuff'' area on Craig's List.

But **freecycling** is hot.

''We think it's great,'' says Mark Bowers, who manages Sunnyvale's solid waste program and is therefore well-acquainted with the disposal of excess. ''We love this kind of

1/27/04 SJMERCN 1C

Page 2

(Cite as: 2005 WL 929089, *12 (E.P.A.))

grass-roots stuff, where people are exchanging those items.'

The movement is growing through viral marketing. Since the Tucson chapter started in May, nearly 200 groups have formed throughout the United States and in Canada, Australia, India, Britain, South Korea, Singapore, Japan and Romania.

The array of unwanted items is vast. Desks, bikes, books, lamps, couches, sure. But also a diaper genie, 10 pounds of batteries, succulent plants and gravel. Yes, rocks.

Together, the groups provide a study of the human condition, materially and more. Some of the older and larger groups have gone beyond the basic give and take.

In Portland, **freecyclers** collected Christmas presents and distributed them to the unemployed and their families, Rosemary Meyer, of Portland, writes by e-mail.

The spirit is contagious.

Aseem Das, of Palo Alto, heard about **freecycling** through an e-mail from an acquaintance. He jumped all over the idea and started **Freecycle** Palo Alto in December.

'It kind of tied in with that whole idea of consuming less, or if you have stuff, you might give it to other people who need it,' Das says.

Other groups targeting San Jose and the greater South Bay also have formed, together attracting more than 200 members so far.

Das, whose group has 75 members, says membership has been building slowly. But he's an optimist. Besides, he already has moved a 13-inch television and a neighbor's baby stroller.

Abraham, whose Sunnyvale group has 264 members, says local founders are talking about combining their groups.

In the meantime, the groups are open to all regardless of where they live.

And one thing you can be sure about: There is plenty of stuff to go around.

Photos (2)

PHOTO JOANNE HOYOUNG LEE -- MERCURY NEWS\Aseem Das started **Freecycle** Palo Alto in December. He is offering old carpeting, and already has moved a 13-inch television and a neighbor's baby stroller.\ PHOTO JOANNE HOYOUNG LEE -- MERCURY NEWS\Sylvia Dolce and her husband, Aseem Das, are using freecycle.org to find a new home for a roll of surplus carpet and other items.

Silicon Valley Dispatches

---- INDEX REFERENCES ----

1/27/04 SJMERCN 1C

Page 3

(Cite as: 2005 WL 929089, *12 (E.P.A.))

COMPANY: YAHOO INC

REGION: (USA (1US73); Americas (1AM92); North America (1NO39); California (1CA98))

Language: EN

OTHER INDEXING: (CRAIG; MERCURY; NEWS; PHOTO; YAHOO; YAHOO GROUPS) (Abraham; Aseem Das; Das; Desks; FREECYCLING MOVEMENT GAINS GROUND; Freecycling; Givers; Lissy Abraham; Mark Bowers; Rosemary Meyer; Silicon Valley; Silicon Valley Dispatches; Sunnyvale; Sylvia Dolce)

EDITION: Morning Final

Word Count: 741

1/27/04 SJMERCN 1C

END OF DOCUMENT

Exhibit 4

3/16/04 NYT B1

Page 1

(Cite as: 2005 WL 929089, *12 (E.P.A.))

3/16/04 N.Y. Times B1
2004 WLNR 5578559

New York Times (NY)

Copyright (c) 2004 The New York Times. All rights reserved.

March 16, 2004

Section: B

One Sock, With Holes? I'll Take It; **Freecycling** Brings Castoff Goods Back From the Bin

TINA KELLEY

Web site freecycle.org was created by Deron Beal to give people opportunity to exchange unwanted items that are still usable, with proviso that everything is free; Beal hopes site will grow and become nonprofit group, with idea of **freecyclers** meeting international needs (M)

Wanted: old socks, "ripped, without partners, and of any size or color." Offered: a telephone pole. Wanted: a chicken coop, a doghouse, a barn. Offered: "Excellent quality landscaping rocks. Organic lemons will be given away to those who take the rocks as an extra bonus."

The Internet has fed dreams of unimaginable wealth, a hope that in many cases turned out to be as fleeting as an instant message. It began as a way for the military and then academia to communicate, with little thought to profit, before evolving into a worldwide marketplace. Now one group is using the Internet as a way to make connections and fall into riches at the same time. In this case, the treasure comes in the form of someone else's trash.

Dusty but new exercise equipment, a five-person hot tub, and enough white Ikea bookshelves to furnish a small college town have been posted online through a new group that practices **freecycling**, the giving away of useful but unwanted goods to keep them out of landfills and maybe help someone less fortunate in the process.

The Web site has become a haven for newlyweds with empty homes, and retirees with full ones. In New York City, there's the added incentive of freeing space in minivan-size apartments, where a spice rack can take up too much room.

Like many staples of the Internet, this pretty much came about by accident. Deron Beal, 36, who works at a recycling nonprofit group in Tucson, sent an e-mail message in May to everyone he knew, to see if they wanted a queen-size bed and some packing peanuts he no longer needed. He subsequently set up a Web site where people could exchange unwanted items, the only constraint being that the items had to be free. "Legal and appropriate for all ages" was added later. The Web site, www.freecycle.org, was born, and 10 months later,

3/16/04 NYT B1

Page 2

(Cite as: 2005 WL 929089, *12 (E.P.A.))

more than 35,000 people have signed up in cities all over the world.

Postings are moderated by volunteers in local groups, who have mulled over the ethics of posting Playboys, puppies and pistols. They have had to deal with suspicions that perhaps the people who were posting too many "wanted" listings in one Arizona city were taking goods south of the border to sell in Mexico. ("We figured we were working for a good cause by keeping things out of the landfill," Mr. Beal said. "That was the main thing, and beyond that let the gifter beware.") And they have pondered what to do with people who occasionally forget to stop by to pick up the couch left on the porch for them.

Mr. Beal recalls a favorite post, with the heading, "OFFER: black hair dye, tonight only." It continued, "Clairol Balsam permanent hair dye in black, already mixed up and ready to go. My hair is short, so the bottle is still mostly full. But it needs to be used really soon, so if anyone has an urge to go darker, tonight is the night!"

Mr. Beal said: "Every once in a while someone will try to **freecycle** themselves -- "OFFER: nice guy to good home" or "WANTED: cure for a lonely heart."

But others don't see the humor in it. "I think personally, in this day and age, it would probably be too frightening to post things online to have strangers to come to your home," said Ivy Lester, who is from Dallas but was visiting New York City, where she grew up.

Although she could see **freecycling** for a good cause, the idea of a stranger coming by to pick up an item, even from a doorstep, did not appeal to her. "The Internet is so impersonal, and you have to be so careful nowadays," she said.

But mostly, members of the New York City **freecycling** group have been pleased with the cross-country skis they received just before a snowstorm, or happy to have met the need of the guy who refurbishes computer systems for use in day care centers.

That man, Cornell D. Green, posted, "If you're looking at that old 486 in the basement and can't stop laughing, please contact me." Nancy Schubiger, one of the six people who responded to his request, delivered a vanload of computer components to him at a park-and-ride lot in New Jersey on a recent Friday, then wrote to him, "Glad that they won't be dust-gathering paperweights!"

The New York City **freecycling** group has about 300 members, but the Portland, Ore., group has 10 times as many.

"I'm not sure it has a limit," said Christina Salvi, 28, who estimated she has spent half an hour a night moderating the New York group, making sure the postings were marked as Wanted or Offered, and keeping spam, politics and crankiness out of the discourse.

Of course, there are other ways to find free or cheap things in the city, like walking down the street in many neighborhoods the night before trash day. Thrift stores provide bargains. Also online is Craigslist.org, which includes a section of free items, and New York WasteMatch, sponsored by the Department of Sanitation, which matches valuable

3/16/04 NYT B1

Page 3

(Cite as: 2005 WL 929089, *12 (E.P.A.))

commercial waste and surplus goods with organizations that need them. The city also runs Material for the Arts, which collects reusable items and distributes them to nonprofit arts groups.

Robin Nagle, who teaches a graduate anthropology class on garbage at New York University, said that the curb has been the destination of choice for unwanted items only since the end of World War II.

"You never simply got rid of something because you didn't like it anymore," she said. "You'd turn it into something else." Old adult clothes, for instance, would be re sewn into children's clothes, then made into cushions or dolls or rags, then sold as "shoddy" to peddlers, who used old fabric to make paper. Scavengers would travel the city in rented carts in search of useful items.

Mr. Beal hopes to incorporate freecycle.org as a nonprofit group and raise money for its own Web page independent of Yahoo.com's group mail function, which it currently uses. He hopes the new site can help **freecyclers** meet international needs -- for instance, to send computers to Iran after an earthquake.

"We get it drilled into us on television ads: 'Consume, consume, consume. You want more, you need more,' and do we really?" Mr. Beal asked. "I think what's coming out with **freecycling** is, 'Gee, it's kind of fun not to be into all this.'"

As for the wanted old socks, they were destined to be made into puppets in a class for adults with developmental disabilities. The telephone pole, at last inquiry, was still available, in Oregon. So were the rocks and lemons, together, in San Francisco.

Photos (Photos by Left, Associated Press; Above: Jim Cummins for The New York Times)

---- INDEX REFERENCES ----

INDUSTRY: (Regional Web Presences (1RE47); Internet (1IN27))

REGION: (USA (1US73); Americas (1AM92); North America (1NO39); New York (1NE72); Oregon (1OR01))

Language: EN

OTHER INDEXING: (Kelley, Tina; Beal, Deron) (BEAL; CUMMINS; DEPARTMENT OF SANITATION; INTERNET; JIM; NEW YORK UNIVERSITY) (Beal; Christina Salvi; Clairol Balsam; Consume; Cornell D. Green; Deron Beal; Dusty; Gee; Glad; Ivy Lester; Legal; Nancy Schubiger; Offered; Robin Nagle; Scavengers; Thrift; Web) (Computers and the Internet; Philanthropy; Barter; Prices (Fares, Fees and Rates))

EDITION: Late Edition - Final

Word Count: 1347

3/16/04 NYT B1

Page 4

(Cite as: 2005 WL 929089, *12 (E.P.A.))

3/16/04 NYT B1

END OF DOCUMENT

Exhibit 5

YOUR PURCHASED ARTICLE

powered by ProQuest



Digits

The Wall Street Journal, 941 words
May 6, 2004

Document Text

Copyright (c) 2004, Dow Jones & Company Inc. Reproduced with permission of copyright owner. Further reproduction or distribution is prohibited without permission.

[Gambits & Gadgets in the World of Technology]

Octopus Opulence

Microsoft Corp. co-founder Paul Allen typically likes to keep a low profile, but he made a big splash at this week's convention of the National Cable and Telecommunications Association in New Orleans by hosting several lavish parties aboard his new 413-foot yacht, Octopus.

Mr. Allen docked it on the Mississippi River behind the convention center and hosted receptions for several of his companies that serve the cable industry, including Digeo Inc. and Oxygen Media Inc. Mr. Allen's security force kept a watchful eye to make sure the media stayed onshore. But guests reported that the boat was over the top -- even by billionaire-yacht standards. Details include: teak floors, a theater and basketball court, two helicopter pads and a sound-mixing studio large enough, guests were told, to produce a major motion picture. For times when Mr. Allen feels like roughing it, the yacht ports a 60-foot yacht and eventually will boast a 10-person submarine that will run on fuel cells so it can stay under water for as long as two weeks.

The opulence of Octopus -- estimates of its price started at \$200 million -- may have stirred a bit of yacht-envy on the part of some of the other moguls at the gathering. Take the exchange that happened at one session that featured Mr. Allen, Comcast Corp. Chief Executive Brian Roberts and Time Warner Inc. Chief Executive Richard Parsons. Asked whether Time Warner would bid for Adelphia Communications Corp., Mr. Parsons stopped in the middle of confirming his interest and said: "I've changed my mind. We're going for a boat."

"I can help you on that," chimed in Mr. Allen, who also owns at least one other yacht.

Mothers Online

As any busy mother will tell you, the Internet can be a huge time saver when it comes to tasks like getting homework help and paying bills.

A new survey shows women are turning to the Web for more than that: Forty-eight percent of those who responded to a survey by Opinion Research Corp. for America Online Inc. said they stay in touch with loved ones by sending photos online. Fully 75% use the Web to plan trips. Seventy-one percent get news, 63% look for recipes, 55% click for coupons and discounts, and 42% pay their taxes online.

Nearly 55% of the 1,653 women who opted to respond to the survey play games online, most frequently with their children. Thirty-nine percent use the Web to help with homework, and 38% to shop.

That doesn't surprise Lynne Builta, who four years ago launched an online site Mommyshop.com. Ms. Builta is projecting sales of \$1 million this year, up from \$27,000 in 2000. She says many new mothers find they need lots of new gear. They can go online and have the products delivered to their doorstep. Once she had her second child, Ms. Builta said, "I shopped online for everything."

Spring Sweep

With the dreaded spring-cleaning season under way, there is a new, Internet-based alternative for getting rid of all that clutter in the basement and garage.

Known as "freecycling," the approach creates Web-based communities in cities across the country that allow members to post by e-mail a listing of items they are looking to unload. The catch? Everything must be given away free.

The freecycle movement has gained a modest measure of success since it was launched in May 2003 by Deron Beal of Rise Inc., a nonprofit organization in Tucson, Ariz. that promotes recycling initiatives. There are now

freecycling groups in 412 cities with 61,000 members. The largest, in Portland, Ore., has 4,723 members.

There are few limits on the kinds of items given away or sought. Typical items offered up include unused exercise equipment and storage boxes. Other items are more obscure. Recent listings in the Tucson area included someone looking for a reptile enclosure for their sick water dragon; another person offering up left-handed garden gloves and someone looking to unload a hot tub.

Membership is free and is organized through Yahoo groups. Information about freecycling is available at www.freecycle.org.

Big Blue Fights Back

International Business Machines Corp.'s investor-relations Web site featured something new on Monday -- an attack on a Wall Street analyst's view of its future. The message: "We believe [investors] should question the report's conclusions."

IBM didn't identify the analyst, but competitors quickly realized it was Toni Sacconaghi of Sanford C. Bernstein & Co., a research house. Mr. Sacconaghi has been saying for months that IBM's long-term growth of per-share earnings will be 7% to 9% annually, significantly lower than the "double digit" growth that IBM publicly targets. Barron's magazine cited Mr. Sacconaghi's forecast over the weekend, and that apparently triggered IBM's uncharacteristic outburst. Other Wall Street analysts who generally are more bullish on IBM said they couldn't recall a similar published refutation of an analyst's work. IBM's statement said the Bernstein report was based on historical analysis that doesn't consider the "increased competitiveness of IBM's products."

Mr. Sacconaghi says IBM hadn't contacted him and he was surprised to learn of the Web-site message. He noted that he has been saying for more than a year that IBM's long-term growth in sales will be around 5% and per-share earnings will be less than 10%. He added: "It's unclear why it elicited an unprecedented response."

An IBM spokesman said "it's good governance to keep investors informed." He added that the "statement speaks for itself" and said Herve Parks, IBM's veteran investor-relations chief, wouldn't be available to comment.

Digits was compiled by Ann Grimes, with contributions from Peter Grant, David Armstrong and William Bulkeley.

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.

[Logout](#) | [Search Tips](#) | [FAQ](#) | [My Archive Account](#) | [Help](#) | [About the Archive](#) | [Terms](#) | [ProQuest Privacy Policy](#)



Exhibit 6

5/10/04 PPLEMAG 195

Page 1

(Cite as: 2005 WL 929089, *12 (E.P.A.))

5/10/04 People Wkly. 195

2004 WLNR 17905742

PEOPLE

Copyright 2004 Time Inc. All rights reserved. Reproduction in whole or in part without permission is prohibited.

May 10, 2004

Volume 61

Section: TrendsNo. 18 Special Double Issue/The 50

Most Beautiful People

Free For All

Got a used hot tub to unload? Or a stuffed armadillo? Givers find takers on Deron Beal's "**freecycling**" Web site

Richard Jerome Strawberry Saroyan In Los Angeles

In November 2002 Deron Beal hired on as a manager for RISE, a non-profit that provides a recycling service for local businesses in Tucson. It didn't take long to realize he had a problem. "The businesses started giving us all this stuff that's not recyclable but that they don't want to throw away," he says. "Computers, desks. I didn't know what to do with it, but I couldn't bear to say no."

Beal tried giving the items to charity but after hours of calls scarcely made a dent. Then, last May, an epiphany: Why not set up a Web group where people can unload trash that might be someone else's treasure? A kind of cyber curbside. "I thought, 'If I give this a nifty name,'" says Beal, 36, "'who knows?'"

One year later Beal's site (www.freecycle.org) has become an Internet phenomenon with 53,000 members in 360 cities--including London, Tokyo, Sao Paulo and Melbourne. And just how does one **freecycle**? For starters, the network is broken down into local groups, each with its own volunteer moderator (collectively known as the "mod squad"). If there's an object, or even a service, you want to give or receive, you post an e-mail, leave a contact and, if someone bites, arrange for a pickup. The rules are simple: no politics or spam, and everything must be free. Some popular goods offered up: exercise equipment, moving boxes and anything related to gardening.

But the site attracts some decidedly uncommon offers and requests. There was the offer of a "'63-'64 schoolbus motorhome...NO Brakes." And a plea for wings, feathers and a stuffed armadillo for "extreme art purposes." One woman offered a mixed bottle of partially used hair dye: "It needs to be used really soon, so if anyone has an urge to go darker, tonight is the night." An Austin, Texas, **freecycler** who asked to be identified only by his user name "dancestoblue" offered fishing tackle-but only to someone who once had tackle stolen. "As a kid 34 years ago, give or take, I stole a tackle box," he explains. "There's no way

5/10/04 PPLEMAG 195

Page 2

(Cite as: 2005 WL 929089, *12 (E.P.A.))

I can find the person and make it right, so I'm trying to do the next best thing."

In many cases local **freecycling** groups have developed into Web-based communities where members help each other out. Oregonians Livia Vande and Larry Thompson scored not only a free photo album for their April 24 wedding, but free photography from a fellow **freecycler**. But they also gave back. "We helped a refugee family at Christmastime," says Vande. "We inherited a lot of stuff from Larry's grandmother and tried to give them as much as we could to start a little household."

Beal is thrilled by the response. "It's inspiring," he says, "to see someone driving off with something of yours that they really need." Born in Lancaster, Ohio, he arrived at a career in recycling via a circuitous route. After earning a degree in foreign service at Georgetown University in Washington, D.C., and later an M.B.A., he worked as a finance manager for Procter & Gamble and studied literature in Germany. He considered teaching, then switched to environmentalism and settled in Tucson in 1999. An admitted "computer illiterate," he started his **freecycling** venture with an e-mail to just 30 or 40 friends. When he set up the site in Tucson, the group snowballed, and he got some tech help. At the bungalow home he shares with his wife of nine months, pastry chef Jennifer Columbus, 37, Beal tries to live the **freecycling** life--with mixed results. Sure, Columbus would like him to clear out the shed. "But there's a difference between a weird pack rat and Deron," she says. "He has everything splayed out, but it's not, like, gross." Though he makes no income from **freecycling**, Beal has reaped rewards. "We got this great kitchen table," Columbus says, "and a neat old 1930s couch." It has given him some big ideas too, such as rallying his tens of thousands of members for good causes. "It has to grow up by itself," he says. "I'm just helping it along."

By Richard Jerome. Strawberry Saroyan in Los Angeles

NEED A PLUMBER? A SHRINK? A SATURDAY NIGHT DATE? MILLIONS ARE
FINDING IT ON CRAIGSLIST

"I need a wife," begins one candid personal ad. Others troll for jobs and apartments. One guy wants a stooge to take the CPA ethics test for him. Welcome to the eclectic world of the daddy of online community bulletin boards: craigslist--Irreverent cyber-classifieds that attract millions of viewers in 35 cities. "Craig" is Craig Newmark, 51, a self-styled computer nerd who one day in 1995 innocently sent out e-mails about upcoming events in San Francisco to a bunch of friends. "People started sending me more stuff to put on the list, and more people asked to be added to it," he says. Newmark charges only job posters in the Bay Area to make a living and pay his staff of 14. The rest post for free. "Everyone else can make as much as they want," he says. "But nerd values suggest you live comfortably--then try to change the world."

5/10/04 PPLEMAG 195

Page 3

(Cite as: 2005 WL 929089, *12 (E.P.A.))

COLOR PHOTO: COMPOSITE PHOTO "There's something radical about getting something for nothing," says Beal (at his recycling job in Tucson, with items posted on his site).

TWO COLOR PHOTOS: PHOTOGRAPHS BY WERNER SEGARRA

COLOR PHOTO: PHOTOGRAPH BY DAVID PAUL MORRIS Craig Newmark (in San Francisco) added a barter section to his site.

----- INDEX REFERENCES -----

COMPANY: PROCTER AND GAMBLE CO (THE)

REGION: (USA (1US73); Americas (1AM92); Ohio (1OH35); Arizona (1AR13); North America (1NO39); California (1CA98))

Language: EN

OTHER INDEXING: (CPA; GEORGETOWN UNIVERSITY; OREGONIANS LIVIA VANDE; PLUMBER; PROCTER GAMBLE; SHRINK; VANDE) (Beal; Born; Craig; Craig Newmark; DAVID PAUL; Deron; Larry; Larry Thompson; Newmark; Richard Jerome; Strawberry Saroyan; WERNER SEGARRA)

KEYWORDS: (Trend); (Internet)

Word Count: 1029

5/10/04 PPLEMAG 195

END OF DOCUMENT

Exhibit 7

Authentication-Results: mta329.mail.scd.yahoo.com
from=freecycle.org; domainkeys=neutral (no sig)
X-YahooFilteredBulk: 209.68.5.9
X-pair-Authenticated: 67.52.36.178
From: "Freecycle Database Admin" <database@freecycle.org>
To: <freecyclesunnyvale-owner@yahoogroups.com>
Subject: [Bulk] [spam] 1st request freecyclesunnyvale
Date: Tue, 1 Nov 2005 09:48:17 -0600
Organization: Freecycle.org
X-eGroups-Moderators: freecyclesunnyvale

Yahoo! Groups SpamGuard has detected that the attached message to the owner of the Yahoo! Group freecyclesunnyvale is likely to be spam. For more information about SpamGuard, please visit our help pages: <http://groups.yahoo.com/local/spamguard.html>

Received: (gmail 96375 invoked from network); 1 Nov 2005 15:49:14 -0000
Received: from unknown (66.218.66.218)
by m3l.grp.scd.yahoo.com with QMQP; 1 Nov 2005 15:49:14 -0000
Received: from unknown (HELO relay.pair.com) (209.68.5.9)
by mta3.grp.scd.yahoo.com with SMTP; 1 Nov 2005 15:49:13 -0000
Received: (gmail 95981 invoked from network); 1 Nov 2005 15:48:55 -0000
Received: from unknown (HELO WP1) (unknown)
by unknown with SMTP; 1 Nov 2005 15:48:55 -0000
X-pair-Authenticated: 67.52.36.178
Message-ID: <00d101c5defb\$c71c10b0\$4501a8c0@WP1>
Reply-To: "Freecycle Database Admin" <database@freecycle.org>
From: "Freecycle Database Admin" <database@freecycle.org>
To: <freecyclesunnyvale-owner@yahoogroups.com>
Subject: 1st request freecyclesunnyvale
Date: Tue, 1 Nov 2005 09:48:17 -0600
Organization: Freecycle.org
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="-----_NextPart_000_00C5_01C5DEC9.62C3A970"
X-Priority: 3
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 6.00.2900.2180
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.2180
X-eGroups-Remote-IP: 209.68.5.9

Dear Owner of the Yahoo group "freecyclesunnyvale",

I am writing on behalf of The Freecycle Network(TM) to notify you that your link has been removed from www.freecycle.org. This was done at the request of the Group Outreach and Assistance Coordinator for your region because your group is not currently set up in accordance with the basic requirements for all approved Freecycle(TM) groups which include, but are not limited to:

- items posted must be free, legal, and appropriate for all ages
- the group must not be set to full moderation.

We have invested considerable time and resources in insuring that our organization is associated with only appropriately moderated, legal, and totally free services that have a common source of origin from The Freecycle Network(TM). This is why we only allow approved groups to associate with us in each community--to avoid any confusion among the public as who they are dealing with when the Freecycle name is used. Accordingly, please consider this your official notice to stop using the trademark-protected Freecycle name and logo, as well as any and all copyrighted texts, graphics, rules, guidelines, title, or its URL (Yahoo group name).

Please understand that our intent is not to stop your or your group from gifting or exchanging unwanted items with fellow users. Should you wish to remain independent of our organization, you are, of course, free to start your own gifting-based site under a name that is not confusingly similar to Freecycle. However, if there is another group listed on www.freecycle.org that covers the area that your group hoped to serve, please consider offering your help to that group as a co-moderator. We can all use the help!

For those of your members who are looking to join a local Freecycle group, you may simply refer them to www.freecycle.org where they can find all approved Freecycle groups.

Please let me know when either the group has been deleted or the above-listed Freecycle materials have been completely removed from your group. We appreciate your commitment to furthering the overall mission of promoting the local gift community in your area while keeping good stuff out of landfills.

Sincerely,

Database Admin
Freecycle.org
database@freecycle.org

Exhibit 8

Authentication-Results: mta222.mail.mud.yahoo.com
from=post.harvard.edu; domainkeys=neutral (no sig)
Date: Sat, 5 Nov 2005 23:00:41 -0800
To: copyright@yahoo-inc.com
From: Tim Oey <oey@post.harvard.edu>
Subject: IMPORTANT: freecyclesunnyvale group request
Cc: freecyclesunnyvale-owner@yahoogroups.com
X-eGroups-Moderators: freecyclesunnyvale

Dear copyright@yahoo-inc.com,

It has come to our attention that The Freecycle Network (TFN) may ask that the group:
<http://groups.yahoo.com/group/freecyclesunnyvale/>
be deleted.

Below is the email we recently received from one of their administrators -- database@freecycle.org.

We have inspected our group in detail and have never violated any of the requirements they list. Furthermore we are not using any materials that are under a TFN copyright. All the materials in our group were originally authored by the moderators of the Sunnyvale group and we have even placed them into the public domain. Please inspect our group to verify this.

The logo we currently have on our home page was licensed to us by TFN under the following conditions:

```
> On 10/9/03 11:05 AM, "Deron Beal" <dbeal@copebhs.com> wrote:
>
> > Yeah, Sunnyvale!
> > You can get the neutral logo from http://www.freecycle.org , just don't use
> > it for commercial purposes or you maybe Mark or Albert can help you to do
> > your own fancy schmancy logo!
> >
> > Good luck
> > Deron
> >
> > ----- Original Message -----
> > From: "Lissy Abraham" <lissy_a@earthlink.net>
> > To: <info@freecycle.org>
> > Sent: Tuesday, October 07, 2003 5:07 PM
> > Subject: logo?
> >
> >> Hi Deron, or Mark, or whoever:
> >>
> >> Is it possible you could make me a Freecycling Sunnyvale logo for mysite?
> >> Nothing unique -- just the one with the bicycle and the guitar.
> >>
> >> Thanks,
> >>
> >> Lissy
```

For the logo we have, we have not violated the loose term "just don't use it for commercial purposes" -- but this was the only "requirement" for using this logo. As you can see, TFN gave us a naked license for the logo and you probably know what that means.

On behalf of the general public and particularly other freecycling groups, I am personally pursuing legal action against The Freecycle Network regarding the generic term "freecycle" and their trademark claim to this term. We and thousands of other people believe this term is generic because it has been used generically in the public press, by The Freecycle Network itself, by moderators and freecyclers in freecycle groups, and by the general public for over 2 years. The term freecycle is just a relatively new word like blog or podcast.

Until this legal action is complete, please leave the freecyclesunnyvale group as is (if the only complaint is that we use the term "freecycle") or advise us of what we need to do to make the group fall within legal compliance and/or Yahoo's TOS. We are happy to make sure the group follows all TOS

and legal requirements in any way necessary.

Please note that it is perfectly legal for discussion groups to discuss trademarks as a matter of free speech. So if you take this approach, no Yahoo Group that mentions the term freecycle should be deleted solely on that basis even if their trademark claim is upheld.

Should you wish to contact me by phone, please call me at 408-536-4541 (work) or 408-749-1914 (home). I am also happy to meet with Yahoo staff in person as I drive by Yahoo's headquarters on a regular basis. If you wish to talk to my intellectual property lawyer that can be arranged as well.

The freecyclesunnyvale group has been a vibrant community for over two years -- supporting freecycling and helping freecyclers in the Sunnyvale, CA -- also home to Yahoo headquarters. It includes among its members a number of Yahoo employees. It is specifically mentioned in a number of Sunnyvale city publications including but not limited to Sunnyvale's Resource Reuses publication at: <http://sunnyvale.ca.gov/NR/rdonlyres/0FAB72E9-C2DB-49E3-83AC-5A8422D37EB0/0/Resources2005.pdf>

Your prompt attention and response in this matter is greatly appreciated.

Sincerely,
Tim Oey
Sunnyvale, CA

From: "Freecycle Database Admin" <database@freecycle.org>
To: <freecyclesunnyvale-owner@yahoogroups.com>
Subject: [Bulk] [spam] 1st request freecyclesunnyvale
Date: Tue, 1 Nov 2005 09:48:17 -0600
Organization: Freecycle.org

Yahoo! Groups SpamGuard has detected that the attached message to the owner of the Yahoo! Group freecyclesunnyvale is likely to be spam. For more information about SpamGuard, please visit our help pages: <http://groups.yahoo.com/local/spamguard.html>

Dear Owner of the Yahoo group "freecyclesunnyvale",

I am writing on behalf of The Freecycle Network(TM) to notify you that your link has been removed from www.freecycle.org. This was done at the request of the Group Outreach and Assistance Coordinator for your region because your group is not currently set up in accordance with the basic requirements for all approved Freecycle(TM) groups which include, but are not limited to:

- items posted must be free, legal, and appropriate for all ages
- the group must not be set to full moderation.

We have invested considerable time and resources in insuring that our organization is associated with only appropriately moderated, legal, and totally free services that have a common source of origin from The Freecycle Network(TM). This is why we only allow approved groups to associate with us in each community--to avoid any confusion among the public as who they are dealing with when the Freecycle name is used. Accordingly, please consider this your official notice to stop using the trademark-protected Freecycle name and logo, as well as any and all copyrighted texts, graphics, rules, guidelines, title, or its URL (Yahoo group name).

Please understand that our intent is not to stop your or your group from gifting or exchanging unwanted items with fellow users. Should you wish to remain independent of our organization, you are, or

course, free to start your own gifting-based site under a name that is not confusingly similar to Freecycle. However, if there is another group listed on www.freecycle.org that covers the area that your group hoped to serve, please consider offering your help to that group as a co-moderator. We can all use the help!

For those of your members who are looking to join a local Freecycle group, you may simply refer them to www.freecycle.org where they can find all approved Freecycle groups.

Please let me know when either the group has been deleted or the above-listed Freecycle materials have been completely removed from your group. We appreciate your commitment to furthering the overall mission of promoting the local gift community in your area while keeping good stuff out of landfills.

Sincerely,

Database Admin
Freecycle.org
database@freecycle.org

Exhibit 9

Authentication-Results: mta103.mail.scd.yahoo.com
from=freecycle.org; domainkeys=neutral (no sig)
X-YahooFilteredBulk: 209.68.5.15
X-pair-Authenticated: 67.52.36.178
From: "Freecycle Database Admin" <database@freecycle.org>
To: <freecyclesunnyvale-owner@yahoogroups.com>
Subject: [Bulk] [spam] 2nd request freecyclesunnyvale
Date: Mon, 14 Nov 2005 10:04:38 -0600
Organization: Freecycle.org
X-eGroups-Moderators: freecyclesunnyvale

Yahoo! Groups SpamGuard has detected that the attached message to the owner of the Yahoo! Group freecyclesunnyvale is likely to be spam. For more information about SpamGuard, please visit our help pages: <http://groups.yahoo.com/local/spamguard.html>

Received: (qmail 25659 invoked from network); 14 Nov 2005 16:06:26 -0000
Received: from unknown (66.218.66.218)
by m28.grp.scd.yahoo.com with QMQP; 14 Nov 2005 16:06:26 -0000
Received: from unknown (HELO relay01.pair.com) (209.68.5.15)
by mta3.grp.scd.yahoo.com with SMTP; 14 Nov 2005 16:06:25 -0000
Received: (qmail 87757 invoked from network); 14 Nov 2005 16:06:02 -0000
Received: from unknown (HELO WP1) (unknown)
by unknown with SMTP; 14 Nov 2005 16:06:02 -0000
X-pair-Authenticated: 67.52.36.178
Message-ID: <015b01c5e935\$512847e0\$4501a8c0@WP1>
Reply-To: "Freecycle Database Admin" <database@freecycle.org>
From: "Freecycle Database Admin" <database@freecycle.org>
To: <freecyclesunnyvale-owner@yahoogroups.com>
Subject: 2nd request freecyclesunnyvale
Date: Mon, 14 Nov 2005 10:04:38 -0600
Organization: Freecycle.org
MIME-Version: 1.0
Content-Type: multipart/alternative;
boundary="-----_NextPart_000_0145_01C5E902.D2A1E980"
X-Priority: 3
X-MSMail-Priority: Normal
X-Mailer: Microsoft Outlook Express 6.00.2900.2180
X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.2180
X-eGroups-Remote-IP: 209.68.5.15

Dear Owner of the Yahoo group "freecyclesunnyvale,"

This is your second and final notification to cease and desist using the trademark-protected Freecycle(TM) name and logo, any confusingly similar derivations thereof, and The Freecycle Network's(TM) copyrighted texts/rules/guidelines in your Yahoo group, including in the title/name of the group. Please do make the necessary changes to your group name, group URL, and applicable texts to avoid any confusion with Freecycle services or delete the group immediately.

Realize that unauthorized use of these protected materials is confusing to the public and may be damaging the Freecycle Network's reputation and goodwill. Moreover, your unauthorized use is a violation of the Yahoo Terms of Service, and a trademark and copyright infringement report will be filed with Yahoo if we cannot verify that these materials have been removed with 48 hours of the sending of this notice.

As we noted in our first letter, you are welcomed to continue the operation of a gifting or exchange-oriented site similar to that

operated by our organization. However, any Freecycle mark, logo or name, as well as any and all materials copyrighted by The Freecycle Network, must be removed before the end of the 48-hour period.

Thank you for your attention to this matter,

Database Admin
Freecycle.org
database@freecycle.org

Exhibit 10

Authentication-Results: mta198.mail.re2.yahoo.com
from=yahoo-inc.com; domainkeys=neutral (no sig)
Date: 21 Nov 2005 13:51:38 -0800
X-yahoo-newman-id: null
Date: Mon, 21 Nov 2005 13:25:04 -0800 (PST)
From: Yahoo! <yahoo-dev-null@yahoo-inc.com>
To: tim@oey.us
Subject: Yahoo! Administrative Notice
X-Spam-Track: 0: 100 ; SERVER=66.218.86.246

Dear Yahoo! account holder:

By creating and using your Yahoo! account, you agree to abide by Yahoo!'s Terms of Service (TOS). Pursuant to the TOS, Yahoo! reserves the right to terminate your account or otherwise prohibit use of your account in the event that, among other things, Yahoo! believes that you have violated or acted inconsistently with the letter or spirit of the TOS.

It has come to our attention that you may have violated the TOS. Please reread the TOS and cease any use of your account that may violate the TOS.

If your use of your Yahoo! account is brought to our attention again, and we believe that such use violates the TOS, then we may terminate your account without further notice.

Please do not reply to this email. Any questions concerning Yahoo!'s Services should be submitted through the on-line form in the help area (<http://help.yahoo.com>).

-Yahoo!