

**To:** THE FREECYCLE NETWORK ([jlacy@dmyl.com](mailto:jlacy@dmyl.com))  
**Subject:** TRADEMARK APPLICATION NO. 78475113 - FREECYCLE - N/A  
**Sent:** 6/15/05 4:46:09 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](mailto: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.

Serial Number 78/475113

**NOTICE OF SUSPENSION**

The examining attorney maintains that action on this application is suspended pending the final disposition of:

- Application Serial No(s). **78415420**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application, the latter and when it registers, may be cited against this application. See 37 C.F.R. §2.83. A copy of information relevant to this pending application was previously sent. The applicant may request that the application be removed from suspension by presenting arguments related to the potential conflict between the relevant applications or other arguments related to the ground for suspension. The applicant's election to present or not to present arguments at this time will not affect the applicant's right to present arguments later.

The amendment to the color description is acceptable.

However, the examining attorney maintains its requirements for an amendment to the identification of services and the requirement for a substitute specimen showing use of the mark in association with the services identified in the application.

#### **NOTICE: FEE CHANGE**

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

(1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS) or

(2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

#### **NOTICE: TRADEMARK OPERATION RELOCATION**

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

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

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

/Giselle M. Agosto/

Giselle M. Agosto

Trademark Examining Attorney

Law Office 102

Phone: (571) 272-5868

Fax: (571) 273-9102

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

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	78475113
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (no change)</b>	
<b>ADDITIONAL STATEMENTS SECTION</b>	
MISCELLANEOUS STATEMENT	SEE ATTACHED CORRESPONDENCE
MISCELLANEOUS FILE NAME(S)	\\TICRS\EXPORT10\IMAGEOUT 10\784\751\78475113\xml1\ROA0002.JPG
	\\TICRS\EXPORT10\IMAGEOUT 10\784\751\78475113\xml1\ROA0003.JPG
	\\TICRS\EXPORT10\IMAGEOUT 10\784\751\78475113\xml1\ROA0004.JPG
	\\TICRS\EXPORT10\IMAGEOUT 10\784\751\78475113\xml1\ROA0005.JPG
	\\TICRS\EXPORT10\IMAGEOUT 10\784\751\78475113\xml1\ROA0006.JPG
	\\TICRS\EXPORT10\IMAGEOUT 10\784\751\78475113\xml1\ROA0007.JPG
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/John C. Lacy/
SIGNATORY NAME	John C. Lacy
SIGNATORY POSITION	Attorney
SIGNATURE DATE	04/25/2005
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Mon Apr 25 18:03:06 EDT 2005
TEAS STAMP	USPTO/OA-20616920286-2005 0425180306956257-78475113 -200d437fe463810bd926e199 d0642d7b32-N-N-2005042517 4832315568

EO 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:

- 25 -

**Additional Statements**

SEE ATTACHED CORRESPONDENCE

- Miscellaneous Statement-1
- Miscellaneous Statement-2
- Miscellaneous Statement-3
- Miscellaneous Statement-4
- Miscellaneous Statement-5
- Miscellaneous Statement-6

**Response Signature**

Signature: /John C. Lacy/ Date: 04/25/2005

Signatory's Name: John C. Lacy

Signatory's Position: Attorney

Serial Number: 78475113

Internet Transmission Date: Mon Apr 25 18:03:06 EDT 2005

FEAS Stamp: USPTO/OA-20616920286-2005042518030695625

78475113-200d437fe463810bd926e199d0642

7b32-N-N-20050425174832315568

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)

EVO DeCONCINI (1901-1986)

JOHN R. McDONALD	DENNIS DeCONCINI
RICHARD M. YETWIN	JOHN C. LACY
JOHN C. RICHARDSON	JAMES A. JUTRY
SPENCER A. SMITH	MICHAEL R. URMAN
DENISE M. BAINTON	GARY F. URMAN
WAYNE E. YEHLING	DAVID V. SANDERSON
SHELTON L. FREEMAN	ALAN L. STEIN
ALYCE L. PENNINGTON	LISA ANNE SMITH
NATHAN B. HANNAH	ALICE W. CALLISON
NANCY J. MARCH	ALAN N. ARIAV
IRA M. SCHWARTZ	MICHAEL A. CORDIER
HEATHER K. GAINES	SHEFALI MILCZAREK-DESAI
STACY RUPPRECHT BUTLER	SARAH LYNN TOWNSEND
MICHAEL E. NEUMANN	

7301 N. 16TH STREET, SUITE 330  
PHOENIX, ARIZONA 85020  
(602) 282-0500  
FAX (602) 282-0520

19 WEST BIRCH AVENUE  
FLAGSTAFF, ARIZONA 86001  
(928) 214-0466  
FAX: (928) 214-6212

517 'C' STREET, NE  
WASHINGTON, D.C. 20002-7307  
(202) 546-6900  
FAX: (202) 543-5044

RICHARD C. KATZ - OF COUNSEL  
SARA J. VANCE - OF COUNSEL

April 13, 2005

www.deconcinimcdonald.com  
PLEASE REPLY TO TUCSON  
jlacy@dmyl.com

**EMAIL TRANSMISSION**

Giselle M. Agosta  
Trademark Examining Attorney  
U.S. Patent and Trademark Office  
Law Office 102  
P.O. Box 1451  
Alexandria, VA 22313-1451

RE: **Application for Service Mark, Serial No. 78/475113 ("Freecycle")**

Dear Ms. Agosta:

Thank you for your prompt review and response to our Application for a Service Mark for "Freecycle." In response to your first office action dated March 30, 2005, I am submitting the following information and request for additional clarification:

1. Prior Pending Application - The Applicant, The Freecycle Network, is aware of the Application Serial No. 78/415420 as filed by New Media Worlds, Inc. on May 7, 2004. As shown in the attached documents, we have sent a letter to New Media World, Inc. requesting that they withdrawal their Application and discontinue their claim to the future use of the name "freecycle." We have also submitted a letter to Ms. Priscilla Milton, Trademark Examining Attorney in your office, notifying her of our prior claim to the usage of the name "freecycle."

2. Recitation of Services - Your action states that the identification of services in our Application was indefinite because we did not specify that the services are performed for the benefit of others. We are happy to revise our language as suggested, but would like to point out that our Application describes our services as the "Design, creation, hosting and maintenance of a free website that provides others with a global internet system of giving and receiving personal property for free." I will appreciate your revisiting the recitation of services included in our Application to verify that we need to revise the language as suggested.

DECONCINI McDONALD YETWIN & LACY

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

Giselle M. Agosta  
April 13, 2005  
Page 2

3. Specimen is Unacceptable – It is our belief that the specimen submitted is in fact being used in commerce, specifically as point out in your letter, on the website www.freecycle.org. This website has been designed, created and is maintained by the Applicant and includes more than an online trading service for others to share and trade free items. The website, among other things, also hosts and links the public and members of The Freecycle Network to various local groups who engage in giving and receiving of personal property.

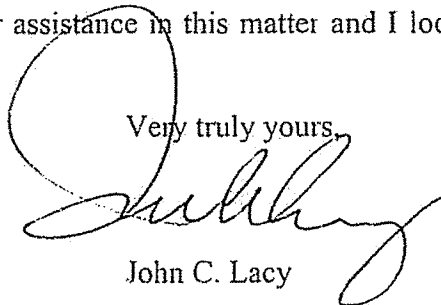
Alternatively, any additional clarification you can give me relating to how the mark is unacceptable evidence of its use in relations to the “computer service of designing, creating, hosting and maintaining a website for others” would be greatly appreciated.

4. Clarification of the Color Claim and Description – Please amend the description of the mark as submitted in our Application to the following language:

The mark consists of the word “freecycle” in green with a slight black shadow around the edges of the letter. The wheels and frame of the bicycle are tan and outlined in black. The guitar forms the letter “l” of the word “freecycle.” The guitar headstock and fretboard are black with two white stripes suggesting strings. 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 a yellow 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.

Thank you for your assistance in this matter and I look forward to hearing from you.

Very truly yours,



John C. Lacy

reb

c: Deron Beal

I:\FILES\DOCS\FREE1\240145\LTR\EB6807.DOC

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)

EVO DeCONCINI (1901-1986)

JOHN R. McDONALD	DENNIS DeCONCINI
RICHARD M. YETWIN	JOHN C. LACY
JOHN C. RICHARDSON	JAMES A. JUTRY
SPENCER A. SMITH	MICHAEL R. URMAN
DENISE M. BAINTON	GARY F. URMAN
WAYNE E. YEHLING	DAVID V. SANDERSON
SHELTON L. FREEMAN	ALAN L. STEIN
ALYCE L. PENNINGTON	LISA ANNE SMITH
NATHAN B. HANNAH	ALICE W. CALLISON
NANCY J. MARCH	ALAN N. ARIAV
IRA M. SCHWARTZ	MICHAEL A. CORDIER
HEATHER K. GAINES	SHEFALI MILCZAREK-DESAI
STACY RUPPRECHT-BUTLER	SARAH LYNN TOWNSEND
MICHAEL E. NEUMANN	

2025 NORTH THIRD STREET, SUITE 230  
PHOENIX, ARIZONA 85004-1472  
(602) 282-0500  
FAX: (602) 282-0520

19 WEST BIRCH AVENUE  
FLAGSTAFF, ARIZONA 86001  
(928) 214-0465  
FAX: (928) 214-6212

517 "C" STREET, NE  
WASHINGTON, D.C. 20002-7307  
(202) 546-6900  
FAX: (202) 543-6044

www.deconcinimcdonald.com

January 21, 2005

RICHARD C. KATZ - OF COUNSEL  
SARA J. VANCE - OF COUNSEL

PLEASE REPLY TO TUCSON

**via CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Priscilla Milton, Esq.  
c/o Commissioner for Trademarks  
2900 Crystal Drive  
M10-TMO Law Office 110  
Arlington, VA 22202-3514

Re: Serial Number 78415420 by New Media Worlds, Inc.

Dear Ms. Milton:

This law firm represents The Freecycle Network, an Arizona nonprofit corporation. On August 27, 2004, this office filed a Trademark/Service Mark Application ("Application") with the U.S. Patent and Trademark Office ("US PTO") for the federal registration of the service mark "Freecycle" (Serial No. 78475113). The Freecycle Network has utilized its service mark, locally, nationally and internationally, in commerce, since May 2003. In a search of the name "Freecycle" on the US PTO website, we found that another organization, New Media Worlds, Inc., had filed an Application for the future use of the same name and services on May 7, 2004. Specifically, New Media Worlds, Inc. claims its future services will be to "offer online service where users are able to give items away for free that they no longer need." On August 9, 2004, we sent a letter to New Media Worlds, Inc. notifying them of our client's prior right to the name "Freecycle" for the purpose of supplying the online service as described above. We requested that New Media Worlds, Inc. withdrawal their Application as filed with the U.S. PTO. It is our understanding that New Media World, Inc. is continuing to pursue the registration of the "Freecycle" service mark with the US PTO as well as the development of their website to offer services utilizing the Freecycle name.

Please allow this letter to serve as a notification to you of our Application with the US PTO under Serial No. 78475113 and a protest of the Application filed by New Media Worlds, Inc. to register the future use of the service mark "Freecycle" under Serial No. 78415420.

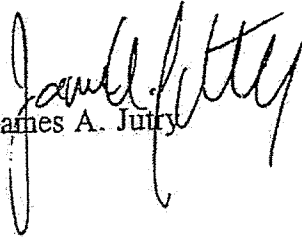


DeCONCINI McDONALD YETWIN & LACY  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

January 21, 2005  
Page 2

Thank you for your assistance in this matter and please feel free to contact me with any questions or concerns.

Sincerely,

  
James A. Jury

enclosure

c. w/out enc. Deron Beal

I:\files\docs\FREE11\240145\LTRIE42375 WPD

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)

EVO DeCONCINI (1901-1986)

JOHN R. McDONALD	DENNIS DeCONCINI
RICHARD M. YETWIN	JOHN C. LACY
JOHN C. RICHARDSON	JAMES A. JUTRY
SPENCER A. SMITH	MICHAEL R. URMAN
DENISE M. BAINTON	GARY F. URMAN
WAYNE E. YEHLING	DAVID V. SANDERSON
SHELTON L. FREEMAN	ALAN L. STEIN
JEFFREY R. SIMMONS	ALYCE L. PENNINGTON
LISA ANNE SMITH	NATHAN B. HANNAH
ALICE W. CALLISON	HEATHER K. GAINES
NANCY J. MARCH	SHEFALI MILCZAREK-DESAI
ALAN N. ARIAV	STACY RUPPRECHT BUTLER
SARAH LYNN TOWNSEND	

2025 NORTH THIRD STREET, SUITE 230  
PHOENIX, ARIZONA 85004-1472  
(602) 282-0500  
FAX: (602) 282-0520

19 WEST BIRCH AVENUE  
FLAGSTAFF, ARIZONA 86001  
(928) 214-0466  
FAX: (928) 214-6212

517 "C" STREET, NE  
WASHINGTON, D.C. 20002-7307  
(202) 546-6900  
FAX: (202) 543-5044

www.deconcinimcdonald.com

PLEASE REPLY TO TUCSON

August 9, 2004

RICHARD C. KATZ - OF COUNSEL  
SARA J. VANCE - OF COUNSEL

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**and FIRST CLASS MAIL**

Messrs. Santiago Borja and Jamie L. Borja  
New Media Worlds, Inc.  
7479 21st Street North  
St. Petersburg, FL 33702

Re: Application for federal service mark

Messrs. Borja:

This law firm represents The Freecycle Network, an Arizona nonprofit corporation, that has coordinated and operated a website utilizing the name "Freecycle" since at least May of 2003. It has recently been brought to our attention that New Media Worlds, Inc. filed a Trademark/Service Mark Application ("Application") with the U.S. Patent and Trade Mark Office ("US PTO") on or about May 7, 2004, to register for future use of the word "Freecycle." In the Application, the future services to be offered are described as "an online service where users are able to give items away for free that they no longer need." Please be advised that our client has the exclusive right to utilize the name "Freecycle" in the manner described in the Application. In particular, our client has used the word "Freecycle" for at least the last 15 months to specifically describe its on-line service where users may give away items which are no longer needed.

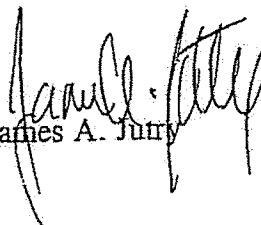
Please withdraw your Application for Trade Mark as filed with the US PTO for the future use of the word "Freecycle" within fifteen (15) days of receipt of this letter and advise the undersigned, in writing, of such withdrawal. Should you choose not to withdraw your Application, this office will oppose your registration of the mark "Freecycle" with the US PTO and pursue all other legal remedies to ensure our clients exclusive right to the use of the word "Freecycle" is preserved.

DECONCINI McDONALD YETWIN & LACY  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

August 9, 2004  
Page 2

Should you desire to discuss this matter further, please feel free to contact the undersigned or Robin E. Barnes at the above Tucson, Arizona telephone number.

Sincerely,



James A. Jury

c. The Freecycle Network

I:\files\docs\FREE11\240145\LTR\DM1617.WPD

**To:** THE FREECYCLE NETWORK ([jlacy@dmyl.com](mailto:jlacy@dmyl.com))

**Subject:** TRADEMARK APPLICATION NO. 78475113 - FREECYCLE - N/A

**Sent:** 3/30/05 1:51:54 PM

**Sent As:** ECOM102@USPTO.GOV

**Attachments:** Attachment - 1  
Attachment - 2

**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](mailto: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.

**FIRST OFFICE ACTION**

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/475113

The assigned trademark examining attorney has reviewed the referenced application and has determined the following.

**PRIOR PENDING APPLICATION**

Information is enclosed concerning pending Application Serial No. 78/415420. Although the Office records have been searched and no similar *registered* mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), there may be a likelihood of confusion under Section 2(d) of the Act between applicant's mark and the mark FREECYCLE in the above noted application. The filing date of the referenced application precedes applicant's filing date. If the earlier-filed application registers, registration may be refused under Section 2(d). 37 C.F.R. §2.83.

**RECITATION OF SERVICES**

The wording in the identification of services is indefinite. Applicant must specify that the services are performed for the benefit of others. TMEP 1301.01(a)(ii). Applicant may change this wording to the following, if accurate. TMEP §1402.01.

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, in **International Class 42**.

**SPECIMEN IS UNACCEPTABLE**

The current specimen of record consists of applicant's website itself that others can access. As such, the specimen shows use of the mark in connection with online trading services for others to share and trade free items. The specimen does not show the mark being used in connection with the services identified in the application, namely, the computer service of designing, creating, hosting and maintaining a website for others. Accordingly, the specimen is unacceptable as evidence of actual service mark use in relation to the identified services.

Applicant must submit (1) a substitute specimen showing the mark as it is used in commerce in the sale or advertising of the services, and (2) a statement that "the substitute specimen was in use in commerce at least as early as the filing date of the application," verified with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §§2.56 and 2.59(a); TMEP §904.09.

The following is a sample declaration under 37 C.F.R. §2.20 with a supporting statement for a substitute specimen:

*The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares that the substitute specimen was in use in commerce at least as early as the filing date of the application; all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.*

---

*(Signature)*

---

*(Print or Type Name and Position)*

---

*(Date)*

If applicant submits a response via electronic means, please note that the substitute specimen must be a digitized image submitted in .jpg format. 37 C.F.R. §2.56(d)(4).

If an amendment of the dates of use clause is necessary in order to state the correct dates of first use, then applicant must verify the amendment with a notarized affidavit or a signed declaration in accordance with 37 C.F.R. §2.20. 37 C.F.R. §2.71(c).

If the applicant cannot comply with the requirement for specimens for the Section 1(a) basis asserted, the applicant may substitute a different basis for filing if the applicant can meet the requirements for the new basis. See TMEP §§806.03 *et seq.* In this case, the applicant may wish to amend the application to assert a Section 1(b) basis. If the applicant chooses to amend to a Section 1(b) basis, the applicant must submit the following statement:

*Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application since the filing date of the application.*

Trademark Act Section 1(b), 15 U.S.C. § 1051(b). This statement must be verified with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20. Trademark Act Section 1(b), 15 U.S.C. §1051(b); 37 C.F.R. §2.34(a)(2); TMEP §§806.01(b) and 804.02.

Pending an adequate response to the above, registration is refused because the specimen of record does not show use of the proposed mark as a service mark in connection with the goods identified in the application. Trademark Act Sections 1, 3 and 45, 15 U.S.C. §§1051, 1053 and 1127; TMEP §§904.11 and 1301.02 *et seq.*

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration. If the applicant chooses to respond to the refusal, the applicant must also respond to the following issue.

**CLARIFICATION OF THE COLOR CLAIM AND DESCRIPTION**

In the present case, applicant claims the colors green, tan, black, orange and yellow, however the description of the mark specifies the colors green, tan, black, orange and gold. The colors listed in the color claim must match the colors listed in the description of the mark. Also, there is some self-evident information that should be deleted from the description. Finally, applicant must delete from the description the term "RAVIE" because it is a registered trademark for a font (U.S. Registration No. 2253373).

The following color description is suggested:

The mark consists of the word "freecycle" in green with a slight black shadow around the edges of the letter. The wheels and frame of the bicycle are tan and outlined in black. The guitar forms the letter "l" of the word "freecycle." The guitar headstock and fretboard are black with two white stripes suggesting strings. 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 guitar body is orange with a yellow 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.

If applicant has any questions or needs assistance in responding to this Office Action, please contact the assigned trademark examining attorney.

**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 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.

/Giselle M. Agosto/

Giselle M. Agosto

Trademark Examining Attorney

Law Office 102

Phone: (571) 272-5868

Fax: (571) 273-9102

**NOTICE: FEE CHANGE**

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

- (1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS);  
or
- (2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

**NOTICE: TRADEMARK OPERATION RELOCATION**

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

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

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

**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>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**





**Print: Mar 29, 2005**

**78415420**

**DESIGN MARK**

**Serial Number**

78415420

**Status**

NON-FINAL ACTION - MAILED

**Word Mark**

FREECYCLE

**Standard Character Mark**

No

**Type of Mark**

SERVICE MARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Owner**

New Media Worlds, Inc. CORPORATION FLORIDA P.O. Box 21382 St.  
Petersburg FLORIDA 33742

**Goods/Services**

Class Status -- ACTIVE. IC 042. US 100 101. G & S: An online  
service where users are able to give items away for free that they no  
longer need.

**Filing Date**

2004/05/07

**Examining Attorney**

MILTON, PRISCILLA

***Freecycle***

\*\* User:gagosto \*\*\*

	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
1	1108	N/A	0	0	0:01	220106[DC]
2	0	0	0	0	0:01	27305[dc]
3	23702	N/A	0	0	0:01	270305[dc]
4	37	0	34	34	0:01	1 and 3 not dead[ld]
5	53174	N/A	0	0	1:30	* {"fh"}r{"ei"}*[bi,ti]
6	22	19	3	1	1:38	* {"sezx"} {"iy"} {"ckqx"}l[bi,ti]
7	0	0	0	0	0:01	5 and 6 not dead[ld]

session started 3/30/05 10:07:05 AM  
 session finished 3/30/05 10:14:28 AM  
 total search duration 3 minutes 13 seconds  
 session duration 7 minutes 23 seconds  
 default NEAR limit=1ADJ limit=1  
 sent to TICRS as Serial Number: 78475113

\*\* User:gagosto \*\*\*

	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
1	39965	N/A	0	0	0:01	*fr{"ei"}*[bi,ti]
2	6192	N/A	0	0	0:07	*{"sczx"}{"iy"}{"ckqx"}1*[bi,ti]
3	24	0	24	18	0:02	1 and 2 not dead[lid]
4	954	N/A	0	0	0:02	2 and 042 not dead[lid]
5	1	0	1	1	0:01	180301[DC] and 220106[DC] and 042[cc] not dead[lid]
6	1	0	1	1	0:02	180301[DC] and 220106[DC] not dead[lid]
7	10	0	10	10	0:01	1 and 180301[dc] not dead[lid]
8	7	0	7	7	0:01	1 and 220106[dc] not dead[lid]
9	1	0	1	1	0:01	2 and 220106[dc] not dead[lid]
0	29	0	27	27	0:02	2 and 180301[dc] not dead[lid]

session started 3/29/05 5:54:40 PM  
 session finished 3/29/05 6:01:44 PM  
 total search duration 0 minutes 20 seconds  
 session duration 7 minutes 4 seconds  
 default NEAR limit=1ADJ limit=1  
 sent to TIGRS as Serial Number: 78475113





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)
- freecyclenewyorkcity(5391)
- cnicagorfreecycle(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!

- 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 ~~site~~, you will be taken to the website of your freecycle group. If you click ~~join~~, 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.

TO Form 1475 (Rev. 02/00/01)  
 MB No. 0651-0909 (Esp. 02/00/01)

## 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
<b>MARK SECTION</b>	
MARK FILE NAME	\\tlicrs\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 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..
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	891 x 250
<b>OWNER SECTION</b>	
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
<b>LEGAL ENTITY SECTION</b>	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Arizona
<b>GOODS AND/OR SERVICES SECTION</b>	
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)	\\ticts\EXPORT11\IMAGEOUT 11\784\751\78475113\xml1\APP0003.JPG
SPECIMEN DESCRIPTION	HOMEPAGE FOR WEBSITE FREECYCLE.ORG
<b>SIGNATURE SECTION</b>	
SIGNATURE	/John C. Lacy/
SIGNATORY NAME	John C. Lacy
SIGNATORY DATE	08/27/2004
SIGNATORY POSITION	Attorney
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
<b>ATTORNEY</b>	
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
<b>CORRESPONDENCE SECTION</b>	
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
<b>FILING INFORMATION</b>	
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

FD Form 1475 (Rev. 6/2005)  
MB No. 0651-0699 (Exp. 12/31/05)

### 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 Ravie (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

he 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

USAM Sale Number: 320

USAM Accounting Date: 08/30/2004

Serial Number: 78475113

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

FEAS Stamp: USPTO/BAS-20616920282-200408271740022135

ID-1-78475113-2004e31ac8bdab84df68ea03f888

ca601d-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)
- freecyclenewyorkcity(5391)
- cnicagofreecycle(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 Freecyclin'!

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!

- 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 ~~GO~~, you will be taken to the website of your freecycle group. If you click ~~LINK~~, 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.