

EXHIBIT B

Request for Judicial Notice ISO Motion to Dismiss/Strike
FreecycleSunnyvale v. The Freecycle Network, Inc.
Case No. C06-00324 CW
(N.D. Cal. filed Jan. 18, 2006)

Trademark/Service Mark Application, Principal Register

Serial Number: 78475113

Filing Date: 08/27/2004

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK FILE NAME	\\fctrs\EXPORT11\IMAGEOUT 11\784\751\78475113\xml1\APP0002.JPG
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	FREECYCLE
COLOR MARK	YES
COLOR(S) CLAIMED	The color(s) GREEN, TAN, BLACK, ORANGE, YELLOW is/are claimed as a feature of the mark.
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of The word "freecycle" is in lower case Ravid (Open Type) font in green with a slight black shadow. The double "ee" is superimposed over the spokes of the wheels of an old fashioned bicycle facing to the left. The wheels of the bicycle project below the "ee" to a level even with the bottom of the "y" and slightly above the "f." The wheels and frame of the bicycle are tan outlined in black. The letter "i" within the "freecycle" name has been replaced with the fretboard facing downward. The headstock and fretboard are black with two white stripes suggesting strings running along its length. The headstock with six tuning pegs is reflexed to the left and is level with the bottom of the letter "y." The body of the guitar is shaded in black around the edge with an insertion of a white and orange line running from the top left corner of the body to the neck of the guitar. The interior of the body is orange with an image of a gold reflection surrounding the left side of the bridge and completely surrounding the strings. Four black lines, suggesting strings, begin above the sound hole and stop below the bridge. The body of the guitar projects above the name approximately the same width as the type face for the name..
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	891 x 250
OWNER SECTION	
NAME	THE FREECYCLE NETWORK
STREET	901 NORTH PERRY AVENUE
CITY	TUCSON
STATE	AZ
ZIP/POSTAL CODE	85705
COUNTRY	United States
PHONE	520-631-2171
FAX	

EMAIL	deron@freecycle.org
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Arizona
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	042
DESCRIPTION	DESIGN, CREATION, HOSTING AND MAINTENANCE OF A FREE WEBSITE THAT PROVIDES OTHERS WITH A GLOBAL INTERNET BASED SYSTEM OF GIVING AND RECEIVING PERSONAL PROPERTY FOR FREE
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/01/2003
FIRST USE IN COMMERCE DATE	At least as early as 05/01/2003
SPECIMEN FILE NAME(S)	\\tircs\EXPORT11\IMAGEOUT 11\784\751\78475113.xml\APP0003.JPG
SPECIMEN DESCRIPTION	HOMEPAGE FOR WEBSITE FREECYCLE.ORG
SIGNATURE SECTION	
SIGNATURE	/John C. Lacy/
SIGNATORY NAME	John C. Lacy
SIGNATORY DATE	08/27/2004
SIGNATORY POSITION	Attorney
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
ATTORNEY	
NAME	JOHN C. LACY
FIRM NAME	DeCONCINI McDONALD YETWIN & LACY, P.C.
INTERNAL ADDRESS	#200
STREET	2525 EAST BROADWAY
CITY	TUCSON
STATE	AZ
ZIP/POSTAL CODE	85716
COUNTRY	United States
PHONE	520-322-5000
FAX	520 322 5585

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

PDF Form 478 (Rev. 12-05)

OMB No. 0051-0099 (Exp. 03/31/2004)

Trademark/Service Mark Application, Principal Register

Serial Number: 78475113

Filing Date: 08/27/2004

To the Commissioner for Trademarks:

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

The literal element of the mark consists of FREECYCLE.

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

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

the strings. Four black lines, suggesting strings, begin above the sound hole and stop below the bridge. The body of the guitar projects above the name approximately the same width as the type face for the name..

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

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

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

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

Specimen - 1

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

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

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

Declaration

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

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

Signatory's Name: John C. Lacy

Signatory's Position: Attorney

Mailing Address:

JOHN C. LACY

#200

2525 EAST BROADWAY

TUCSON, AZ 85716

RAM Sale Number: 320

RAM Accounting Date: 08/30/2004

Serial Number: 78475113

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

TEAS Stamp: USPTO/BAS-20616920282-200408271740022135

51-78475113-2004e31ac8bdab84df68ea03f888

eca601d-CC-320-20040827173421319417



Changing the world one gift at a time.

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

[Make a Donation](#)

Freecycle Groups:

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

Newest Freecycles

- Cedar Springs
- Waterford
- Howard County

Biggest Freecycles

- freecycleportland(8263)
- AustinFreecycle(5542)
- freecycleanewyorkcity(5381)
- chicagoFreecycle(5354)
- DFWFreecycle(5042)
- grfreecycle(4703)
- FreecycleDC(4596)
- FreecycleSeattle(3711)

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

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



1658486

THE COUNTER:

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

Welcome!

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

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

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

How does Freecycling work?

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

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

Who can Freecycle?

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

Freecycle Network

Freecycling the Alphabet!

- (08/18)
- ...slow the flow of trash (08/17)
- What is freecycle? (08/14)
- News Channel 10 - Freecycle... (08/13)
- FREE market rules (08/12)
- Free for all (08/11)

Sign Up!

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

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

What information is on this website

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

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

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



freecycle

The word "freecycle" is rendered in a stylized, bold, sans-serif font. The letter 'r' is a standard lowercase letter. The first 'e' is replaced by a bicycle, with the front wheel forming the left curve and the rear wheel forming the right curve. The 'c' is a standard lowercase letter. The second 'e' is replaced by a key, with the top of the key forming the left curve and the shaft forming the right curve. The final 'e' is a standard lowercase letter. The entire word is filled with a halftone dot pattern.