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 The Freecycle Network, Inc.

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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OAKLAND DIVISION

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14 FREECYCLESUNNYVALE, a California
 unincorporated association,

CASE NO. C 06-00324 CW

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Plaintiff,

**REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF THE FREECYCLE
 NETWORK, INC.'S OPPOSITION TO
 FREECYCLESUNNYVALE'S MOTIONS TO
 DISMISS COUNTERCLAIMS UNDER
 FED.R.CIV.P. 12(b)(6) AND TO STRIKE
 STATE-LAW COUNTERCLAIM UNDER
 CAL. CODE CIV. PROC. § 425.16**

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v.

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18 THE FREECYCLE NETWORK, INC., an
 Arizona corporation,

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Defendant.

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21

AND RELATED COUNTERCLAIMS

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Pursuant to Federal Rule of Evidence 201, Defendant and Counterclaimant The Freecycle Network, Inc. ("The Freecycle Network") hereby respectfully requests that this Court take judicial notice of the following material:

1 1. Attached hereto as Exhibit 1 is a true and correct copy of the May 11, 2006, Order
2 granting Freecycle Network's Motion for Preliminary Injunction filed in *The Freecycle Network,*
3 *Inc. v. Tim Oey, et al.*, Case No. CV 06-173-TUC-RCC.

4 2. Attached hereto as Exhibit 2 is a true and correct copy of a printout from The
5 Office for Harmonization in the Internal Market Web site, indicating publication of The Freecycle
6 Network, Inc.'s mark FREECYCLE and the associated graphic logo, Trademark No. 004287553,
7 registered February 6, 2006.

8 3. Attached hereto as Exhibit 3 is a true and correct copy of the Declaration of Ashley
9 L. Kirk in Support of Opposition to Plaintiff's Motion for a Preliminary Injunction and the
10 referenced search via Google™ BETA Groups, filed in *The Freecycle Network, Inc. v. Tim Oey, et*
11 *al.*, Case No. CV 06-173-TUC-RCC.

12 4. Attached hereto as Exhibit 4 is a true and correct of the Declaration of Deron Beal
13 in Support of The Freecycle Network, Inc.'s Opposition to Defendants' Motion to Stay or Transfer
14 filed in *The Freecycle Network, Inc. v. Tim Oey, et al.*, Case No. CV 06-173-TUC-RCC.

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16 DATED: May 19, 2006

PERKINS COIE LLP

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18 By /s/ Esha Bandyopadhyay

Paul J. Andre

Lisa Kobialka

Esha Bandyopadhyay

Sean Boyle

21 Attorneys for Defendant

The Freecycle Network, Inc.