

Exhibit A

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

freecyclesunnyvale Moderator, 1/28/04 3:24 PM -0700, Welcome to freecyclesunnyvale

1

Date: 28 Jan 2004 22:24:36 -0000
From: freecyclesunnyvale Moderator <freecyclesunnyvale-owner@yahoo.com>
To: timoey@yahoo.com
Subject: Welcome to freecyclesunnyvale

Welcome to the Sunnyvale Freecycle Network!

Click "Polls" to register your votes on freecycling issues.

FREECYCLING ETIQUETTE:

1) Keep it free, legal, and appropriate for all ages. NO POLITICS & NO SPAM. Two strikes & you're out.

2) SUBJECT LINE

Use these phrases:

OFFER:

TAKEN:

WANTED: [Please use sparingly and don't offer money.]

ADMIN: [Use for new ideas specifically related to freecycling]

3) Got more than one thing to give away? Keep it all in one e-mail and number the items for your own clarity.

4) RESPONSES go only to offerer (not to the whole group).

5) PICKUP of items: Arrange however you want. Generally, 1st response, 1st served; if a nonprofit/charity responds, you may want to give it first shot.

Arrange pickup with one person only, rather than "it's on the porch, whoever gets here first gets it."
Also: Give your phone number only to one person at a time or ask for the recipient's phone no.
Otherwise you'll get swamped with phone calls.

6) If you don't live in Sunnyvale and post an offer, please include your general location in the post.
(Or consider starting a freecycle group in your own neighborhood!)

7) CAN WE USE FREECYCLE TO FIND NEW HOMES FOR PETS? Yes, keep it legal & be lovingly careful.

8) KEEP IT FREE. No trading or bartering, please. (Free advice--even if it's really good--doesn't count.)

9) If you take an item (or post a Wanted) with the intent of selling it, please state that information. (This requirement does not apply if you get an item and fix it or otherwise add value before selling it.)

To post a message to members of this group, send an email to freecyclesunnyvale@yahoo.com.

To unsubscribe, send an email to freecyclesunnyvale-unsubscribe@yahoo.com.

Have fun & keep on freecyclin'!

freecycsunny@yahoo.com
Moderator

Your use of Yahoo! Groups is subject to <http://docs.yahoo.com/info/terms/>

deronbeal, 6/22/04 7:19 PM -0700, [freecyclemodsquad] Re: themed Freecycles

1

To: freecyclemodsquad@yahoogroups.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Wed, 23 Jun 2004 02:19:59 -0000
Subject: [freecyclemodsquad] Re: themed Freecycles

Themed freecycles would be countless in number, even if they sound interesting. I am not allowing them right now as I'd go crazy with all the links. This is a great thing to make possible on a freestanding webpage free of yahoo groups later, but not yet please. Sorry about that....
Deron

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----->

Yahoo! Groups Links

- <*> To visit your group on the web, go to:
<http://groups.yahoo.com/group/freecyclemodsquad/>
- <*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoogroups.com
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Exhibit B

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

State of California
Secretary of State



I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That the attached transcript of 1 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

FEB 04 2006

A handwritten signature in black ink, appearing to read "Bruce McPherson".

BRUCE McPHERSON
Secretary of State



**State of California
Secretary of State**

4724

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

DEC 27 2005

STATEMENT BY UNINCORPORATED ASSOCIATION
(Corporations Code section 18200)

A \$25.00 filing fee must accompany this form.

IMPORTANT - Read instructions before completing this form.

This Space For Filing Use Only

ENTITY NAME

1. NAME OF UNINCORPORATED ASSOCIATION
FreecycleSunnyvale

PRINCIPAL OFFICE ADDRESS IN CALIFORNIA, IF ANY (If the association has a principal office address in California, complete Item 2 and proceed to Item 4 (leave Item 3 blank.) If the association has no principal office address in California, leave Item 2 blank and proceed to Item 3.)

2. PRINCIPAL OFFICE ADDRESS

	CITY	STATE	ZIP CODE
P.O. Box 1	Sunnyvale	CA	94087

MAILING ADDRESS (If Item 2 was not completed, complete Item 3 with the address to which the Secretary of State shall send any required notices.)

3. MAILING ADDRESS

	CITY AND STATE	ZIP CODE
--	----------------	----------

AGENT FOR SERVICE OF PROCESS (If Item 2 was completed, the association may designate an agent for service of process. If, however, Item 3 was completed, the association must designate an agent for service of process. If the agent is an individual, the agent must reside in California and both Items 4 and 5 must be completed. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 4 must be completed (leave Item 5 blank).)

4. NAME OF AGENT FOR SERVICE OF PROCESS
Timothy Oey

5. IF AN INDIVIDUAL, CALIFORNIA ADDRESS OF AGENT FOR SERVICE OF PROCESS

	CITY	STATE	ZIP CODE
P.O. Box 1	Sunnyvale	CA	94807

AMENDED FILING (If the unincorporated association filed a previous statement with the Secretary of State, enter the Secretary of State file number in Item 6, and if the name under which the unincorporated association previously filed differs from the name entered in Item 1, enter the former name of the unincorporated association in Item 7. If the last statement filed by the association has expired, or if no prior statements have been filed, leave Items 6 and 7 blank and proceed to Item 8.)

6. SECRETARY OF STATE FILE NUMBER

7. FORMER NAME OF UNINCORPORATED ASSOCIATION (if different from the name in Item 1 above)

EXECUTION

8. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.


SIGNATURE OF PERSON COMPLETING THIS FORM

Co-Moderator
TITLE OF PERSON COMPLETING THIS FORM

Timothy Oey
TYPE OR PRINT THE NAME OF PERSON COMPLETING THIS FORM

December 23, 2005
DATE



Exhibit C

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

deronbeal, 6/22/04 7:19 PM -0700, [freecyclemodsquad] Re: themed Freecycles

1

To: freecyclemodsquad@yahoogroups.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Wed, 23 Jun 2004 02:19:59 -0000
Subject: [freecyclemodsquad] Re: themed Freecycles

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----- Yahoo! Groups Sponsor ----->
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<http://us.click.yahoo.com/ZlwmxD/DREIAA/yOLSAA/rcTolB/TM>
----->

Yahoo! Groups Links

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- <*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoogroups.com
- <*> Your use of Yahoo! Groups is subject to:
<http://docs.yahoo.com/info/terms/>

Deron Beal, 9/20/04 1:06 PM -0700, [freecyclemodsquad] WANTED: new newswire perso

1

To: <freecyclemodsquad@yahoogroups.com>
From: "Deron Beal" <deron@rise-inc.org>
Date: Mon, 20 Sep 2004 13:06:57 -0700
Subject: [freecyclemodsquad] WANTED: new newswire person

Hey all,

Pastor Ken is currently swamped with the New Group Approver group which he is helping to moderate, and he could use someone to step up to the plate to do the Newswire on freecycle.org. It basically means having google automatically send all newspaper articles on freecycle to you and posting them to the webpage. I'd say there are about 5 a week. It's not too hard, but does requires a bit of attention to detail (getting the title right, author, newspaper name, etc and in the right place) and if you occasionally are in to finding interesting related articles, not about freecycling, that you find compelling, then you can add those too. Like Eric recently posted an article about the book "The Gift" by Lewis Hyde which describes the history of gifting economies which a couple of us are now reading.

Interested? Maybe drop Ken a quick line at pastorbelieversunited@yahoo.com

Thanks mucho,
Deron

[Non-text portions of this message have been removed]

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----->

Yahoo! Groups Links

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Exhibit D

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

Deron Beal, 3/28/04 1:17 PM -0700, Re: [freecyclemodsquad] Freecycle, Policy, and life. (

1

To: <freecyclemodsquad@yahoo.com>,
"Marlon Solar" <marloniusthunque@yahoo.com>
From: "Deron Beal" <deron1@worldlinkisp.com>
Date: Sun, 28 Mar 2004 13:17:17 -0700
Subject: Re: [freecyclemodsquad] Freecycle, Policy, and life. (e-z 2 read ramblings)
Reply-To: "Deron Beal" <deron1@worldlinkisp.com>

Hey King Marlonius,

I couldn't help noticing your post to the mod squad. By moderating the Freecycle group in Southern New Jersey, you are helping nearly two hundred people to save tons of stuff from the landfill while feeling just a little bit better about themselves for a brief moment in time. This is not even to mention the hundreds of tons of stuff yet to come in your group alone!! To me that's a pretty good feather to stick in your cap.

However, sometimes moderating can also be a pain. When someone is being a crank or something, then it can be a real bummer. For me personally, when these times have come, I really have learned from them. I used to get all mad at that poster internally, then have to take a step back and send a "nice but firm" response to him and or the group. However, this has definitely changed with time and practice moderating. I honestly don't get near as mad anymore. No kidding. And people are so appreciative and open when I'm able to pull it together with a little humor and patience that I've realized that that is the real "paying forward" part of freecycling for me. Whether or not someone else is a goof, offers me the chance to relativize it and get over it quicker and quicker. Sometimes the guy being a goof even is able to laugh at himself afterwards, you know? I like to think this is helping me a little in "real life" too.

Anyway, I noticed that you said you don't particularly enjoy moderating. No problem with that at all! BUT, I sincerely believe that if everyone would just stick to doing solely what they enjoy, then this world would spin just a wee bit smoother. The thing is, I'll bet my bottom dollar that there are a couple of members of your group who'd LOVE, LOVE, LOVE to moderate and are just waiting to be asked. Why not pass on the staff to the next crown prince or princess and "continue the regal free cycle of life." he, he. Ok, I know I'm sappy. Thanks for the wonderful thing you are making possible!!!

Keep on freecyclin'!

Deron


----- Original Message -----

From: "Marlon Solar" <marloniusthunque@yahoo.com>
To: <freecyclemodsquad@yahoo.com>
Sent: Saturday, March 27, 2004 8:39 PM
Subject: [freecyclemodsquad] Freecycle, Policy, and life. (e-z 2 read ramblings)

>
> I continue to be excited about freecycle, but Not
> obsessed.
>
> If someone's post upsets me, I don't lose sleep over
> it. I might just delete it and continue with my life.
> I do enjoy many fun activities beyond moderating.
>
> When I created the South Jersey Freecycle group, it
> was only because no one else had. I don't
> particularly ENJOY being a moderator. I just thought
> someone oughtta do it.

Deron Beal, 3/28/04 1:17 PM -0700, Re: [freecyclemodsquad] Freecycle, Policy, and life. (

2

>
> It seems, from my experience, that the only real
> problems I've experienced is clumsy phone tag and
> waiting, which is largely my own fault due to my own
> circumstance.
>
> For for-profit wanted-type posts, I think most
> web-savvy people will sense the difference. I leave
> them in unless my whim dictates otherwise.
>
> The strong opinions I see posted here on the
> moderators list make me think that some folks take
> this way too seriously.
>
> Don't get me wrong, Freecycle is a great concept, but
> it isn't worth ideological warfare.
>
> There I go exaggerating again.
>
> Nite nite!
>
> King Marlonius
> The king who moderates with a flannel fist 
>
>
> Do you Yahoo!?
> Yahoo! Finance Tax Center - File online. File on time.
> <http://taxes.yahoo.com/filing.html>
>
>
>
> Yahoo! Groups Links
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>

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----->

Yahoo! Groups Links

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<*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoogroups.com

<*> Your use of Yahoo! Groups is subject to:
<http://docs.yahoo.com/info/terms/>

deronbeal, 7/27/04 1:56 PM -0700, [freecyclemodsquad] ADMIN STUFF & HONEST AB

1

To: freecyclemodsquad@yahoo.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Tue, 27 Jul 2004 20:56:33 -0000
Subject: [freecyclemodsquad] ADMIN STUFF & HONEST ABE

1) IS FREecycle WED TO YAHOO. by a shotgun only. we'll be off of it in a flash when we have a freestanding webpage designed so that each group can have their own subwebpage to play with, like www.springfield.freecycle.org with e-mail group functions and freecycle specific needs like a rate your gifting with this person button for no-showers, etc. However, until then, we need to keep everyone findable in yahoo and if all are in yahoo, we can moreeasily develop a way to transfer groups over later.

2) DON'T USE "CLAIMED" as a subject line word. Please just immediately post the object as TAKEN in order to notify the group, even though it technically ain't taken. it stems the flow of e-mails to the gifter and let's the rest of us know not to think about it...

3) ONE STATE APPROVER MOD (not ubermod or jeffe or boss mod, but someone volunteering to help). it was stated that this would be too much extra work for one person. But they wouldn't be co-owners of new groups but merely click on the approve link in an e-mail if the area is acceptable. on a state level it's not that much really. they may have to check with a local neighboring group, but again by state not too difficult. You would lose the mentor element this way with a state mod helper. The local neighboring mod will know this better and directly so, if they are not a co-owner, even if they ain't the best mentor, they still could approve the link to the new group and help out a bit as a non-co-owning mentor. I'm torn on this one.

4) FOR TV NEWS i highly recommend you tell them only the freecycle.org address as no one watches tv with a pen in hand for yahoo group addresses. And make sure they say .org not .com....

5) ABE LINCOLN QUOTE. Yepp, he didn't actually directly say "Think globally, recycle locally" as noted on the webpage. It was actually more like "It is incumbent upon us as a freecycling nation to save four score and seven tons of stuff a day - from landfills." (a lesser known addendum section to the Gettysburg address...).

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deronbeal, 7/27/04 1:56 PM -0700, [freecyclemodsquad] ADMIN STUFF & HONEST AB

2

Exhibit E

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

deronbeal, 6/7/04 1:56 PM -0700, [freecyclemodsquad] ADMIN: new mod member with pr

1

To: freecyclemodsquad@yahoo.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Mon, 07 Jun 2004 20:56:20 -0000
Subject: [freecyclemodsquad] ADMIN: new mod member with press

Hey all,
Amy Birnbaum with CBS News would like to put together a rockin' good story about us freecyclers (at least those were approximately her words). I made her a mod squad member so everyone be good and nice for a while. She'll be asking for stories and help from you all in a bit, so put on your thinking caps. She may also be looking for a nice non-urban, perhaps rural or suburban group that has some good gifting going on, perhaps in the Northeast....

Fun, fun,
Deron

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Now with Pop-Up Blocker. Get it for free!
<http://us.click.yahoo.com/L5YrjA/eSIIAA/yOLSAA/rcTolB/TM>
----->

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<http://docs.yahoo.com/info/terms/>

deronbeal, 8/14/04 6:46 PM -0700, [freecyclemodsquad] ADMIN: HURRICANE HELP

1

To: freecyclemodsquad@yahoo.com
From: "deronbeal" <deron@freecycle.org>
Date: Sun, 15 Aug 2004 01:46:42 -0000
Subject: [freecyclemodsquad] ADMIN: HURRICANE HELP

Hey all,
If you'd like perhaps, you could forward a similar note to your groups?
Deron

Dear Freecyclers,
It is my dream that we as a group will one day be able to send large volumes of needed supplies (old blankets, clothes, tents, computers) to regions in crisis. We are headed towards 1/2 a million giving people, and we could single-handedly solve problems in times of disaster. Freecyclers... ..them's good people!

Just such a crisis has hit with the current hurricane. However, it looks like what would currently help most are donations of money. If you can spare a few bucks for those in need during this time, please call the Red Cross donation line below.

Thanks to freecyclers everywhere for the good you are doing!!!

American Red Cross Donation Line:
1-800-HELP-NOW
(1-800-435-7669)
English speaking

Keep on freecyclin'!
Deron

The Freecycle Network Founder Guy.

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<http://us.click.yahoo.com/Z1wmxD/DREIAA/vOLSA/rCto1B/TM>
----->

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<http://docs.yahoo.com/info/terms/>

freecyclederon, 1/4/05 10:21 AM -0700, [freecyclemodsquad] ADMIN: No more 69 posts pl

1

To: freecyclemodsquad@yahoo.com
From: "freecyclederon" <deron@freecycle.org>
Date: Tue, 04 Jan 2005 17:21:00 -0000
Subject: [freecyclemodsquad] ADMIN: No more 69 posts please, etc.

1) SAFETY COMMENT IN THE .ORG FAQ: The actual complete wording is: "If you, for example, are a single woman living alone, you may want to say that you'll leave the item on the front porch while you are not home or arrange for a drop-off downtown, etc.. " I kind of feel that the "drop-off downtown" bit covers the "not giving out your address" part but I'm open for suggestions, just let me know off list please. This will never be ideal for example for heavier items so I don't think there is a good answer here.

2) BOLD STUFF IN .org FAQ REQUIRED OF ALL GROUPS: I changed the wording to say the bold part in *this* section only. The bold tips, etc. are, of course, not required of anyone....

3) GROUP SIZE. Kelly says, "although we have a population of 162,000 in the county, no city has more than 12,000 people in it, and we have only three cities approaching that size." and she asks for tips on ideal group size. In general I'd say you need more like 20,000-30,000 population to get a group off the ground but some have done fine with 10,000, particularly if they serve as a hub for some of those other 150,000 people. If your three cities of 12,000 are separate from each other, I'd say set up three groups. If they are close together then pick the largest or most central city as the hub and as the group name -- in this case, I recommend still noting that you cover the entire county of springfield or whatever, in the intro paragraph. This way you cover the whole county but should you decide at some point that two no. 2 could actually break off and try their own group you are not stuck in group no. 1 with a group named after the whole county.

4) NIT PICKIN': GIFTING, GIFTED TO GIFT: vt. to present with or as a gift, often formal. This is indeed a transitive verb in my Webster's and is used quite commonly in the nonprofit world as you can imagine.... (sorry Sharon, that's my story and I'm stickin to it. How else could I keep winning at Scrabble?).

5) CONTESTS TO INCREASE GIVING / INCENTIVES If it adds to the local warm fuzzy feeling, have fun with it and do it. We don't have incentives locally and it works great too. The idea is to help people along so that they realize the real gift is the feeling they receive when "gifting." Any other cherries on top are certainly welcome if it makes things funner for ya.

6) "WHERE MODS GO FOR HELP" Database:
<http://groups.yahoo.com/group/freecyclemodsquad/database>
Go to the Group Outreach and Assitance volunteer for your region for issues with existing longer term groups. Go to your New Group Approver for your state for issues with new groups. There is a separate list in the database section for them. If that doesn't cut it then come to Nancy or me (and give us a couple days to get back to you).

7) ALL MODS WELCOME. You don't gotta be an owner to join the modsquad. We're all learning and doing together, right?

freecyclederon, 1/4/05 10:21 AM -0700, [freecyclemodsquad] ADMIN: No more 69 posts pl

2

8) TRY NOT TO ASK THE MODSQUAD ABOUT 69 and other potentially explicit (or not) yahoo id's. We can talk about this until we are blue in the face and it still simply comes down to your own judgement in your own group. You make the tough calls as a mod in your local group. Please do your best *not* to ask all of us our opinion because then you'll get about one hundred opinions that we all have to listen to. Ei yei, yei...

Sure feels good to be back home in front of the warm glow of the monitor on a winter afternoon. Anyone else go through occasional withdrawal symptoms?

Hello, my name is Deron and I'm a freecycler....

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Exhibit F

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

freecyclederon, 10/5/04 1:57 PM -0700, [freecyclemodsquad] ADMIN Stuff

1

To: freecyclemodsquad@yahoo.com
From: "freecyclederon" <deron@freecycle.org>
Date: Tue, 05 Oct 2004 20:57:22 -0000
Subject: [freecyclemodsquad] ADMIN Stuff

1) NO SHOWS. One of the whistles and bells of the new webpage will be an e-bay style "Rate your gifting with this person" which the local mod may choose to "turn on" (like turning on the button for new member moderation or something in yahoo groups) in order to be able to note when someone is a no-show.

2)CROSSPOSTING TO MULTIPLE NEIGHBORING GROUPS. Some mods simply have a rule that requires that you live or work in the community you are a member of. And the only control is asking their crossroads/zip for new membership approval (see explanation in files/faqs/zip code approval method). Then it's basically up to members to self-moderate and let you know if someone is going bonkers looking for their sony playstation all over the state. So, make a simple rule, have a simple control for new members, and don't sweat the active enforcement unless you get complaints about one person who is a pain. Then at least you have a rule/guideline in place in order to have a reason to put the "over-enthusiastic" poster on moderation. They'll get the idea pretty fast.

3) NO COMMERCIAL PLUGS IN FREecycle PLEASE. All worldwide mods voted to not allow buy/sell site plugs in freecycle a couple of months back (see polls section of modsquad). So, if they are mentioning their commercial site in signature line or signing their name as "cheapgoodies.com" then they oughta cut it out. Now, I'd advise a little leniency for folks whose work-related auto-signature slips in there. The point isn't to become a control freak dictator type, but to keep the group free of commercial plugs intended for the group to go elsewhere and sell their stuff, etc.

4) BUY/SELL GROUPS NOT KOSHER, particularly when run by freecycle moderators, and when they say "Why give it away when you can sell it?" Yuck-o-rama. Not our style. Nancy addressed this already in her e-mail and Group Outreach & Assistance (Judy and crew) will have a look. We polled on this (see previous point). We don't allow this kind of commercial plug in particular. We're about giving freely with no strings attached. If you get members thinking, "Hey I'll try to sell this junk first and then unload it on freecycle," it misses the point entirely. It's about fostering local giving communities. It requires a little reprogramming of our hard-wired brains that say: "I must get money for this item." The only value of an item isn't in dollars, as experienced freecyclers know very well. Value of those little goose bumps you get when someone drives off with something YOU gave them ^ Priceless? Or the value of that warm feeling you get when someone helps you by giving you something for no other reason but that they can? ^ Ya just can't slap a price on that kind of little pleasure epiphany. And the idea that every single item ain't landin' in a landfill? ^ ecstatic mother-earth-helping-tears-of-joy time!. That's what we're about, right? Tons of little baby acts of kindness and giving] (about 20 tons a day to be exact).

Thanks for all you guys are making possible. Is this great or what? It're the small acts that count! I've said it before and I'll say it again: "We'll be tellin' our grandkids that, yepp your grandmammy helped launch one of the first gift economies on the web! Seems as common as peanut butter to you now, but back then people wanted money

freecyclederon, 10/5/04 1:57 PM -0700, [freecyclemodsquad] ADMIN Stuff

2

for everything and threw the rest in a big hole in the ground that we
all paid to dig!"

Keep on keepin' on,
Deron

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<http://groups.yahoo.com/group/freecyclemodsquad/>
- <*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoogroups.com
- <*> Your use of Yahoo! Groups is subject to:
<http://docs.yahoo.com/info/terms/>

freecyclederon, 9/29/04 9:17 AM -0700, [freecyclemodsquad] ADMIN Stuff

1

To: freecyclemodsquad@yahoogroups.com
From: "freecyclederon" <deron@freecycle.org>
Date: Wed, 29 Sep 2004 16:17:18 -0000
Subject: [freecyclemodsquad] ADMIN Stuff

1) PROFILE INFO. Just an FYI: I made up stuff for my profile just because I don't like to share my personal info and said I was a female airline executive born in 1899 or something. Then when I got locked out once, they asked my bithdate in order to get back my password and I had no idea. So, when in doubt, just don't provide any info, I'd say. He, he. Oops.

2) POSTAGE. I would like to task you all with moderating this the next time it comes up in the modsquad. Advise your fellow mod that this is a local issue and that we all have a different take on postage and that "You need to decide for your group, or better yet, ask your members what THEY want." There is no consensus amongst mods on this and if you are in the great white north your take might be different from a clearly defined city like Tucson. I personally think that postage is a can of worms which allows scammers to go from group to group nationwide and leads to many local misunderstandings like "hey, he said he would send me my postage back". For me it falls in the "strings attached" category (similar to money) and should be treated gingerly or not allowed, but hey, you decide!

3) MEMBER LISTS. We allow members to see the list and really don't have any spam problems at all. Because we use the zip code method of approving new members your real spammers don't get in in the first place (see files section/faqs/zip code method for details). It's not worth the trouble for them to research local zip codes or cross roads for a measily handful of e-mail addresses.

4) There are now over 1/2 million of us freecycling and the majority of the groups are still in their infancy and we haven't run maddily away pulling out our hair. In fact, darned near all groups are running totally smoothly. This is a pretty powerful statement to chew on. A year from now, even if we don't have a single new group, we'll grow to a couple million members. But we do have new groups, 600 of them are currently pending with the state new group approvers from the past month alone!! So, like 1/3 of all freecycle groups are not even officially online yet. Uhh, WOW!

Kinda hard to get my brain around this one....
Keepin on doin whatever you're doin 'cause it's workin.

Deron

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<http://groups.yahoo.com/group/freecyclemodsquad/>
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1

freecyclederon, 9/29/04 9:17 AM -0700, [freecyclemodsquad] ADMIN Stuff

2

freecyclemodsquad-unsubscribe@yahoogroups.com

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Exhibit G

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

deronbeal, 6/17/04 2:01 PM -0700, [freecyclemodsquad] Hey, is this that really mod freecy

1

To: freecyclemodsquad@yahoogroups.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Thu, 17 Jun 2004 21:01:51 -0000
Subject: [freecyclemodsquad] Hey, is this that really mod freecyclin' party?

Hey All,
Sorry I'm so delinquent in getting back in touch with you all!!

I promised myself not to look at a single e-mail while at my sister's wedding and I stuck to it. Now I've been paying the piper and trying to catch up on the mountain that patiently awaited my return. I guess that's the nature of a mountain, even if it was just recently a hill I came down. Hey, wasn't there a movie about that?

Being somewhat overloaded at present I shall assume that all is well with the modsquad and that everything took care of itself while I checked out for a bit. Please let me know personally and directly at deron@freecycle.org if I *really* need to know something *really* important while I was out.

Interesting stuff in the pipeline:

1) Freecyclopedia on freecycle.org: a freecycle wiki full of anything you all put in it in alphabetical order. Not quite done yet, but I noticed that Eric Snyder already spilled the beans to Canada, so I figured I'd give you a heads up that this will be coming up. It'll have FAQ's and basically whatever you all put in it. That's the neat thing: it is what we the people make it with no higher ups, etc. - a living growing organism kinda like freecycle itself. I'm most excited about this development. BUT it ain't done yet so hang in there.

2) Ahh shoot, I can't remember the bleedin' number two so forget number two.

3) Number three: This is a reminder that we will soon have a new automated approval method for new groups which includes them picking a nearby moderator as a mentor. It'll include all mods and all groups as potential mentors for them to pick from. If picked by a newbie mod you will then have an autoresponse approval to send by hitting reply and you'll need to be open to answering the odd newbie question or two. The e-mail will be sent to YourtownFreecycle-Owner@yahoogroups.com (for example) so you'll at some point need to decide which of your local mods handles it. Since it is split by geography, it will eliminate overlaps and will cut down on excess repeat questions in the modsquad. With over 800 groups, each group may end up moderating one or two other groups a year. This is the cool part of it, distributing the learning curve and removing the burden from all and from me in organizing all the new links and welcome letters, etc.

That's it from here in Tucson, except that it's like 105 degrees out here. Most toasty.

Keep on freecyclin'!
Deron

PS: the National Examiner was supposed to have reported on alien babies being freecycled -- has anyone seen it yet (the article, not the baby)? (Once again, you've read too far...)

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deronbeal, 6/17/04 2:01 PM -0700, [freecyclemodsquad] Hey, is this that really mod freecy

2

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deronbeal, 8/4/04 6:46 PM -0700, [freecyclemodsquad] ADMIN: praise mother nature...

1

To: freecyclemodsquad@yahoogroups.com
From: "deronbeal" <deron1@worldlinkisp.com>
Date: Thu, 05 Aug 2004 01:46:39 -0000
Subject: [freecyclemodsquad] ADMIN: praise mother nature...

Praise mother nature!

Our good friend and awesome mod Nancy Castleman has agreed to be a co-mod for the freecyclemodsquad. If i'm off galavanting (or at least am not online), she'll gently guide the discussion in a positive direction or ask that we bring an overdiscussed topic to a close, etc.

So now we have Irene who is comoding in order to organize the freecycled/used t-shirt emblem contest, we have Judy aka teddybear's mom, who is approving new members to the modsquad and Nancy who is helping moderate the board discussion itself.

This should help a bit.

Take care,
Deron

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Exhibit H

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

Tim Oey, 10/16/04 1:49 PM -0700, [NWPT] freecycle.org article -- trademark/service mark

1

To: NWPT@yahoogroups.com
From: Tim Oey <timfcnext@oeyweb.com>
Date: Sat, 16 Oct 2004 13:49:40 -0700
Subject: [NWPT] freecycle.org article -- trademark/service mark danger
Reply-To: NWPT@yahoogroups.com

Warning Will Robinson!

Freecycle is in grave danger of losing trademark protection for the word "Freecycle". To protect a trademark it must be treated as an adjective or proper name -- not a noun or a verb or a word in common language use. It must be diligently protected to prevent it from becoming a general purpose word. This happened to "asprin" and "bandaid"

The words phrases "freecycling", "freecyclers", "freecycled", "300 people freecycle" will quickly erode use of "Freecycle" by itself as a trademark.

The Freecycle Network can be protected easily, but the word Freecycle is very likely to turn into the common use modern word "freecycle". This is good for promoting the environment, but not good if The Freecycle Network wishes to protect how the word is used.

Cheers,
Tim

>To: <freecyclemodsquad@yahoogroups.com>
>From: "Deron Beal" <deron@freecycle.org>
>Date: Sat, 16 Oct 2004 07:40:15 -0700
>Subject: [freecyclemodsquad] freecycle.org page

>
>

>Hey all,

>Near as I can tell (Jeff our computer geek friend extraordinaire is checking
>it out) the webpage is down because of an AP article which also has just
>become one of the top "most popular" articles on yahoo.com

>

>The webpage should be up again soon. Here's that pesky troublemaker of an
>article:

><http://story.news.yahoo.com/news?tmpl=index2&cid=964>

>

>Happy Saturday morning to ya...

>

>(I'm gonna go get me some yummy fakin' bakin' -- great stuff, ever try
>it? --for breakfast and a nice hot cup a joe)

>

>Deron

Packrats Recycle Their Clutter Online

Fri Oct 15, 1:21 AM ET

By JEFF DOUGLAS, Associated Press Writer

KANSAS CITY, Mo. - Bill Heeter admits he has a problem. He loves junk.

But the retired businessman is one of a growing number of packrats jumping online to give away their clutter or to take some off others' hoarding hands.

In less than two years, freecycling has caught on worldwide, with about 500,000 givers and takers of everything from couches to cars and pingpong tables to pianos.

A few months ago, Heeter visited www.freecycle.org and joined the online community.

Tim Oey, 10/16/04 1:49 PM -0700, [NWPT] freecycle.org article -- trademark/service mark

2

Heeter's biggest problem was books. A thousand or more titles from an Internet textbook selling endeavor piled high in his suburban Kansas City garage.

He offered the books through the freecycling network for anyone to take, and nearly 3,000 freecyclers in and around Kansas City got an e-mail. The same day a woman replied and offered to take all the books to sell at a church garage sale.

"I thought, 'Where has this been?' I've been purging junk for years and never questioned if it'd be useful to someone else," said Heeter, 41. "I can see myself freecycling forever. Our garage will never be like that again."

With his garage cleared, Heeter had space for a lawnmower and a leaf blower. He got those free from fellow freecyclers.

Since discovering the "virtual curb" of sorts, Heeter and his wife have been cleaning out closets and offering more stuff to the free message group hosted by Yahoo. His son gave his unused Pokemon toys to a younger child through freecycling.

Deron Beal started the grass-roots movement in May 2003 in Tucson, Ariz., to slow the growing landfills in his community. The idea has scattered through cyberspace and word of mouth to about 1,500 cities worldwide.

There are freecyclers in Australia and Alaska. Portland, Ore., has the largest freecycling group with about 10,000 members. About 300 people freecycle in Manhattan, Kan., with the same number in Jefferson City, Mo. Every participating city has a local volunteer to manage the group.

Shane Brady and his girlfriend, Kelly Garbato, started the Kansas City freecycling group last September. In one year membership has grown to 3,000 members. About 20 new people sign up each day in Kansas City alone, and the couple volunteers two hours or more moderating daily activity. They also participate. Brady picked up a slightly used poker table soon after he launched www.kcfreecycle.org.

Messages are sent by the thousands each month offering unneeded items or placing wanted ads. But there are a few rules, Brady said. Guns, pets and medication can't be freecycled, for example.

"A lot of the things that are shared would probably end up in a landfill otherwise," Brady said. "Maybe for that reason people enjoy giving more than taking."

But in Jill Duft's experience, people aren't giving away worn-out hand-me-downs.

Her Kansas City home was nearly destroyed by a fire in March. Following the loss, she joined the freecycling message board and was able to refurbish her rebuilt place with a leather recliner, a dining room set and a DVD player. She also replaced her daughter's fire damaged piano for free.

"It's been awesome. I tell so many people about it," Duft said.

She gave away an unused Girl Scout handbook, a working refrigerator and a basketball goal after other freecyclers placed wanted ads.

In an era of Internet scams, widespread computer viruses and illegal music downloads, freecycling is bringing priceless good deeds to the Web by the thousands. The stories freecyclers tell are evidence.

An elementary school librarian received an expensive machine that prints braille text for her school's only blind student. Low-income families find brand-new clothes for their children. Even cars have been freecycled.

"Internet communities like freecycling serve a practical and emotional purpose and the Internet lets us bring these like-minded people together quickly," said Mary Chayko, a sociology professor at the College of Saint Elizabeth in New Jersey, who started researching Internet communities the late 1990s.

Her 2002 book "Connecting: How We Form Social Bonds and Communities in the Internet Age," explored why and how people connect on the Internet.

Tim Oey, 10/16/04 1:49 PM -0700, [NWPT] freecycle.org article -- trademark/service mark

3

"People who form and join online communities do so for very authentic reasons," Chayko said, "and research tells us that these groups are no less genuine than real-life bonds that are made in everyday life."

On The Net:

<http://www.freecycle.org>

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Exhibit I

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

Traci Dale, 11/10/04 5:13 AM -0700, [NWPT] Further thoughts about The Freecycle servic

1

To: NWPT@yahoogroups.com
From: Traci Dale <tracidale@yahoo.com>
Date: Wed, 10 Nov 2004 04:13:35 -0800 (PST)
Subject: [NWPT] Further thoughts about The Freecycle service mark
Reply-To: NWPT@yahoogroups.com

--- Tim Oey <timfcnext@oeyweb.com> wrote:

> So, comments anyone?

As I ponder this further, I'm beginning to wonder if we have a chance at winning this. We're talking about *everyone* using the name correctly in order to protect it, right? Not just those who are official members/moderators, but the general public has to understand and use it correctly.

I just honestly don't see that happening. I've seen so many rogue groups and cranky members and moderators who think that this focus of Freecycle should be grassroots rather than an organization... I'm wondering how many would actually jump at the chance to undermine the trademark approval process. (I actually worked in the Trademark office in Crystal City, VA one year in the early '80's).

I'm wondering if it's too late already. Has this been announced on the mod-squad already? (I don't go there often anymore and don't feel like scanning 10,000 archives.)

This is *exactly* what happened to the term kleenex, isn't it? Do you actually think Proctor & Gambol (or whoever the heck invented it) didn't try to keep the trademark? They simply had no control over the general public's use of it.

I hate to be the bearer of bad news this fine autumn morning, but I'm thinking that Deron might need to keep his day job. Sorry, dude, I do love ya and want the best for the Freecycle Network, but I'm also a realist.

Traci-Dale, the now very sad moderator gal in Poquoson, VA

Free advice for today: The next time you have a world changing idea that you don't know will be world changing, have an organized plan on how to implement the infrastructure that you don't know you're going to need once it explodes. (Sorry... lame attempt at humor... I do amuse myself on occasion...just not much today.) <rueful grin followed by a heavy sigh>

=====

"It is more blessed to give than to receive."
www.freecycle.org

Do You Yahoo!?

Printed for Tim Oey <oey@post.harvard.edu>

1

Traci Dale, 11/10/04 5:13 AM -0700, [NWPT] Further thoughts about The Freecycle servic

2

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

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Exhibit J

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

freecyclederon, 1/5/05 2:59 PM -0700, [freecyclemodsquad] ADMIN: Freecycle as adj., GO

1

To: freecyclemodsquad@yahoo.com
From: "freecyclederon" <deron@freecycle.org>
Date: Wed, 05 Jan 2005 21:59:34 -0000
Subject: [freecyclemodsquad] ADMIN: Freecycle as adj., GOA contacts, etc.

1) FREECYCLE OFFICIALLY ONLY AS AN ADJECTIVE. I have since met with my lawyer about copyright issues. He says that anything official should never use the word "Freecycle" as anything but an adjective. "Freecycle" Guidelines, The "Freecycle" Network, etc. Using it as a verb risks it becoming generic as a phrase for any company that would like to set up a webpage like ours and charge for it, have pop-up ads, etc. So getting in Webster's is not a good thing if we want to protect the name from monied interests and profit-takers. It also always needs to be capitalized.

So, officially, we will need to start making sure that the webpage, for example, doesn't say something like "Keep on Freecyclin'". This of course really stinks, but is definitely not a little thing. And technically where ever it is used officially it needs to say Freecycle (TM) with the elevated TM after it. Emily our wonderful GOA volunteer for the Northeast region has been doing some of this lately for the site (adding TM's and C's etc.)

Originally I was told it should be an SM for Service Mark but apparently SM is only recognized in the US and TM is good all over, basically. So even though we are getting a Service Mark which will become an "r" when registered (same as with a TM), TM is the better thing to use. This means that I've also asked Thomas Pradel our main German man to change the logo to reflect the TM bit instead of SM. Ei yei yei. This legal stuff is a topsy turny rollercoaster that just makes my stomach turn...

We will most likely have our first court case with a company that is already trying to get a competing trademark for Freecycle. I have a first sponsor lined up and should be able to have enough cash to cover the court case, I hope.

2) THE GOA FOLKS ARE LISTED ON FREECYCLE.org UNDER FAQ TOWARDS THE BOTTOM. The wonderful mega volunteers with the group outreach and assistance (GOA) have agreed to allow their addys to be posted in this somewhat public fashion. Their addresses are clearly marked as ONLY FOR YOU MODS to contact. We'll give this a try and see how it goes. We also clearly note that the info@freecycle.org is the only contact for nonmod members. Three more cheers for the GOA folks who are offering up their hearts in time above and beyond the call of their own groups...

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'Thanks & Giving.'
<http://us.click.yahoo.com/rGEjbb/5WnJAA/E2hLAA/rcTolB/TM>

freecyclederon, 1/5/05 2:59 PM -0700, [freecyclemodsquad] ADMIN: Freecycle as adj., GO

2

----->
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Exhibit K

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

southbaypen, 3/19/05 2:03 PM -0700, [freecyclesunnyvale] Re: ADMIN: Freecycle Tradem

1

To: freecyclesunnyvale@yahoogroups.com
From: "southbaypen" <dss@batnet.com>
Date: Sat, 19 Mar 2005 21:03:39 -0000
Subject: [freecyclesunnyvale] Re: ADMIN: Freecycle Trademark heads up

I was freecycling down to the local freecyclers the other day, whistling the Freecycled Blues, toting an old toaster to freecycle, and hoping to freecycle me a bookshelf, when suddenly a very large dude in a suit stopped me short and said:

"Hold on there, buddy. You be violating some serious trademark shit, taking the F-word in vain like that."

I was taken aback. "Are you out of your freecyclin' mind? This is a freecycled country, man! Now get the F-C outta my way!"

He tightened his vise-like grip on my arm. "Now listen up, and listen good. You may think this is a joke, but there's a lot of very influential people watching this Freecycle(tm) thing, and they're not gonna let some ex-hippie programmer dude who never outgrew his Rebellin' Against Authority phase screw it up."

"Influential people? What is this crap?"

"That's right. You got people giving shit away for free, you be stepping on the turf of every honest businessman trying to make a buck selling that same shit. Pretty soon all you got is folks shuffling shit, and the whole country falls to pieces. Now McScram before I scotch tape a xeroxed kotex onto the back of your spandexed ass!"

"Hold on. You're trying to tell me somebody's paying you to watch for trademark infringement because they are afraid that freecyclers are going to ruin the economy? I don't believe a word of it. You're going to have to freecycle a better story than that."

He looked around furtively, then pulled me in close and spoke quickly in a low voice.

"All right. Look, I'll level with you, but this stays between you and me. Don't you go emailing this shit to all your friends."

I solemnly drew an X across my chest, saying, "Freecyclers' honor."

"Ok listen. The Freecycle Network(tm) started with a couple of groups here and there, and it's grown to over a million members in less than two years, with over FIVE million hits on the Freecycle(tm) website. That kind of Internet growth rate makes advertising executives cream their pants. And that's just the tip of the iceberg. Now we've got some very large companies nosing around, trying to figure out how to get a piece of this action. Think about it. Building materials left over from big jobs...Home Depot could be all over that. Books and magazines...you think Borders isn't watching that? Baby clothes and toys...don't even get me started!"

He leaned into my ear and said in a coarse whisper, "At this very moment, Walmart is drawing up plans for a nationwide chain of Freecycle(tm) Centers."

I pulled away in shock. "You've got to be kidding!"

southbaypen, 3/19/05 2:03 PM -0700, [freecyclesunnyvale] Re: ADMIN: Freecycle Tradem

2

"It's true. And you know what that means? Pretty soon every major retailer in the country is going to be trying to jump onto this bandwagon, and we've got to be prepared. That's why we have to protect the trademark. We can't lose control of this now, when it's about to be the biggest thing since the golden arches."

It was all too much for me. Deep down in my gut, I knew that if Corporate America thought that freecycling was a good idea, then there must be something seriously wrong with it, and I wanted no part of it. I jumped back on my freecycle, and peddled like hell.

"Come back!" he yelled after me. "There's some serious money to be made giving away shit for free!"

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----->

For Freecycle Etiquette and other Freecycle information please see:
<http://groups.yahoo.com/group/freecyclesunnyvale/files/>

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Exhibit L

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

Tim Oey, 8/18/05 11:36 PM -0700, [freecyclemodsquad] Civil disobedience...

1

To: freecyclemodsquad@yahoo.com
From: Tim Oey <timoe@yaho.com>
Date: Thu, 18 Aug 2005 23:36:40 -0700
Subject: [freecyclemodsquad] Civil disobedience...

Hi all,

First my sincere apologies! I have had a significant role in a number of Freecycle directions that I now see are leading freecycle down a path that is not quite right.

Which directions were those?

Ersatzfriend (came partly out of my efforts to see that groups have backup owners/moderators -- one of my bicycling friends was killed by a drunk driver -- leaving his popular and well run bicyclingadvocacy group hanging without an owner -- it took Herculean efforts to get Yahoo to create a new owner for that group)

Freecycle trademark (Freecycle wanted to protect it -- so I contributed considerable energy and expertise, I was the main original author behind the current trademark guidelines)

Freecyclenext (Many could see that a much better system was possible, I'm a software developer, so I helped lead the charge)

I see two reasonable paths for Freecycle.

One is the traditional corporate style path that requires trademarks, money, lawyers, money, insurance, money, and strong controls. Trademarks are expensive. 24x7 systems supporting millions of users around the world are expensive. Lawyers are expensive. Insurance is expensive. But if you start raising enough money to support all of these, you become a target and need lawyers and insurance, etc. It's quite a treadmill.

The second less traveled path is one where freecycle goes back to its roots, lets go, and becomes, again, a true, open, grassroots movement. Some optional, helpful guidelines, but no absolute rules and no one telling anyone else what to do. This may not perfectly fit anyone's ideal dream. But it may just be good enough and much less resource intensive.

Here is my alternate vision for freecycle:

1) Allow ersatzfriend to be optional for those who do not otherwise have anyone else they can trust to be a backup owner. If a group has a 2nd backup owner then great -- that's super! If they choose not to have a backup owner, oh well, they are setting up their community for possible outages but they are adults and can take responsibility for this.

2) Abandon the Freecycle trademark pursuit and let all freecyclers do as much freecyclin' as they please. This will force the term into the public domain such that no one can trademark it. This action would be very natural, it would be free, it would be fun, and all freecyclers everywhere would help enforce it. Furthermore it fits well with a "viral" marketing approach to freecycle. People hear about it and want to know where it came from -- which will lead back to The Freecycle Network without strong trademark enforcement. It will also generate lots of goodwill.

3) Abandon the effort to create a new freecycle system. A big industrial company like Yahoo has trouble enough keeping its servers stable and running. Having freecycle create such a system puts a considerable burden on it and also introduces a significant single point of failure -- if the freecycle system goes down, all freecycling on it stops. Yahoo Groups has gotten freecycle very far so it obviously works. It may not be perfect but it seems to be good enough (like VHS, qwerty keyboards, Microsoft, and tons of other examples).

4) Do maintain the trademark on the full name "The Freecycle Network" (this should be fairly easy) and do take credit for birthing freecycle.

Printed for Tim Oey <oe@post.harvard.edu>

1

Tim Oey, 8/18/05 11:36 PM -0700, [freecyclemodsquad] Civil disobedience...

5) Do have The Freecycle Network become a 501(c)3 nonprofit and allow individuals and corporations to make donations to support the gentle expansion of freecycle -- enough to keep Deron and a few others gainfully employed -- and freecycle.org up -- but not enough to make it a target for those who might want to sue to win money. After all, freecycling is an open movement -- it's like trying to sue the weeds that grow in the wild.

6) Drop strong enforcement of many things so that GOAs won't seem to be like police to some or enforcers to others but a genuine helpful set of people that may be able to come in and help a moderator out with their group -- make being a GOA easy and fun.

7) Welcome back all the freeshare and splinter groups and allow them to use the freecycle term freely. Plus most of the people who have left including Nancy, Lynn timer, Judy, Deanna, Pastor Ken, and others are very good, thoughtful people.

8) Do keep a freecycle directory on freecycle.org but make the only requirements to be listed be:
- everything offered on such groups must free
- exchanges keeps stuff out of landfills
- centered on a single geographical location.

Everything is free is freecycle's major attraction. Let members report groups where the moderator has disappeared or is allowing selling/trading/spamming (non-freecycle stuff) to go on. Let members vote with their feet as they choose which group they wish to belong to. No group would own a territorial lock on any region -- rather they would win and keep members by serving them better than their competition. Have all groups establish a geographical center point so it is clear to everyone where that group is located. This will naturally cause groups to stay smaller. Most Freecycle guidelines would basically stay as is. It can be at group discretion how tightly they are enforced -- do they want to attract or repel members?

9) Make the NGA job fun and easy. Allow NGAs discretion to tune their areas where they see obvious needs for more groups (high population areas). The goal of NGAs is to see that there are as many successful groups in their area as possible -- they don't want just a few monster groups -- they also don't want millions of teeny groups that can't get enough critical mass to be effective.

10) In general make all freecycle volunteer roles fun and easy (not work!).

11) Make the organization very transparent and easy to understand so that everyone can know what's going on. Document everything publicly.

12) Give moderators a more direct voice in the future of freecycle. Establish a mechanism so that all moderators who choose to vote, can vote on changes and directions for freecycle. Having a discussion group focused on The Freecycle Network organization is critical to this. Moderators of this group could run it more like a "meeting" -- where there is a bit of process to introduce a topic, that one topic is discussed and debated until some options emerge, and then it is voted on. Decisions that are made in the past can be re-visited -- it is ok to change as we grow, no need to be stuck with past mistakes. The Freecycle Network then has a good way to perpetuate itself as a system.

There are undoubtedly a number of other fine additions and refinements to my suggestions above -- the overall goal should be to make freecycling light, easy, self-sustaining, resource efficient, and fun for everyone!!! If it's causing lots of stress, something is going wrong.

Like my Ben & Jerry's bicycling jersey says "If it's not fun, why do it?"

Sincerely,
Tim Oey
Reduce Reuse Recycle
Former California NGA
Current Sunnyvale CA co-owner

----- Yahoo! Groups Sponsor ----->
<a

Tim Oey, 8/18/05 11:36 PM -0700, [freecyclemodsquad] Civil disobedience...

3

href="http://us.ard.yahoo.com/SIG=12h624ipv/M=320369.6903865.7846595.3022212/D=groups/S=1705064235:TM/Y=YAHOO/EXP=1124440639/A=2896112/R=0/SIG=1107idj9u/*http://www.thanksandgiving.com">Give the gift of life to a sick child. Support St. Jude Children's Research Hospital.
----->

Please remember to trim your posts when responding to messages posted on the site. Thank You.

Report news articles: newswire@freecycle.org
Contact your GOA: http://freecycle.org/faq_mod.php

Modsquad Moderators
Beverly/bevcan23, Deb/debsawyers, or Irene/teddybearsmother
We can be reached at freecyclemodsquad-owner@yahoo.com

Freecycle and the Freecycle logo are trademarks of The Freecycle Network in the United States and/or other countries.

Yahoo! Groups Links

- <*> To visit your group on the web, go to:
<http://groups.yahoo.com/group/freecyclemodsquad/>
- <*> To unsubscribe from this group, send an email to:
freecyclemodsquad-unsubscribe@yahoo.com
- <*> Your use of Yahoo! Groups is subject to:
<http://docs.yahoo.com/info/terms/>

Exhibit M

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

Paula, 9/16/05 1:30 PM -0700, [Bulk] Trademark Issues

1

Date: Fri, 16 Sep 2005 16:30:58 -0400 (EDT)
Subject: [Bulk] Trademark Issues
From: "Paula" <california@freecycle.org>
To: timcafc@oeyweb.com, petritim123@yahoo.com, timoey@yahoo.com

Tim,

As a volunteer representative of The Freecycle Network you have publicly requested that members actively campaign against the organization obtaining the Trademark it has filed for. The following are quotes from your post:

"The best way to keep freecycle in the public domain is for as many people and groups as possible to continue to use the term generically.

If you feel that the term freecycle is generic, you can let the USPTO know by sending a letter to:
Commissioner Of Trademarks" (address followed)

"Yahoo listens to its customers, so if folks complain about groups being deleted for use of the term "freecycling" than members/moderators of those groups should complain to Yahoo "(email address followed)

This is contrary to the mission of this organization to keep the trademark free from external corporate use and solely open to local members of The Freecycle Network. Therefore, I must ask that you step down as the as a moderator of the Freecycle Sunnyvale list. I would appreciate your cooperation as soon as possible and confirming that you have done so.

Sincerely,
Paula

Be kind to each other.
www.freecycle.org

Freecycle and the Freecycle logo are trademarks of The Freecycle Network in the United States and/or other countries.

Exhibit N

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

chandan mishra, 9/17/05 2:52 AM -0700, [Bulk] FW: Why we asked Tim Oey to resign

1

From: "chandan mishra" <chandan@hotmail.com>
To: <timoe@yaho.com>
Subject: [Bulk] FW: Why we asked Tim Oey to resign
Date: Sat, 17 Sep 2005 02:52:38 -0700

Hi Tim,
I would like to know your side of story.

Thanks,
Chandan

-----Original Message-----

From: notify@yahoogroups.com [<mailto:notify@yahoogroups.com>] On Behalf Of Paula
Sent: Friday, September 16, 2005 8:42 PM
To: chandan@hotmail.com
Subject: Why we asked Tim Oey to resign

Dear Owner and Mods,

Unfortunately, today I had to ask Tim Oey to step down as a moderator of your group. A copy of the actual letter to him stating the reasons follows at the bottom of this note.

This is not intended as any reflection upon your group and we sincerely hope you will continue to run your list in the same manner as you have in the past. We value you and the hard work you do on behalf of your community, the planet and Freecycle.

It is my hope that Tim will remove himself as a moderator of your group and all will continue as it has been. If he chooses not to step down, then I would ask that he be removed as a moderator.

If you would contact me and let me know that you have received this note and share your thoughts with me I would greatly appreciate it.

All the best,
Paula
California Group Outreach and Assiatance Team Member

Be kind to each other.
www.freecycle.org

FreecycleT and the FreecycleT logo are trademarks of The FreecycleT Network in the United States and/or other countries.

Copy of my letter to Tim Oey:

Tim,

As a volunteer representative of The FreecycleT Network you have publicly requested that members actively campaign against the organization obtaining the Trademark it has filed for. The following are quotes from your post:

"The best way to keep freecycle in the public domain is for as many people and groups as possible to continue to use the term generically.

If you feel that the term freecycle is generic, you can let the USPTO know by sending a letter to:
Commissioner Of Trademarks" (address followed)

Printed for Tim Oey <oe@post.harvard.edu>

1

chandan mishra, 9/17/05 2:52 AM -0700, [Bulk] FW: Why we asked Tim Oey to resign

2

"Yahoo listens to its customers, so if folks complain about groups being deleted for use of the term "freecycling" than members/moderators of those groups should complain to Yahoo "(email address followed)

This is contrary to the mission of this organization to keep the trademark free from external corporate use and solely open to local members of The FreecycleT Network. Therefore, I must ask that you step down as the as a moderator of the Freecycle Sunnyvale list. I would appreciate your cooperation as soon as possible and confirming that you have done so.

Sincerely,
Paula

Be kind to each other.
www.freecycle.org

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Exhibit O

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

Paula, 9/23/05 3:11 PM -0700, Re: Trademark Issues

1

Date: Fri, 23 Sep 2005 18:11:13 -0400 (EDT)
Subject: Re: Trademark Issues
From: "Paula" <california@freecycle.org>
To: "Paula" <california@freecycle.org>
Cc: "Tim Oey" <oey@post.harvard.edu>,
freecyclesunnyvale-owner@yahoogroups.com, deron@freecycle.org,
chandan@hotmail.com, jjtrader@yahoo.com

Tim,

Having reached the deadline and not having received a reply from you, I have asked that the Sunnyvale link be removed from the Freecycle.org page.

I am truly sorry this has become necessary.

All the best,
Paula

Be kind to each other.
www.freecycle.org

Freecycle' and the Freecycle' logo are trademarks of The Freecycle' Network in the United States and/or other countries.

> Tim,
>
> Once again I apologize for not getting back to you sooner, but life seems
> to keep throwing me curves. Hopefully this has allowed you and the other
> mods more time to discuss things.
>
> As far as I am aware there was never any moderation of your posts on
> either the Modsquad or the OIIG lists concerning your opinions about the
> path the Freecycle' Network should take. The issue of having
> Ersatzfriend as an co-owner of the groups is very different from the
> trademark filing. The trademark filing pertains to a legal issue, and
> thus is a matter for the Executive Director and the Board of Directors to
> determine, not the mods of the various lists.
>
> It is standard procedure for non-profit companies to protect their names,
> and apply for the available trademarks, etc... There has been no
> deviation from this plan for Freecycle', and it's been clearly stated
> publically for many months now. Out of respect for your feelings for the
> purpose of this group, and your knowledge of the limited means to defend
> this interest, I sincerely hope you will reconsider pursuing a legal case
> against the trademark application.
>
> Tim, I must respectfully ask once again, that you agree to relinquish
> your position as a moderator based on your continued stance against the
> pending trademark application and your instigation of a campaign to such
> an end. As this discussion could conceivably go on for an extended period
> of time, we need to ask for your reply by Friday at 3:00 PM local time.
>
> You asked what would happen if you and your fellow mods do not agree to
> this request. We only have one option available, and that is to remove
> the link for the Sunnyvale list to the freecycle.org site. If that were
> to happen we would also ask that all references to Freecycle' be removed.
> We all hope this will not become necessary.
>
> This is a very unhappy situation for everyone involved, and I personally
> am very sorry that it has come to this, but there are often consequences
> to our actions, and your actions have resulted in this situation.
>

Printed for Tim Oey <oey@post.harvard.edu>

1

Paula, 9/23/05 3:11 PM -0700, Re: Trademark Issues

2

> Please let me know your decision at your earliest convenience. I have
> cced the owners list and Chandon and Jason on this letter so they will
> have all the available information first hand.
>
> Fondly,
> Paula
>
> Be kind to each other.
> www.freecycle.org
>
> Freecycle and the Freecycle logo are trademarks of The Freecycle
> Network in the United States and/or other countries.
>
>> Hi Paula,
>>
>> This is likely to take more than a few days to talk out with my
>> co-moderators as they don't seem to be checking their emails or
>> responding
>> as quickly as I do.
>>
>> How about 2 weeks time?
>>
>> And, what happens then if I do not resign?
>>
>> And, what if the other moderators and/or members of the
>> freecyclesunnyvale
>> group do not want me to resign?
>>
>> The trademark discussion was shut down by Deron on freecycle discussion
>> lists before any real information was shared and considered -- unlike
>> the
>> discussion on ErsatzFriend (EF) -- where the moderators ended up voting
>> for making EF optional (which is the side I strongly supported).
>>
>> I can see that Deron does not want to engage in any discussion in this
>> area as he has firmly made up his mind. Which is most unfortunate
>> because
>> the path he is going down has a number of consequences he is not going
>> to
>> like in the long run. It is quite similar to the mistakes that were
>> originally made when EF was first set up.
>>
>> My alternative also has consequences but I firmly believe that it is a
>> much better choice for The Freecycle Network (TFN) in the long run.
>>
>> I also believe that it is very unfair of TFN to judge people based on
>> outside free speech. As long as moderators are not doing anything
>> illegal,
>> they should just let it go. There are many who are afraid to discuss
>> their views simply because they have seen that whoever does gets
>> blacklisted and get kicked out of the network. This certainly confirms
>> their fears.
>>
>> Sincerely,
>> Tim
>>
>>
>> At 4:10 PM -0400 9/19/05, Paula wrote:
>>>Tim,
>>>
>>>I'm sorry for the delay in responding to you, I was not feeling well
>>> over

Printed for Tim Oey <oey@post.harvard.edu>

2

Paula, 9/23/05 3:11 PM -0700, Re: Trademark Issues

3

>>>the week-end and did not get to most of my email until this morning.
>>>
>>>You asked if I really believed this was right. I have to say that I do
>>>think you over-stepped the boundaries of acceptable behavior when you
>>>solicited letters to the USPTO to stop the trademark application from
>>>being approved. And I appreciate the fact that you posted in on the
>>>Freecyclenext list, which is now a quasi official group. But there are
>>>still many freecycle members there, and it was sent to FCN as some of
>>> them
>>>were very concerned with your request. And we do not control who
>>> belongs
>>>to what groups within Freecycle, let alone anywhere else.
>>>
>>>You know dissenting viewpoints are accepted and acknowledged. And no,
>>> we
>>>don't expect only good things to be said about FCN. This is a very
>>>organization and thus changes rapidly, as new people join and new groups
>>>are formed.
>>>
>>>The Sunnyvale list is and has been a fine example of what a Freecycle
>>> list
>>>should be. You know that! You created it and nurtured it, and it is
>>>vibrant and healthy. And you know I am forever grateful that you also
>>>brought me into the FCN community and nurtured me as well.
>>>
>>>And Freecycle is and should be a good place for gentle people to come
>>> and
>>>be welcome. It's about gifting things and building community first and
>>>foremost. And part of the community aspect is not just your local area,
>>>but also the Freecycle community, and your actions were not a way of
>>>building but looked rather like you were trying to tear down something
>>>that is already in the process and has been for quite a while.
>>>
>>>I know you have always been a strong believer in the concept behind
>>>Freecycle and with that in mind, I once again ask that you please turn
>>> the
>>>Sunnyvale group over to others and let it continue to be part of the
>>>Freecycle community. We cannot work at cross purposes here, Tim. By
>>>virtue of your inciting a letter writing campaign to stop the Trademark
>>>approval you have shown more than a dissenting point of view. And that
>>>makes it imperative that you step down as an owner and moderator of the
>>>group.
>>>
>>>Please let me know your decision by Wednesday.
>>>
>>>All the best,
>>>Paula
>>>
>>>Be kind to each other.
>>>www.freecycle.org
>>>
>>>Freecycle and the Freecycle logo are trademarks of The Freecycle
>>>Network in the United States and/or other countries.
>>>
>>>> Hi Paula,
>>>> >
>>>> So do you really want to pursue this?
>>>>
>>>> Do you personally believe this is right?
>>>>
>>>> Or are you just following what Deron has asked you to do?
>>>>

Printed for Tim Oey <oey@post.harvard.edu>

3

Paula, 9/23/05 3:11 PM -0700, Re: Trademark Issues

4

>>>> No judge or jury or review panel, just a dictate?
>>> >
>>> > So what am I really guilty of? The post in question went to a group
>>> > outside of The Freecycle Network (TFN). My post did not go to any
>>> official
>>> > freecycle groups although it could have -- so your reference to
>>> freecycle
>>>> "members" in your original post is not quite accurate. Are people
>>>> going
>>>> to be controlled for what they say outside of official freecycle
>>>> groups?
>>>> Is freecycle going to have spies and snitches everywhere? Is
>>>> dissension
>>>> even allowed on official freecycle groups?
>>>>
>>>> Is there a requirement that people only say positive things about The
>>>> Freecycle Network? Is that grounds for kicking out a moderator or a
>>>> group?
>>>>
>>>> Are there major problems with how the Sunnyvale group is being run?
>>>> Should
>>>> this not be the true criteria for determining if a moderator should
>>>> stay
>>>> or go? The Sunnyvale group is running quite well with no issues and
>>>> the
>>>> 2000+ people on the list are quite happy at the moment.
>>>>
>>>> Is it "you're either with me or against me"? If someone has different
>>>> opinions and voices them with others, then they are out? So it is ok
>>>> to
>>>> do
>>>> it anonymously? But not when people know who you are?
>>>>
>>>> Have the moderators voted on this as criteria for whether to keep a
>>>> TFN
>>>> group or a TFN moderator?
>>>>
>>>> Does TFN really want to up the ante this much? I've scaled way back
>>>> from
>>>> what I was doing earlier and was just going to let things slide for
>>>> the
>>>> most part, but we could heat this up a real lot and make it really
>>>> juicy
>>>> with lots more publicity. I can pull a lot of strings, if I am so
>>>> inclined. So far I've just expressed my own personal opinions in a few
>>>> spots online.
>>>>
>>>> I can understand that some might be very unhappy with the viewpoint
>>>> I've
>>>> arrived at. Well, I'm likewise disappointed in the viewpoints others
>>>> have
>>>> arrived at. That's just life. TFN should be better geared to handle a
>>>> diversity of opinion.
>>>>
>>>> When I joined freecycle it was a simple thing -- an open grassroots
>>>> movement that was loose and easy. Just do generally the right thing
>>>> and
>>>> that was good enough. I think it best that freecycle return to its
>>>> gentle
>>>> beginnings and lead by example rather than whacking people on the
>>>> head.
>>>> The whacking of moderators encourages them to whack members in turn

Paula, 9/23/05 3:11 PM -0700, Re: Trademark Issues

5

>>>> and
>>>> we
>>>> know what that leads to... Organizations usually reflect their
>>>> leadership.
>>>>
>>>> There seem to be a large number of folks who are downright scared of
>>>> TFN.
>>>> They are in hiding and don't want to speak their mind for fear of
>>>> retribution. Is that what freecycle is about now? GOA secret police?
>>>> It
>>>> does seem to be what happens, does it not?
>>>>
>>>> I'm standing up for what I believe. I hope that someday my efforts
>>>> (sacrifice?) here may make freecycle a safe, gentle, and welcome place
>>>> again for gentle folks. Or at least I can take some arrows and help
>>>> clear
>>>> a way for those who are afraid.
>>>>
>>>> The thing that could save freecycle is for it to embrace its nature
>>>> and
>>>> not put iron bars around it and try to protect it in traditional ways.
>>>> Freecycling is a new thing, not a traditional thing. It is the
>>>> moderators
>>>> and members who make freecycle work on a day to day basis, not Deron
>>>> or
>>>> the central TFN organization. Their attempts at strong controls are
>>>> just
>>>> not what made freecycling spread so fast and become so popular with
>>>> people
>>>> inside and outside of TFN.
>>>>
>>>> What do you think? I look forward to your reply.
>>>>
>>>> Cheers,
>>>> Tim
>>>>
>>>> P.S. If TFN does win a registered trademark in the US on the plain
>>>> word
>>>> "freecycle", I'll drop my further opposition. But until then, may the
>>>> best
>>>> case win.
>>>>
>>>> P.P.S. Yahoo's spam filters classified your emails to me as junk. You
>>>> must
>>>> be sending out a lot of email these days or something...
>>>>
>>>>
>>>>
>>>> At 4:30 PM -0400 9/16/05, Paula wrote:
>>>>>Tim,
>>>>>
>>>>>As a volunteer representative of The Freecycle' Network you have
>>>>> publicly
>>>>>requested that members actively campaign against the organization
>>>>>obtaining the Trademark it has filed for. The following are quotes
>>>>> from
>>>>>your post:
>>>>>
>>>>>"The best way to keep freecycle in the public domain is for as many
>>>>> people
>>>>>and groups as possible to continue to use the term generically.
>>>>>

Printed for Tim Oey <oey@post.harvard.edu>

5

Paula, 9/23/05 3:11 PM -0700, Re: Trademark Issues

6

>>>>If you feel that the term freecycle is generic, you can let the USPTO
>>>> know
>>>>by sending a letter to:
>>>>Commissioner Of Trademarks" (address followed)
>>>>
>>>>"Yahoo listens to its customers, so if folks complain about groups
>>>> being
>>>>deleted for use of the term "freecycling" than members/moderators of
>>>> those
>>>>groups should complain to Yahoo "(email address followed)
>>>>
>>>>This is contrary to the mission of this organization to keep the
>>>> trademark
>>>>free from external corporate use and solely open to local members of
>>>> The
>>>>Freecycle' Network. Therefore, I must ask that you step down as the
>>>> as
>>>>a moderator of the Freecycle Sunnyvale list. I would appreciate your
>>>>cooperation as soon as possible and confirming that you have done so.
>>>>
>>>>Sincerely,
>>>>Paula
>>>>
>>>>Be kind to each other.
>>>>www.freecycle.org
>>>>
>>>>Freecycle' and the Freecycle' logo are trademarks of The Freecycle'
>>>>Network in the United States and/or other countries.
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>
>>>>

Exhibit P

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

Yahoo! My Yahoo! Mail

YAHOO! GROUPS Sign In
New User? Sign Up

Search
the Web

Search

Groups Home - Help

sunnyvalefree · Sunnyvale, CA USA

Home
Messages

Members Only

- Post
- Files
- Photos
- Links
- Database
- Polls
- Members
- Calendar
- Promote

Info Settings

Group Information

Members: 621
Category: Recycling
Founded: Nov 22, 2005
Language: English

Already a member?
Sign in to Yahoo!

Yahoo! Groups Tips

Did you know...
Bring your friends and family together. Start a Family Group Now.

Yahoo! 360°

Keep connected to your friends and family through blogs, photos and more. Create your own 360° page now.

Home

Activity within 7 days: 9 New Members - 87 New Messages

Description

Trash to Treasure: Do you have stuff you no longer need? Looking for free stuff? This is the place! Spread the word!

Free recycling harnesses the power of the Internet to connect people who have stuff with others nearby who want it so it doesn't wind up in a landfill.

Briefly, here is how it works:

1. Find a group near you.
2. Join it.
3. Post OFFER (or WANTED) using this as a prefix in the subject line.
4. Get replies.
5. Arrange exchange with just one.
6. Offerer (Wanter) posts TAKEN (RECEIVED) when exchange is complete.
7. For details see Free Recycling Instructions

Everything posted must be free, legal, and tangible. No trading and no services. After you join you'll receive an e-mail with further instructions.

Please note: The Freecycle Network (TFN) deleted the original and very successful freecyclesunnyvale group which was founded in Oct 2003. The SunnyvaleFree group was set up by the original moderators and is not associated with TFN. We are totally free in word and deed. All of our materials are free for *anyone* to use to set up their own free recycling groups (unlike TFN).

If you are interested in connecting to the local Sunnyvale Community, please join the SunnyvaleCafe list.

This free recycling group is centered around	
Zip Code	94087-1306
City	Sunnyvale
County	Santa Clara
State	California
Country	USA

Most Recent Messages (View All) MY Y! RSS What's This? Search:

Offer 2 free cans of Goodstar Soy formula

2 Large cans never opened of Goodstart Soy Baby Formula. We bought these but in the mean time my daughter was weaned off the bottle & formula. So we don't need

Posted - Mon May 1, 2006 1:58 am

Wendi Smith
primeach1
Offline
Send Email

Offer bag of Misc. kids stuff

Bag with some clothes (boys 6/7) and Girls 3t. plus Misc, toys... Must take whole bag, I can't piece out. Wendi tasman & lawrence expressway Sunnyvale

Posted - Mon May 1, 2006 3:56 am

Wendi Smith
primeach1
Offline
Send Email

Offer box of womens 2x clothes

My mom was cleaning out a storage unit and left this box of clothes here. It is mostly tops, some sweaters... Most are 2x, they seem to be in decent

Posted - Mon May 1, 2006 3:54 am

Wendi Smith
primeach1
Offline
Send Email

RIPE Goat Cheese

I left this goat cheese in the refrigerator too long. I trimmed away the brown- it STILL is riper than like it. Anyone want to try this? Andy Butcher Wolfe Rd.

Posted - Mon May 1, 2006 12:02 am

Andy Butcher
neotamias
Offline
Send Email

OFFER :Lawn Fertilizer/Seed Spreader (94089)

Lawn Fertilizer/Seed Spreader Scotts Spreader with Precision Flow Control (Model PF-1). Drop spreader for fertilizer or seed. Not the current fiberglass

Posted - Sun Apr 30, 2006 10:17 pm

J. Gordon
jcg94306
Offline
Send Email

Message History

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2006	414	352	339	410								
2005										113	356	

Group Email Addresses

Post message: sunnyvalefree@yahoogroups.com
Subscribe: sunnyvalefree-subscribe@yahoogroups.com
Unsubscribe: sunnyvalefree-unsubscribe@yahoogroups.com
List owner: sunnyvalefree-owner@yahoogroups.com

[Join This Group](#)

YAHOO! SPONSOR RESULTS

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www.santaclara.hyatt.com

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Exhibit Q

Declaration of Timothy Oey

Case No. C06-00324 CW
United States District Court
Northern District of California

W NH, 4/27/06 5:16 PM -0700, From DB

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Date: Thu, 27 Apr 2006 17:16:15 -0700
From: "W NH" <what.now.huh@gmail.com>
To: timoey@yahoo.com
Subject: From DB

.....
To: OIDG@yahoogroups.com From: "Deron Beal" <deron@freecycle.org> Date: Thu, 27 Apr 2006 17:08:08 -0700
Subject: [OIDG] Legal Update

Legal Update

I am writing to let you know that we have filed a lawsuit against Tim Oey for contributory trademark infringement, trademark disparagement, and other related claims. The first step in this process was taken

earlier this week when our attorneys filed and argued a motion for a temporary restraining order against Mr. Oey. The Judge ruled in our favor, and stated clearly that Mr. Oey has induced our infringement of our intellectual property, has disparaged our intellectual property, has disseminated false and misleading statements about us and our intellectual property, and is causing us immediate and irreparable harm. I have uploaded

a a copy of the Judge's order to the OIDG files section. I highly encourage you to give this a read thru. This case is entirely separate from the case in Northern California.

W NH, 4/27/06 5:16 PM -0700, From DB

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Both pending legal cases stand at the beginning of a long process of a

year or longer. These things are very slow going. However, we mustn't

let this detract us from continuing to focus on our goal of keeping

good stuff out of landfills. Do note that because we are now involved in

active litigation, we have certain obligations relating to the retention of documents relevant to this case. In the next couple of days, I

will be distributing information which outlines these obligations.

Presumably this means that the moderators of the Modsquad and OIDG will need

to take care in saving any posts that are requested by group members to

be removed, etc. Not sure on this one yet.

Further, in the Northern California lawsuit (in which we are being

sued), I'm glad to say that our lawyers were able to establish that the

plaintiff has, in fact, no monetary damages he can obtain against us. As

a result, the plaintiff has now removed this request from his lawsuit

against us. This most likely means that The Freecycle Network will not,

as a result of damages from that lawsuit, be driven into bankruptcy.

This is HUGELY positive news! What remains at risk from that

W NH, 4/27/06 5:16 PM -0700, From DB

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lawsuit is

however that which represents our most valuable and singular association with your volunteer efforts alone and uniquely with our nonprofit mission: our name. Nothing is more critical to defend than this name and

keeping Freecycle free of profit motives and the dilution of the goodwill of literally thousands of volunteer moderators and millions of members."

So, we're in great shape: in the lawsuit against us we've been able to

get their claim for damages removed *and* in our lawsuit begun against Tim Oey, we've had a huge first victory in the judge's clear support and strong wording in a temporary restraining order against Mr. Oey.

As regards the question as to why both Mr. Oey and his spouse are both named in our complaint, I appreciate the concern. I must admit that a lot of the formalities of the litigation are being handled by our

attorneys and I don't always understand all of the legal issues. My limited understanding is that when an individual is sued, if the individual is

W NH, 4/27/06 5:16 PM -0700, From DB

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married, then both partners are included because of the nature of the

legal and fiduciary bond between them and that this is common legal practice.

IMPORTANT SIDE NOTE: Our law firm, Perkins & Coie, is providing their services pro bono because they believe deeply in our cause, in our

nonprofit mission, in our name and in the need to protect it. I can't begin to tell you how uniquely special their help is. Nor can I begin to show just how many hours they have invested in protecting our name for us.

This is HUGE. Because of this representation we have incurred virtually no legal costs nor do we anticipate the need to incur future legal costs in this regard. These guys also represent Craig's List and Google and

reeeeeally know their stuff. We are in good hands.

Should you have any questions, please don't hesitate to contact me. If

I don't know the answer, I will check with our lawyers, and get back to

you. Unlike other issues, I will be unable to engage in active debate and discussion and I'll have to ask your patience in receiving a

Printed for Tim Oey <oey@post.harvard.edu>

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W NH, 4/27/06 5:16 PM -0700, From DB

response and your understanding that there will be much I am not
legally
permitted to comment on.

Thank you all very much. I think you can feel very good about
our
current position. Would that we hadn't had to begin this legal
journey at
all, but since it was begun against us, we must now do all we
can to
defend ourselves.

Thank you for the thoughtful comments and your patience and my
apologies if the strain is showing on me. I'm doing the best I
can to juggle a
great deal and the support of a number of you of late has been
greatly

appreciated. We are making great progress here legally and I'll
continue
to do my best to inform you as I am permitted.

Deron

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