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 8 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.

Case No. C06-00324 CW

**CORRECTED [PROPOSED] ORDER
 GRANTING SUMMARY JUDGMENT,
 OR IN THE ALTERNATIVE,
 SUMMARY ADJUDICATION, ON
 FREECYCLESUNNYVALE'S FIRST
 CLAIM FOR RELIEF AND THE
 FREecycle NETWORK'S
 COUNTERCLAIMS**

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

1 On August 23, 2007, Plaintiff and Counterdefendant FreecycleSunnyvale's Motion for
2 Summary Judgment, or In the Alternative, Summary Adjudication, on FreecycleSunnyvale's
3 First Claim for Relief and The Freecycle Network's Counterclaims came on for hearing before
4 this Court.

5 Having considered all papers filed in support of and in opposition to Plaintiff's Motion,
6 and good cause appearing, THE COURT HEREBY FINDS that there is no genuine issue of
7 material fact that TFN engaged in naked licensing and that, as a matter of law, TFN's naked
8 licensing is dispositive of TFN's trademark claims.

9 THE COURT THEREFORE ENTERS SUMMARY JUDGMENT IN
10 FREECYCLESUNNYVALE'S FAVOR on FreecycleSunnyvale's First Claim for Relief
11 (Declaratory Judgment of Non-Infringement of Trademarks); TFN's [First] Counterclaim for
12 Trademark Infringement under the Lanham Act; TFN's [Second] Counterclaim for Unfair
13 Competition under the Lanham Act; and TFN's [Third] Counterclaim for Unfair Competition
14 under the California Business and Professional [sic] Code.

15 IT IS SO ORDERED.

16 Dated: _____
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18 _____
19 Honorable Claudia Wilken
20 United States District Court Judge
21 Northern District of California
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