

# **EXHIBIT 5**

- >
  - > Be kind to each other.
  - > [www.freecycle.org](http://www.freecycle.org)
  - >
  - > FreecycleT and the FreecycleT logo are trademarks of The FreecycleT
  - > Network in the United States and/or other countries.
  - >
  - > No virus found in this incoming message.
  - > Checked by AVG Anti-Virus.
  - > Version: 7.0.344 / Virus Database: 267.11.1/104 - Release Date: 9/16/2005
- 

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

From: "Paula" <[california@freecycle.org](mailto:california@freecycle.org)>

To: <[timcafc@oeyweb.com](mailto:timcafc@oeyweb.com)>; <[petritim123@yahoo.com](mailto:petritim123@yahoo.com)>; <[timoey@yahoo.com](mailto:timoey@yahoo.com)>

Sent: Friday, September 16, 2005 1:30 PM

Subject: Trademark Issues

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)
- >
- > "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
- >

\*\*\*\*\*

Tim Oey <[timoe@gmail.com](mailto:timoe@gmail.com)> to Freedomcycle

More options 4:40 am (3 hours ago) Good news -- it is legal for everyone to use the term freecycle, freecycling, freecycler, freecycled, etc -- there are no current viable registered trademark applications that cover the word -- so have fun with it!

1) The trademark application 78415420

(New Media Worlds, Inc.-- International Class: 042 An online service where users are able to give items away for free that they no longer need)

Their claim was for just the plain word "freecycle" but it is about to be denied based on abandonment as of a notice sent to this applicant on 8/22/2005.

Read it at: <http://portal.uspto.gov/external/portal/tow>

Serial Number: 78415420

2) The trademark application 78475113

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

This claim was for the freecycle graphic logo only and does not cover the word in standard characters (plain text).

Read all about it at: <http://portal.uspto.gov/external/portal/tow>

Serial Number: 78475113

In particular read the application itself.

Please note that the original application includes a copy of the then current freecycle.org site which uses the word freecycle as freecycling, freecycles, etc.

Plus continued use of the word freecycle as a generic term by everyone will insure that it can never be trademarked by any corporation ever. So I hope you all will do your part to make this so. If you don't trust me, just read up on trademark law yourself or consult your own attorney.

Keep on freecycling!

Cheers,

"1)";!-->

Good news -- it is legal for everyone to use the term freecycle, freecycling, freecycler, freecycled, etc -- there are no current viable registered trademark applications that cover the word -- so have fun with it!

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

**From:** Tim Oey  
**To:** freecyclenext@yahoogroups.com  
**Sent:** Wednesday, September 14, 2005 2:03 AM  
**Subject:** [freecyclenext] Gifting "freecycle" to the public

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  
P.O. Box 1451  
Alexandria, Va. 22313-1451

In your letter, reference registered trademark application 78475113.

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 at:

[http://add.yahoo.com/fast/help/us/groups/cgi\\_abuse](http://add.yahoo.com/fast/help/us/groups/cgi_abuse)

or

[copyright@yahoo-inc.com](mailto:copyright@yahoo-inc.com)

Basically, if you all want something to happen you have to do something about it.

Power to the people...

Cheers,  
Tim

- Visit your group "freecyclenext" on the web.
- To unsubscribe from this group, send an email to:  
[freecyclenext-unsubscribe@yahoogroups.com](mailto:freecyclenext-unsubscribe@yahoogroups.com)
- Your use of Yahoo! Groups is subject to the Yahoo! Terms of Service.