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 THE FREECYCLE NETWORK, INC.

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION

13 FREECYCLESUNNYVALE,  
 14 a California unincorporated association,

15 Plaintiff,

16 v.

17 THE FREECYCLE NETWORK,  
 18 an Arizona corporation,

19 Defendant.

CASE NO. C06-00324 CW

STIPULATED REQUEST FOR ORDER  
 CHANGING TIME UNDER CIVIL L.R. 6-2

Before: Honorable Claudia Wilken

20 THE FREECYCLE NETWORK, INC., an  
 21 Arizona Corporation,

22 Counterclaimant,

23 v.

24 FREECYCLESUNNYVALE, a California  
 25 unincorporated association,

26 Counterdefendant.

1 PURSUANT TO CIVIL L.R. 6-2, Defendant The Freecycle Network, Inc. ("The  
2 Freecycle Network") and Plaintiff FreecycleSunnyvale ("FreecycleSunnyvale") respectfully  
3 request this Court to enter an order changing time.

4 **I. INTRODUCTION**

5 The above-captioned lawsuit concerns The Freecycle Network's claim of trademark rights  
6 over the term "freecycle," the phrase "The Freecycle Network," and a stylized logo depicting the  
7 term "freecycle." FreecycleSunnyvale seeks a declaration of non-infringement or, in the  
8 alternative, a declaration that the alleged trademarks are generic or that The Freecycle Network  
9 has engaged in naked licensing. The Freecycle Network has filed counterclaims, alleging  
10 trademark infringement, contributory infringement, and unfair competition under the Lanham  
11 Act, as well as California state-law claims for unfair competition. Counsel for both parties appear  
12 *pro bono*. This Court's Case Management Order presently sets the fact discovery cutoff for  
13 August 3, 2007. *See* Order (April 3, 2007; Document # 65). For the following reasons, The  
14 Freecycle Network and FreecycleSunnyvale respectfully request a ninety (90) day extension of  
15 the fact discovery cutoff for the limited purpose of completing previously noticed depositions,  
16 and all other deadlines in the Case Management Order.

17 **II. REASONS FOR THE REQUESTED ENLARGEMENT OF TIME**

18 The parties' request for an extension of the fact discovery cutoff is limited to the sole  
19 purpose of completing party and non-party depositions previously noticed. Due to witness  
20 unavailability, party and non-party witnesses whose depositions were noticed in advance of the  
21 current discovery cutoff of August 3, 2007, will not be available for deposition prior to August  
22 3rd. Should the Court grant the parties request for a ninety (90) day extension to the current  
23 discovery cutoff, however, the parties have agreed that they will not propound any further written  
24 discovery requests or deposition notices.

25 In addition, assuming that fact discovery will be extended, the other deadlines in this  
26 Court's Case Management Order should be similarly extended by ninety (90) days.

27 **III. DISCLOSURE OF PREVIOUS TIME MODIFICATIONS**

28

1 The parties have previously sought orders modifying time in this case. On June 2, 2006,  
 2 this Court entered an order extending time to complete court-connected mediation in the Northern  
 3 District of California. *See* Order (June 2, 2006; Document # 35). On three subsequent occasions,  
 4 this Court entered orders extending the fact discovery cutoff and related deadlines. *See* Order  
 5 (August 1, 2006; Document #44); Order (October 3, 2006; Document #57); Order (December 22,  
 6 2006; Document # 62); Order (April 3, 2007; Document # 65).

7 **IV. EFFECT OF THE TIME MODIFICATION ON THE SCHEDULE OF THE CASE**

8 The parties attach a proposed order that revises this Court's Case Management Order by  
 9 extending the fact discovery cutoff and all other deadlines by approximately ninety (90) days.  
 10 The following table summarizes the proposed changes to the Case Management Order and to the  
 11 schedule of the case.

Deadlines	Current Cutoff	Proposed Cutoff
Completion of Fact Discovery:	08/03/07	11/01/07
Disclosure of identities and reports of expert witnesses:	09/04/07	12/03/07
Completion of Expert Discovery:	10/01/07	12/31/07
Plaintiff to file dispositive motion(s) and notice for hearing on 2/28/08 at 2:00 p.m.:	10/11/07	01/10/08
Defendant's opposition and any cross motion (contained in one brief):	10/25/07	01/23/08
Plaintiff's reply/opposition:	11/01/07	01/30/08
Surreply:	11/08/07	02/06/07
Further Case Management Conference at 2:00 p.m. and all case-dispositive motions to be heard on or before:	[to be set]	[to be set]
Final Pretrial Conference at 1:30 p.m. on:	[to be set]	[to be set]
A Trial will begin at 8:30 a.m. on:	[to be set]	[to be set]

