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8 Attorneys for Plaintiff
 FREECYCLESUNNYVALE,

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 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT**
 12 **OAKLAND DIVISION**

13 FREECYCLESUNNYVALE,
 a California unincorporated association,

14 Plaintiff,

15 v.

16 THE FREecycle NETWORK,
 an Arizona corporation,

17 Defendant.

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 20 THE FREecycle NETWORK, INC., an
 Arizona Corporation,

21 Counterclaimant,

22 v.

23 FREECYCLESUNNYVALE, a California
 unincorporated association,

24 Counterdefendant.
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Case No. C06-00324 CW

**[PROPOSED] ORDER GRANTING
 SUMMARY ADJUDICATION IN
 FAVOR OF PLAINTIFF
 FREECYCLESUNNUYVALE'S
 REQUEST FOR DECLARATION OF
 NON-INFRINGEMENT AND AGAINST
 COUNTERCLAIMANT THE
 FREecycle NETWORK'S CLAIMS
 FOR TRADEMARK INFRINGEMENT
 AND UNFAIR COMPETITION UNDER
 FED.R.CIV.P. 56**

Date: August 23, 2007
 Time: 2:00 p.m.
 Before: Hon. Claudia Wilken
 Location: Courtroom 2

1 On [date], Plaintiff and Counterdefendant FreecycleSunnyvale's Motion for Summary
2 Adjudication under Fed.R.Civ.P. § 56 came on for hearing before this Court. Having considered
3 all papers filed in support of and in opposition to Plaintiff's Motion, and good cause appearing,
4 the COURT GRANTS the Motion.

5 IT IS HEREBY ORDERED THAT:

6 (1) Plaintiff FreecycleSunnyvale's Motion for Summary Adjudication
7 of Plaintiff's claim seeking a declaration of non-infringement is granted;

8 (2) Counterdefendant FreecycleSunnyvale's Motion for Summary
9 Adjudication of Counterclaimant The Freecycle Network, Inc.'s counterclaim for
10 trademark infringement and contributory trademark infringement under § 43(a) of
11 the Lanham Act is granted, and that counterclaim is dismissed with prejudice;

12 (3) Counterdefendant FreecycleSunnyvale's Motion for Summary
13 Adjudication of Counterclaimant The Freecycle Network, Inc.'s counterclaim for
14 unfair competition under § 43(a) of the Lanham Act is granted, and that
15 counterclaim is dismissed with prejudice;

16 (4) Counterdefendant FreecycleSunnyvale's Motion for Summary
17 Adjudication of Counterclaimant The Freecycle Network, Inc.'s counterclaim for
18 unfair competition under Cal. Bus. & Prof. Code §§ 17200 and 17500 is granted,
19 and that counterclaim is dismissed with prejudice.

20 Dated: _____
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22 _____
23 Honorable Claudia Wilken
24 United States District Court Judge
25 Northern District of California
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