

# **EXHIBIT 4**



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*Via Facsimile (520-882-7643) and First Class Mail*

May 2, 2006

Ashley Lynn Kirk  
Hayes Soloway PC  
3450 E Sunrise Dr  
Ste 140  
Tucson, AZ 85718

**Re: *The Freecycle Network v. Tim Oey, et al.***  
**Case No. CV 06-173-RCC**

Dear Ms. Kirk:

The substance of this letter repeats what was faxed to Ian Feinberg of Mayer, Brown, Rowe & Maw LLP ("Mayer Brown") on April 28, 2006, a copy of which is attached for your convenience. Today we received a letter from Dennis Corgill, also of Mayer Brown, stating that Mayer Brown does not represent Tim Oey in this action, although Mr. Feinberg appeared telephonically on Mr. Oey's behalf at the hearing on April 24, 2006. It is now our understanding that you are the sole legal representative of Tim Oey ("Mr. Oey") and Jane Doe Oey in the above-referenced action and on that basis, we reiterate to you what we have already communicated to Mr. Feinberg.

Specifically, I am writing to address Mr. Oey's failure to comply with the Court's Order Granting The Freecycle Network, Inc.'s *Ex Parte* Motion for Temporary Restraining Order ("Order") in the above-captioned case. As you are aware, the Court has specifically ordered that Mr. Oey and his agents, servants and employees and those persons in active concert and participation with Mr. Oey are "restrained and enjoined from directly or indirectly inducing infringement of The Freecycle Network's intellectual property, including its trademarks or any variation or imitation thereof, disparaging The Freecycle Network's intellectual property, including its trademarks or any variation or imitation thereof, and from disseminating false and misleading statements regarding The Freecycle Network and its intellectual property, including its trademarks or any variation or imitation thereof."

It has been brought to our attention that Mr. Oey has failed to comply with the Court's order, and continues to engage in activity from which he has been restrained and enjoined. In particular, as mentioned in my letter of April 28<sup>th</sup>, the Yahoo! group FCNext, located at <http://groups.yahoo.com/group/fcnext>, continues to include a posting from Mr. Oey encouraging others to infringe upon The Freecycle Network's marks. As you are aware,

BY061210.208

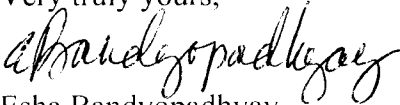
Ashley Lynn Kirk  
Hayes Soloway PC  
May 2, 2006  
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a copy of this post was attached as Exhibit G to The Freecycle Network's underlying complaint against Tim Oey in this matter, and specifically raised by counsel for The Freecycle Network at the April 24<sup>th</sup> hearing. An additional copy of this post is hereby attached for your convenience.

Since Mr. Oey has the ability to remove or modify the above-mentioned Web site, or posts contained on this Web site, we request that Mr. Oey immediately comply with the Court's order by removing the aforementioned Web site, or postings contained on this Web site, and any other similar publications or Web pages. Should Mr. Oey fail to comply with the Court's Order immediately, we will have no choice but to request relief from the Court.

We look forward to your anticipated cooperation. Please feel free to contact me should you have any questions or concerns regarding this or any other matter.

Very truly yours,



Esha Bandyopadhyay

EB:ls

Enclosures



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April 28, 2006

**Via Facsimile (650-331-2060) and U.S. Mail**

Ian N. Feinberg  
MAYER, BROWN, ROWE & MAW LLP  
Two Palo Alto Square, Suite 300  
3000 El Camino Real  
Palo Alto, California 94306-2112

**Re: *The Freecycle Network, Inc. v. Tim Oey*, Case No. 06-CV-00173-RCC**

Dear Ian:

I am writing to address your client Tim Oey's ("Mr. Oey") failure to comply with the Court's Order Granting The Freecycle Network, Inc.'s *Ex Parte* Motion for Temporary Restraining Order ("Order") in the above-captioned case. As you are aware, the Court has specifically ordered that Mr. Oey and his agents, servants and employees and those persons in active concert and participation with Mr. Oey are "restrained and enjoined from directly or indirectly inducing infringement of The Freecycle Network's intellectual property, including its trademarks or any variation or imitation thereof, disparaging The Freecycle Network's intellectual property, including its trademarks or any variation or imitation thereof, and from disseminating false and misleading statements regarding The Freecycle Network and its intellectual property, including its trademarks or any variation or imitation thereof."

It has been brought to our attention that Mr. Oey has failed to comply with the Court's order, and continues to engage in activity from which he has been restrained and enjoined on at least the following Web sites: Mr. Oey's home page, located at <http://oeyweb.com/timoey/>, Mr. Oey's Web log ("blog"), located at <http://www.blogger.com/profile/19380816>, the Yahoo! group FreecycleSunnyvale, located at <http://groups.yahoo.com/group/freecyclesunnyvale/>, the Yahoo! group SunnyvaleFree, located at <http://groups.yahoo.com/group/sunnyvalefree/>, and the Yahoo! group FCNext, located at <http://groups.yahoo.com/group/fcnext/>. Copies of these Web pages and/or posts from these Web pages are hereby attached for your convenience.

Since Mr. Oey has the ability to remove or modify the above-mentioned Web sites, or posts contained on these Web sites, we request that Mr. Oey immediately comply with the Court's order by removing the aforementioned Web sites, or postings contained on these Web sites, and any other similar publications or Web pages. Should Mr. Oey fail to comply

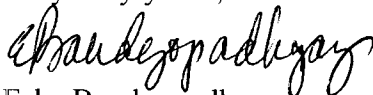
[/BY061180.096]

Ian N. Feinberg  
MAYER, BROWN, ROWE & MAW LLP  
April 28, 2006  
Page 2

with the Court's Order immediately, we will have no choice but to request relief from the Court.

We look forward to your anticipated cooperation. Please feel free to contact me should you have any questions or concerns regarding this or any other matter.

Very truly yours,



Esha Bandyopadhyay

EB:ls

Enclosures


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Groups Home - Help

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Real people. Real questions. Real answers.



**WHAT DO YOU WANT TO KNOW?**

CHECKOUT (IT'S FREE)

REPLY

**fcnext** · Free Recycling - The Next Generation

**Messages**

Messages Help

Message #  Go Search:  Search

Up Thread | Message Index | View Source | Unwrap Lines

Message 3171 of 5309 < Previous | Next >

**From:** Tim Oey <timoey@...>  
**Date:** Thu Feb 23, 2006 5:55 pm  
**Subject:** Let your voices be heard...

reduce\_reuse...  
Offline  
Send Email

Reply Forward

Many of us know that TFN is already a bit crazy in trying to clamp down on free speech freedoms, but now is a great time to further the cause and keep freecycle free for everyone forever (and drive TFN even crazier).

What you can do on your own:

- 1) Using TFN's directory, please contact all the freecycle groups in your state and surrounding states to let them know that freecycle is a generic term. Ask them to visit <http://greenribbon.us> for more information. There is no need to be that organized about it but if you think you have a state well covered, please post a note to fcnext. You'll need to dribble the mails out a few at a time and by as many people as possible to get around Yahoo's intricate group owner spam catchers. Make all your emails unique -- don't repeat exactly the same contents or subject, etc.
- 2) If you currently have a group within TFN, either take it out of TFN and tell all your members that freecycling should stay free or do comply initially with

Home

Messages

**Members Only**

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

Already a member?  
Sign in to Yahoo!

**Yahoo! Groups Tips**

**Did you know...**  
Commiserate with other parents. Find a Parents

Group.

**Yahoo! 360°**

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

TFN's request so that your group is not deleted but then later sprinkle freecycling around your group and other groups so the free grassroots movement continues to be free (this is likely to really drive TFN nuts). Let more people know about <http://greenribbon.us>

3) Do give TFN GOAs a hard time because they are doing bad things by limiting free speech. Free speech is very important. Let everyone know that TFN does not need to control freecycling for TFN to be successful.

4) Get your freecycling is free statements to Eric for posting on <http://greenribbon.us>

5) Let others know that freecycling is a wonderful thing that people can do via Google, Craigslist, Yahoo Groups, any email list, or however they wish -- even just leaving stuff out on the curb with a "Free" or "Freecycle this" note attached.

Spread the word and let the word be free.

Enjoy!

Cheers,  
Tim

Replies	Author	Date
3190 <b>Re: Let your voices be heard...</b> I don't think any of that is a good idea. Why not let the courts decide it? By...	If I told ya.... belhaven_lass	Feb 24, 2006 1:18 am
3314 <b>Re: Let your voices be heard...</b> Hi Lass, The courts will get to it eventually. How is encouraging others to...	Tim Oey reduce_reuse...	Feb 27, 2006 7:00 am
3336 <b>Re: Let your voices be heard...</b>	xtina (freecycle mode...	Feb 27, 2006 1:11 pm

i second tim's post...educating others is a necessity in any grassroots ...

existentialista

3348

**Re: Let your voices be heard...**

I think I've made my intent known when it comes to FreeSpeech :- ) FreeCyco ...

Free cycle Recycle

freecycos

Feb 27, 2006  
2:47 pm

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