

The Freecycle Network, Inc. v. Tim Oey
U.S. District Court
District of Arizona
Exhibit D

Paula
pdspencer@earthlink.com
Be kind to each other.

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Version: 7.0.344 / Virus Database: 267.11.1/104 - Release Date: 9/16/2005

****Step down letter from Paula, the GOA, to Tim.**

----- Original Message -----
From: "Paula" <california@freecycle.org>
To: <oev@post.harvard.edu>
Cc: <deron@freecycle.org>
Sent: Friday, September 16, 2005 12:04 PM
Subject: Trademark Issues

Tim,
>
> As a volunteer representative of The FreecycleT Network you have publicly
> requested that members actively campaign against the organization
> obtaining the Trademark it has filed for. The following are quotes from
> your post:
>
> "The best way to keep freecycle in the public domain is for as many people
> and groups as possible to continue to use the term generically.
>
> If you feel that the term freecycle is generic, you can let the USPTO know
> by sending a letter to:
> Commissioner Of Trademarks" (address followed)
>
> "Yahoo listens to its customers, so if folks complain about groups being
> deleted for use of the term "freecycling" than members/moderators of those
> groups should complain to Yahoo "(email address followed)
>
> This is contrary to the mission of this organization to keep the trademark
> free from external corporate use and solely open to local members of The
> FreecycleT Network. Therefore, I must ask that you step down as the as
> a moderator of the Freecycle Sunnyvale list. I would appreciate your
> cooperation as soon as possible and confirming that you have done so.
>
> Sincerely,
> Paula
>
> All the best,
> Paula

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Exhibit E

- >
 - > Be kind to each other.
 - > www.freecycle.org
 - >
 - > FreecycleT and the FreecycleT logo are trademarks of The FreecycleT
 - > Network in the United States and/or other countries.
 - >
 - > No virus found in this incoming message.
 - > Checked by AVG Anti-Virus.
 - > Version: 7.0.344 / Virus Database: 267.11.1/104 - Release Date: 9/16/2005
-

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

From: "Paula" <california@freecycle.org>

To: <timcafc@oeyweb.com>; <petritim123@yahoo.com>; <timoev@yahoo.com>

Sent: Friday, September 16, 2005 1:30 PM

Subject: Trademark Issues

Tim,

- >
- > As a volunteer representative of The FreecycleT Network you have publicly
- > requested that members actively campaign against the organization
- > obtaining the Trademark it has filed for. The following are quotes from
- > your post:
- >
- > "The best way to keep freecycle in the public domain is for as many people
- > and groups as possible to continue to use the term generically.
- >
- > If you feel that the term freecycle is generic, you can let the USPTO know
- > by sending a letter to:
- > Commissioner Of Trademarks" (address followed)
- >
- > "Yahoo listens to its customers, so if folks complain about groups being
- > deleted for use of the term "freecycling" than members/moderators of those
- > groups should complain to Yahoo "(email address followed)
- >
- > This is contrary to the mission of this organization to keep the trademark
- > free from external corporate use and solely open to local members of The
- > FreecycleT Network. Therefore, I must ask that you step down as the as
- > a moderator of the Freecycle Sunnyvale list. I would appreciate your
- > cooperation as soon as possible and confirming that you have done so.
- >
- > Sincerely,
- > Paula
- >

Tim Oey <timoe@gmail.com> to Freedomcycle

More options 4:40 am (3 hours ago) Good news -- it is legal for everyone to use the term freecycle, freecycling, freecycler, freecycled, etc -- there are no current viable registered trademark applications that cover the word -- so have fun with it!

1) The trademark application 78415420

(New Media Worlds, Inc.-- International Class: 042 An online service where users are able to give items away for free that they no longer need) Their claim was for just the plain word "freecycle" but it is about to be denied based on abandonment as of a notice sent to this applicant on 8/22/2005.

Read it at: <http://portal.uspto.gov/external/portal/tow>
Serial Number: 78415420

2) The trademark application 78475113

(THE FREECYCLE NETWORK-- 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)

This claim was for the freecycle graphic logo only and does not cover the word in standard characters (plain text).

Read all about it at: <http://portal.uspto.gov/external/portal/tow>
Serial Number: 78475113

In particular read the application itself.

Please note that the original application includes a copy of the then current freecycle.org site which uses the word freecycle as freecycling, freecycles, etc.

Plus continued use of the word freecycle as a generic term by everyone will insure that it can never be trademarked by any corporation ever. So I hope you all will do your part to make this so. If you don't trust me, just read up on trademark law yourself or consult your own attorney.

Keep on freecycling!

Cheers,

Tim Oey

Good news -- it is legal for everyone to use the term freecycle, freecycling, freecycler, freecycled, etc -- there are no current viable registered trademark applications that cover the word -- so have fun with

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

From: Tim Oey
To: freecyclenext@yahoogroups.com
Sent: Wednesday, September 14, 2005 2:03 AM
Subject: [freecyclenext] Gifting "freecycle" to the public

The best way to keep freecycle in the public domain is for as many people and groups as possible to continue to use the term generically.

If you feel that the term freecycle is generic, you can let the USPTO know by sending a letter to:
Commissioner Of Trademarks
P.O. Box 1451
Alexandria, Va. 22313-1451

In your letter, reference registered trademark application 78475113.

Yahoo listens to its customers, so if folks complain about groups being deleted for use of the term "freecycling" than members/moderators of those groups should complain to Yahoo at:
http://add.yahoo.com/fast/help/us/groups/cgi_abuse
or
copyright@yahoo-inc.com

Basically, if you all want something to happen you have to do something about it.

Power to the people...

Cheers,
Tim

- Visit your group "freecyclenext" on the web.
- To unsubscribe from this group, send an email to:
freecyclenext-unsubscribe@yahoogroups.com
- Your use of Yahoo! Groups is subject to the Yahoo! Terms of Service.

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We have already successfully defended it from a company in Canada and a company in Florida. We are fortunate to have a great deal of pro bono legal support as an organization from those who believe in us.

However, I was surprised to learn that you are actively not only encouraging moderators to misuse our trademark but also to write the US Patent & Trademark Office to contest our right to the trademark. You went so far as to provide the address and our case number. You have made your position a clear. This position is clearly in stark contrast to the goals of this organization.

I'm sorry that you have chosen this path and hope that you will reconsider. I wish you the best. No doubt you have good intentions in your heart which hopefully will not prove costly for The Freecycle Network as an organization overall down the road.

Sincerely yours,
Deron

Deron Beal
The Freecycle Network

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Checked by AVG Anti-Virus.

Version: 7.0.344 / Virus Database: 267.11.3/106 - Release Date: 9/19/2005

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

From: "Tim Oey" <oeey@post.harvard.edu>

To: "chandan mishra" <chandan@hotmail.com>; "Deron Beal" <deron@freecycle.org>; <freecyclesunnyvale-owner@yahoogroups.com>

Cc: <california@freecycle.org>

Sent: Tuesday, September 20, 2005 11:08 AM

Subject: RE: Goodbye

- > Actually on this point, I have encouraged people to
- > use the term freecycle as a generic term which would
- > block The Freecycle Network (TFN), and all others,
- > from holding a trademark on the term in the area of
- > freecycling services offered on the web.
- >
- > This would mean that everyone could use the term
- > freecycle and no one could stop anyone else from using
- > it. There are also lots of other consequences.
- >
- > In consultation with some trademark attorneys, I'm in
- > the process of writing up a more thorough analysis of
- > the pro's and con's of freecycle as a trademark vs
- > freecycle as a generic term.
- >

> The decision to pursue a trademark was made by Deron.
> Most of the network does not know what the
> consequences are of getting a trademark nor the
> consequences of having freecycle be a generic term.
> Deron did not want to allow discussion or voting in
> this space which lead us to the current situation.
>
> Cheers,
> Tim
>
> --- chandan mishra <chandan@hotmail.com> wrote:
>> 4. Also according to Tim, he never encouraged anyone
>> to misuse Freecycle
>> trademark. Could you please point us to instances
>> where he did that?
>
> --
> No virus found in this incoming message.
> Checked by AVG Anti-Virus.
> Version: 7.0.344 / Virus Database: 267.11.3/107 - Release Date: 9/20/2005

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Exhibit G

Yahoo! My Yahoo! Mail Make Yahoo! your home page

Search the Web Search

YAHOO! GROUPS

Groups Home - Help

EXPRESS GOLD
 NO CREDIT CHECKS
 NO ANNUAL FEES
 NO EMPLOYMENT VERIFICATION
\$7500 CREDIT CARD
Free Enrollment
EXPRESS GOLD
 The Power of Debt
SIGNUP TODAY
 CLICK HERE

Group Member - Edit Membership

Start a Group | My Groups

fcnext - Free Recycling - The Next Generation

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From: Tim Oey <timoe@...>
 Date: Thu Feb 23, 2006 9:55 am
 Subject: Let your voices be heard...

Many of us know that TFN is already a bit crazy in trying to clamp down on free speech freedoms, but now is a great time to further the cause and keep freecycle free for everyone forever (and drive TFN even crazier).

What you can do on your own:

- Using TFN's directory, please contact all the freecycle groups in your state and surrounding states to let them know that freecycle is a generic term. Ask them to visit <http://greenribbon.us> for more information. There is no need to be that organized about it but if you think you have a state well covered, please post a note to fcnext. You'll need to dribble the mails out a few at a time and by as many people as possible to get around Yahoo's intricate group owner spam catchers. Make all your emails unique -- don't repeat exactly the same contents

Yahoo! Groups Tips

Did you know...
 You can create an FAQ for your group?

Yahoo! 360°

Keep connected to your friends and family through blogs, photos and more. Create your own 360° page now.

or subject, etc.

2) If you currently have a group within TFN, either take it out of TFN and tell all your members that freecycling should stay free or do comply initially with TFN's request so that your group is not deleted but then later sprinkle freecycling around your group and other groups so the free grassroots movement continues to be free (this is likely to really drive TFN nuts). Let more people know about <http://greenribbon.us>

3) Do give TFN GOAs a hard time because they are doing bad things by limiting free speech. Free speech is very important. Let everyone know that TFN does not need to control freecycling for TFN to be successful.

4) Get your freecycling is free statements to Eric for posting on <http://greenribbon.us>

5) Let others know that freecycling is a wonderful thing that people can do via Google, Craigslist, Yahoo Groups, any email list, or however they wish -- even just leaving stuff out on the curb with a "Free" or "Freecycle this" note attached.

Spread the word and let the word be free.

Enjoy!

Cheers,
Tim

Replies	Author	Date
3190	If I told ya.... belhaven_jass	Feb 23, 2006 5:18 pm
	Re: Let your voices be heard... I don't think any of that is a good idea. Why not let the courts decide if? By...	

3314	<p>..... Re: Let your voices be heard... Hi Lass, The courts will get to it eventually. How is encouraging others to...</p>	<p>Tim Oey reduce_reuse... 📧 📧</p> <p>Feb 26, 2006 11:00 pm</p>
3336	<p>..... Re: Let your voices be heard... i second tim's post...educating others is a necessity in any grassroots ...</p>	<p>xlina (freecycle mode... existentialista 📧 📧</p> <p>Feb 27, 2006 5:11 am</p>
3348	<p>..... Re: Let your voices be heard... I think I've made my intent known when it comes to FreeSpeech :-) FreeCyclo</p>	<p>Free cycle Recycle freecycos 📧 📧</p> <p>Feb 27, 2006 6:47 am</p>

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