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Filing date: **04/28/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91168664
Party	Defendant THE FREecycle NETWORK THE FREecycle NETWORK 901 NORTH PERRY AVENUE TUCSON, AZ 85705
Correspondence Address	JAMES L. VANA PERKINS COIE LLP 1201 3RD AVENUE SEATTLE, WA 98101-3099 UNITED STATES pctrademarks@perkinscoie.com
Submission	Motion to Suspend for Civil Action
Filer's Name	James L. Vana
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Signature	/James L. Vana/
Date	04/28/2006
Attachments	SFX6F14.pdf ( 3 pages )(53729 bytes ) CA US Fed Court summons.pdf ( 58 pages )(2453054 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

The Freecycle Network

Applicant

v.

Freecyclesunnyvale

Opposer

Opposition No. 91168664

**MOTION TO SUSPEND FOR CIVIL ACTION**

Pursuant to Trademark Trial and Appeal Board Manual of Procedure Rule 510.02(a) and 37 CFR 2.117(a), Applicant hereby requests that Opposition Proceeding No. 91168664 (the "Opposition") be suspended pending the outcome of civil action Case No. C 06-00324 CW, pending before the United States District Court, Northern District of California between the Opposer and Applicant as set forth below. Applicant believes that the issues set forth in the civil action will have direct bearing on the issues presented in the Opposition.

Attached is a true and correct confirmed copy of the Civil Complaint filed by Opposer on January 18, 2006, in the United States District Court, Northern District of California (the "Complaint"). As the issues that are the subject of the civil action bear directly on the issues and allegations in the Opposition, Applicant respectfully requests that the Opposition be suspended immediately.

A copy of this Motion with all attachments is being served on Opposer's counsel of record by first class mail on April 28, 2006.

Respectfully submitted this 28<sup>st</sup> day of April, 2006.

**PERKINS COIE LLP**



By: \_\_\_\_\_  
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Attorneys for The Freecycle Network

**CERTIFICATE OF MAILING**

I hereby certify that on April 28, 2006, I filed via the Electronic System for Trademark Trials and Appeals this MOTION TO SUSPEND FOR CIVIL ACTION with the U.S. Patent and Trademark Office:

with a copy via First Class Mail to:

Ian N. Feinberg  
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(Attorneys for Opposer)



Linda L. Martin

United States District Court  
NORTHERN DISTRICT OF CALIFORNIA

FreecycleSunnyvale

SUMMONS IN A CIVIL CASE

CASE NUMBER:

v.

C06-00324 CW

The Freecycle Network

TO: (Name and address of defendant)

E-Filing

ADR

The Freecycle Network  
P.O. Box 294  
Tucson AZ 85702-0294  
c/o Statutory Agent for Service of Process  
James A. Jutry  
2525 N. Broadway #200  
Tucson AZ 85716

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Ian N. Feinberg (SBN 88324)  
ifeinberg@mayerbrownrowe.com  
MAYER, BROWN, ROWE & MAW LLP  
Two Palo Alto Square, Suite 300  
3000 El Camino Real  
Palo Alto, CA 94306-2112  
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an answer to the complaint which is herewith served upon you, within 40 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

DATE JAN 18 2006

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