

EXHIBIT 1

side - 1



NOTICE OF PUBLICATION UNDER §12(a)
MAILING DATE: Dec 28, 2005
PUBLICATION DATE: Jan 17, 2006

The mark identified below will be published in the Official Gazette on Jan 17, 2006. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

SERIAL NUMBER: 78475113
MARK: FREECYCLE
OWNER: THE FREECYCLE NETWORK

side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL
U.S. POSTAGE
PAID

JOHN C LACY
DECONCINI MCDONALD YETWIN & LACY PC
2525 E BROADWAY BLVD STE 200
TUCSON, AZ 85716-5300

DECONCINI MCDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
2525 EAST BROADWAY BOULEVARD • SUITE 200 • TUCSON, ARIZONA 85716-5300
(520) 322-5000 • (520) 322-5585 (Fax)

FAX COVER SHEET

PAGES: 4
(Including this page)

To: Laurie Back

Fax No.: 1-571-273-9245

Telephone No.:

From: Robin E. Barnes, CP

Date: December 21, 2005

Re: The Freecycle Network
OUR MATTER NUMBER: 240145

DOCUMENTS BEING TRANSMITTED:

- Will not be sent
- Will be sent by Federal Express
- Will be sent by regular mail

Attached is a copy of the Request for Express Abandonment that was received by our client this morning, as well as his correspondence with teas@uspto.gov on this issue. Thank you for your assistance and please feel free to contact me should John Lacy not be available.

\\FILES\DOCS\FREE11\240145\FAXCOVER\F13615.DOC

THIS COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY DESTROY IT AND NOTIFY THE SENDER BY TELEPHONE (COLLECT).

- 2 -

PLEASE CALL ROBIN AT (520) 322-5000 IF COMPLETE TRANSMISSION IS NOT RECEIVED.

Barnes, Robin

From: TEAS [TEAS@USPTO.GOV]
Sent: Wednesday, December 21, 2005 10:09 AM
To: Deron Beal
Cc: Barnes, Robin
Subject: RE: Received Your Request for Express Abandonment (Withdrawal) of Application Form for serial number 78475113

Deron Beal,

We are looking into what we can do, now that this form was submitted. We will get back to you today. TEAS

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

From: Deron Beal [mailto:deron@freecycle.org]
Sent: Wednesday, December 21, 2005 10:24 AM
To: TEAS
Cc: Robin Barnes
Subject: Re: Received Your Request for Express Abandonment (Withdrawal) of Application Form for serial number 78475113

To Whom It May Concern:

I absolutely *never* requested any abandonment. An individual is actually threatening me with letters from his lawyer demanding that I do so. To repeat: the below is the work of someone with ill intent and was not done by myself. I am not abandoning my trademark. If you are able to track the IP address of the person who did this, I would be interested in taking legal action against them as what they have done is a criminal offense.

Thank you,

Deron Beal
Board Chair & Executive Director
The Freecycle Network

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

From: teas@uspto.gov
To: deron@freecycle.org
Sent: Wednesday, December 21, 2005 2:41 AM
Subject: Received Your Request for Express Abandonment (Withdrawal) of Application Form for serial number 78475113

We have received your Request for Express Abandonment form below.
Please amend application serial number(s) 78475113 as follows:

PTO Form 2202 (Rev 09/04)
OMB Control #0651-0009 (Exp. 09/30/2005)

Request for Express Abandonment

The table below presents the data as entered.

- 3 -

Input Field	Entered
-------------	---------

SERIAL NUMBER	78475113
LAW OFFICE ASSIGNED	LAW OFFICE 102
PUBLISH FOR OPPOSITION DATE	00/00/0000
MARK SECTION	
MARK	FREECYCLE (stylized and/or with design)
REQUEST FOR EXPRESS ABANDONMENT SECTION	
STATEMENT	The applicant hereby expressly abandons the application for trademark registration made under the serial number identified above.
SIGNATURE SECTION	
SIGNATURE	/deron beal/
SIGNATORY NAME	deron beal
SIGNATORY DATE	12/21/2005
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Dec 21 04:41:55 EST 2005
TEAS STAMP	USPTO/REA-65.4.143.194-20 051221044155916981-784751 13-250af5c3b231ff27795fb5 8d0e1ec43cfcc-N/A-N/A-200 51221044053436023

TEAS XML SUBMISSION

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- 4 -

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registration made under the serial number identified above. Except as provided in 37 C.F.R Section 2.135 (concerning
commencement of an opposition, concurrent use, or interference proceeding), the fact that an application has been
expressly abandoned shall not, in any proceeding in the United State Patent and Trademark Office, affect any right th
the applicant may have in the mark which is the subject of the abandoned application.</boilerplate-text>
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registration made under the serial number identified above. Except as provided in 37 C.F.R Section 2.135 (concerning
commencement of an opposition, concurrent use, or interference proceeding), the fact that an application has been
expressly abandoned shall not, in any proceeding in the United State Patent and Trademark Office, affect any right th
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<reply-email>deron@freecycle.org</reply-email>
</filing>
</uspto-tm-document>

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Thank you,

The TEAS support team
Wed Dec 21 04:41:56 EST 2005
STAMP: USPTO/REA-65.4.143.194-20051221044155916981-78475113-250af5c3b231ff27795fb58d0e1ec43cfcc-N/A-N/A-
20051221044053436023

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.371 / Virus Database: 267.14.1/207 - Release Date: 12/19/2005

To: THE FREECYCLE NETWORK (jlacy@dmyl.com)
Subject: TRADEMARK APPLICATION NO. 78475113 - FREECYCLE - N/A
Sent: 11/22/05 3:52:08 PM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/475113

APPLICANT: THE FREECYCLE NETWORK

78475113

CORRESPONDENT ADDRESS:

JOHN C. LACY
DECONCINI MCDONALD YETWIN & LACY, P.C.
2525 E BROADWAY BLVD STE 200
TUCSON, AZ 85716-5300

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words
"Box Responses - No Fee."

MARK: FREECYCLE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

jlacy@dmyl.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 78/475113

EXAMINER'S AMENDMENT

ADVISORY – AMENDMENTS TO GOODS/SERVICES: If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

AMENDMENT AUTHORIZED: As authorized by Mr. John C. Lacy on November 22, 2005, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

Identification of Services

The identification of services has been amended as follows. TMEP §1402.01

Providing a website which features advertisements for giving and receiving of free property of others on a global computer network, in INTERNATIONAL CLASS 35.

If applicant has questions about its application or needs assistance, please contact the assigned trademark examining attorney directly at the number below.

/Giselle M. Agosto/

Giselle M. Agosto

Trademark Examining Attorney

Law Office 102

Phone: (571) 272-5868

Fax: (571) 273-9102

To: THE FREECYCLE NETWORK (jlacy@dmyl.com)
Subject: TRADEMARK APPLICATION NO. 78475113 - FREECYCLE - N/A
Sent: 11/10/05 11:02:44 AM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/475113

APPLICANT: THE FREECYCLE NETWORK

78475113

CORRESPONDENT ADDRESS:

JOHN C. LACY
DECONCINI MCDONALD YETWIN & LACY, P.C.
2525 E BROADWAY BLVD STE 200
TUCSON, AZ 85716-5300

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: FREECYCLE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

jlacy@dmyl.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

PRIORITY ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN SIX-MONTHS OF THE MAILING OR E-MAILING DATE. *If applicant responds to the issues below within two months of the above mailing or e-mailing date, this case will be given priority handling.* (MEP §708.01).

Serial Number 78/475113

The following were discussed in communication with Mr. John C. Lacy on November 3, 2005. Applicant must respond to each requirement raised below.

Identification of Services

Upon further review during the publication stage, the nature of the services provided is unclear. The term “forum” implies a Class 38 service, as in the means for transmission of information. The following is suggested. TMEP §1402.01.

Providing a website which features advertisements for free property of others on a global computer network, in INTERNATIONAL CLASS 35.

Please note that, while the identification of goods may be amended to clarify or limit the goods, adding to the goods or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance with identifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

If applicant has questions about its application or needs assistance in responding to this Office Action, please contact the assigned trademark examining attorney directly at the number below.

/Giselle M. Agosto/

Giselle M. Agosto

Trademark Examining Attorney

Law Office 102

Phone: (571) 272-5868

Fax: (571) 273-9102

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond formally using the Office's Trademark Electronic Application System (TEAS) Response to Office Action form (visit <http://www.uspto.gov/teas/index.html> and follow the instructions, but if the Office Action has been issued via email, you must wait 72 hours after receipt of the Office Action to respond via TEAS).
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above and include the serial number, law office number and examining attorney's name in your response.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

NOTE TO THE FILE

SERIAL NUMBER: 78475113

DATE: 11/03/2005

NAME: gagosto

NOTE:

Checked LEXIS/NEXIS

Searched internet using [insert search engine or web site]

Checked with Law Library re surname.

Checked geographic significance.

Checked with translations branch.

Checked ID with ID/Class

Checked ID with Senior Attorney/Managing Attorney

Telephoned attorney/applicant leaving message re: _____

Telephoned attorney/applicant, application was signed on ____

Personal interview conducted with attorney/applicant re _____

Attorney/applicant called to discuss the withdrawal of pub and an amendment to the identification of services.

__ Bulky specimens with examiner.

__ Acronym website searched.

__ Changed Tradeups to add. _____

__ Changed Tradeups to delete. _____

__ OTHER (insert reason for Note)

To: THE FREECYCLE NETWORK (jlacy@dmyl.com)
Subject: TRADEMARK APPLICATION NO. 78475113 - FREECYCLE - N/A
Sent: 9/20/05 2:35:43 PM
Sent As: ECOM102@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/475113

APPLICANT: THE FREECYCLE NETWORK

78475113

CORRESPONDENT ADDRESS:

JOHN C. LACY
 DECONCINI MCDONALD YETWIN & LACY, P.C.
 2525 E BROADWAY BLVD STE 200
 TUCSON, AZ 85716-5300

RETURN ADDRESS:

Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words
 "Box Responses - No Fee."

MARK: FREECYCLE

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

jlacy@dmyl.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 78/475113

EXAMINER'S AMENDMENT

ADVISORY – AMENDMENTS TO GOODS/SERVICES: If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

AMENDMENTS AUTHORIZED: As authorized by Mr. John C. Lacy on September 20, 2005, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

Status

The application has been removed from suspension since the prior pending application cited has since been abandoned. Please also note that the specimen of record is acceptable.

Identification of Services

The identification of services has been amended as follows. TMEP §§1402.01.

Providing a free website for others featuring a global Internet based forum for giving and receiving property for free, in INTERNATIONAL CLASS 35.

If applicant has questions about its application or needs assistance, please contact the assigned trademark examining attorney directly at the number below.

/Giselle M. Agosto/

Giselle M. Agosto

Trademark Examining Attorney

Law Office 102

Phone: (571) 272-5868

Fax: (571) 273-9102

NOTE TO THE FILE

SERIAL NUMBER: 78475113

DATE: 09/20/2005

NAME: gagosto

NOTE:

Checked LEXIS/NEXIS

Searched internet using [insert search engine or web site]

Checked with Law Library re surname.

Checked geographic significance.

Checked with translations branch.

Checked ID with ID/Class

Checked ID with Senior Attorney/Managing Attorney

Telephoned attorney/applicant re: identification of services, classification and specimen

Telephoned attorney/applicant, application was signed on ____

Personal interview conducted with attorney/applicant re _____

Attorney/applicant called to discuss _____

__ Bulky specimens with examiner.

__ Acronym website searched.

__ Changed Tradeups to add. _____

__ Changed Tradeups to delete. _____

; OTHER (insert reason for Note)

'PA cited in original Office Action (US Reg. No. 78/415420) has been abandoned. Application is out of suspension.

US Form 1957 (Rev. 8/2005)
 MD Control #0651-0050 (Exp. 04/30/2006)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78475113
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
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	05/01/2003
FIRST USE IN COMMERCE DATE	05/01/2003
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	042
DESCRIPTION	
DESIGN, CREATION, HOSTING AND MAINTENANCE OF A FREE WEBSITE FOR OTHERS CONSISTING OF A GLOBAL INTERNET BASED SYSTEM OF GIVING AND RECEIVING PERSONAL PROPERTY FOR FREE	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	05/01/2003
FIRST USE IN COMMERCE DATE	05/01/2003
STATEMENT TYPE	The substitute specimen(s) was in use in commerce as of the filing date of the application.
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT9\IMAGEOUT9\784\751\78475113\xml\ROA0002.JPG
SPECIMEN DESCRIPTION	Company Letterhead
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	The prior pending Application Serial No. 78/415420 has been abandoned as shown in the Notice from the US PTO dated August 20, 2005, therefore, the Notice of Suspension shown in your office action dated June 15, 2005 can be terminated and our application reinstated.
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Deron Beal/
SIGNATORY NAME	Deron Beal
SIGNATORY POSITION	Exec. Dir. and Board Chair
SIGNATURE DATE	09/13/2005

RESPONSE SIGNATURE	/John C. Lacy/
SIGNATORY NAME	John C. Lacy
SIGNATORY POSITION	Attorney
SIGNATURE DATE	09/13/2005
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Sep 13 18:43:45 EDT 2005
TEAS STAMP	USPTO/OA-20616920286-2005 0913184345297341-78475113 -20098b2f373d976fb1b23340 24c02fc79c-N-N-2005091318 3129452124

FO Form 1957 (Rev. 8/2005)

MB Control #0651-0050 (Exp. 04/30/2006)

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **78475113** is amended as follows:

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 042 for 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

Original Filing Basis: 1(a).

Proposed: Class 042 for DESIGN, CREATION, HOSTING AND MAINTENANCE OF A FREE WEBSITE FOR OTHERS CONSISTING OF A GLOBAL INTERNET BASED SYSTEM OF GIVING AND RECEIVING PERSONAL PROPERTY FOR FREE

Section 1(a), Use in Commerce: 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.

Applicant hereby submits a specimen for Class 042.

The specimen(s) submitted consists of Company Letterhead.

For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."

Specimen-1

Additional Statements

The prior pending Application Serial No. 78/415420 has been abandoned as shown in the Notice from the US PTO dated August 20, 2005, therefore, the Notice of Suspension shown in your office action dated June 15, 2005 can be terminated and our application reinstated.

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). 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. §1001, and that such willful false statements 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. §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

ause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /Deron Beal/ Date: 09/13/2005

Signatory's Name: Deron Beal

Signatory's Position: Exec. Dir. and Board Chair

Response Signature

Signature: /John C. Lacy/ Date: 09/13/2005

Signatory's Name: John C. Lacy

Signatory's Position: Attorney

Serial Number: 78475113

Internet Transmission Date: Tue Sep 13 18:43:45 EDT 2005

TEAS Stamp: USPTO/OA-20616920286-2005091318434529734

-78475113-20098b2f373d976fb1b2334024c02

c79c-N-N-20050913183129452124



PO Box 294 • Tucson, Arizona 85702 • T/F (520) 867-6935 • E info@freecycle.org • www.freecycle.org



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