

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GEOTAG, INC.)	
)	
PLAINTIFF)	
)	
v.)	CIVIL ACTION NO. 2:10-CV00572-TJW
)	
STARBUCKS CORP., et al.)	
)	
DEFENDANT)	

**ANSWER OF DEFENDANT CRACKER BARREL
OLD COUNTRY STORE D/B/A CRACKER BARREL**

Comes the Defendant Cracker Barrel Old Country Store d/b/a Cracker Barrel (“Cracker Barrel”), by counsel, and for its Answer to the Complaint states as follows:

1. Cracker Barrel lacks knowledge or information sufficient to confirm or deny the allegations contained in Paragraph 1 of the Complaint and, therefore, denies them.

2. The allegations of Paragraph 2 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 and, therefore, denies them.

3. The allegations of Paragraph 3 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 and, therefore, denies them.

4. The allegations of Paragraph 4 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is

without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 and, therefore, denies them.

5. The allegations of Paragraph 5 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 and, therefore, denies them.

6. The allegations of Paragraph 6 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 and, therefore, denies them.

7. The allegations of Paragraph 7 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 and, therefore, denies them.

8. The allegations of Paragraph 8 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 and, therefore, denies them.

9. The allegations of Paragraph 9 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 and, therefore, denies them.

10. The allegations of Paragraph 10 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 and, therefore, denies them.

11. The allegations of Paragraph 11 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11 and, therefore, denies them.

12. The allegations of Paragraph 12 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12 and, therefore, denies them.

13. Cracker Barrel admits the allegations of Paragraph 13.

14. The allegations of Paragraph 14 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 14 and, therefore, denies them.

15. The allegations of Paragraph 15 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15 and, therefore, denies them.

16. The allegations of Paragraph 16 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is

without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 16 and, therefore, denies them.

17. The allegations of Paragraph 17 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 17 and, therefore, denies them.

18. The allegations of Paragraph 18 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 18 and, therefore, denies them.

19. The allegations of Paragraph 19 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 19 and, therefore, denies them.

20. The allegations of Paragraph 20 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 20 and, therefore, denies them.

21. The allegations of Paragraph 21 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 21 and, therefore, denies them.

22. The allegations of Paragraph 22 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 22 and, therefore, denies them.

23. The allegations of Paragraph 23 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 23 and, therefore, denies them.

24. The allegations of Paragraph 24 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 24 and, therefore, denies them.

25. The allegations of Paragraph 25 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 25 and, therefore, denies them.

26. The allegations of Paragraph 26 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26 and, therefore, denies them.

27. The allegations of Paragraph 27 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is

without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 27 and, therefore, denies them.

28. The allegations of Paragraph 28 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 28 and, therefore, denies them.

29. The allegations of Paragraph 29 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 29 and, therefore, denies them.

30. The allegations of Paragraph 30 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 30 and, therefore, denies them.

31. The allegations of Paragraph 31 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 31 and, therefore, denies them.

32. The allegations of Paragraph 32 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 32 and, therefore, denies them.

33. The allegations of Paragraph 33 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 33 and, therefore, denies them.

34. The allegations of Paragraph 34 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 34 and, therefore, denies them.

35. The allegations of Paragraph 35 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 35 and, therefore, denies them.

36. The allegations of Paragraph 36 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 36 and, therefore, denies them.

37. The allegations of Paragraph 37 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 37 and, therefore, denies them.

38. The allegations of Paragraph 38 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is

without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 38 and, therefore, denies them.

39. The allegations of Paragraph 39 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 39 and, therefore, denies them.

40. The allegations of Paragraph 40 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 40 and, therefore, denies them.

41. The allegations of Paragraph 41 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 41 and, therefore, denies them.

42. The allegations of Paragraph 42 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 42 and, therefore, denies them.

43. The allegations of Paragraph 43 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 43 and, therefore, denies them.

44. The allegations of Paragraph 44 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 44 and, therefore, denies them.

45. The allegations of Paragraph 45 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 45 and, therefore, denies them.

46. The allegations of Paragraph 46 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 46 and, therefore, denies them.

47. The allegations of Paragraph 47 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 47 and, therefore, denies them.

48. The allegations of Paragraph 48 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 48 and, therefore, denies them.

49. The allegations of Paragraph 49 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is

without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 49 and, therefore, denies them.

50. The allegations of Paragraph 50 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 50 and, therefore, denies them.

51. Cracker Barrel admits that this action arises under the patent laws of the United States, Title 35, United States Code. Cracker Barrel admits that this Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a). Cracker Barrel admits it has transacted business in this district and that it is subject to personal jurisdiction in this Court. Cracker Barrel, however, denies that it has committed, induced, or contributed to acts of patent infringement in this district under any theory. Cracker Barrel lacks knowledge or information sufficient to confirm or deny the allegations contained in Paragraph 51 of the Complaint against the other Defendants named therein and, therefore, denies the same. Except as expressly admitted, Cracker Barrel denies each and every remaining allegation contained in Paragraph 51 of the Complaint.

52. Cracker Barrel admits venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b). Cracker Barrel admits that this action arises under the patent laws of the United States, Title 35, United States Code. Cracker Barrel admits that this Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a). Cracker Barrel admits it has transacted business in this district and that it is subject to personal jurisdiction in this Court. Cracker Barrel, however, denies that it has committed, induced, or contributed to acts of patent infringement in this district under any theory. Cracker Barrel lacks knowledge or information

sufficient to confirm or deny the allegations contained in Paragraph 52 of the Complaint against the other Defendants named therein and, therefore, denies the same. Except as expressly admitted, Cracker Barrel denies each and every remaining allegation contained in Paragraph 52 of the Complaint.

53. Cracker Barrel admits that this Court previously considered and construed certain claim terms of U.S. Patent No. 5,930,474 (the “474 patent”) in Civil Action No. 2:06-CV-00475-CE as set forth in the Court’s Memorandum Opinion and Order issued on November 20, 2008. Except as expressly admitted, Cracker Barrel denies each and every remaining allegation in Paragraph 53 of the Complaint.

54. Cracker Barrel admits that United States Patent No. 5,930,474 (the “474 patent”) is entitled “Internet Organizer for Accessing Geographically and Topically Based Information” and appears to have been issued on July 29, 1999. Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 54 and, therefore, denies them.

55. Cracker Barrel is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 55 and, therefore, denies them.

56. Cracker Barrel is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 56 and, therefore, denies them.

57. To the extent the allegations in Paragraph 57 of the Complaint are directed toward Cracker Barrel, they are denied. To the extent the allegations of the Paragraph 57 of the Complaint are directed toward other Defendants, Cracker Barrel is without knowledge or information sufficient to form a belief as to the allegations and, therefore, denies them.

58. The allegations of Paragraph 58 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 58 and, therefore, denies them.

59. The allegations of Paragraph 59 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 59 and, therefore, denies them.

60. The allegations of Paragraph 60 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 60 and, therefore, denies them.

61. The allegations of Paragraph 61 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 61 and, therefore, denies them.

62. The allegations of Paragraph 62 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 62 and, therefore, denies them.

63. The allegations of Paragraph 63 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is

without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 63 and, therefore, denies them.

64. The allegations of Paragraph 64 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 64 and, therefore, denies them.

65. The allegations of Paragraph 65 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 65 and, therefore, denies them.

66. The allegations of Paragraph 66 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 66 and, therefore, denies them.

67. Cracker Barrel denies the allegations of Paragraph 67 of the Complaint.

68. The allegations of Paragraph 68 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 68 and, therefore, denies them.

69. The allegations of Paragraph 69 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 69 and, therefore, denies them.

70. The allegations of Paragraph 70 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 70 and, therefore, denies them.

71. The allegations of Paragraph 71 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 71 and, therefore, denies them.

72. The allegations of Paragraph 72 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 72 and, therefore, denies them.

73. The allegations of Paragraph 73 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 73 and, therefore, denies them.

74. The allegations of Paragraph 74 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 74 and, therefore, denies them.

75. The allegations of Paragraph 75 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is

without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 75 and, therefore, denies them.

76. The allegations of Paragraph 76 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 76 and, therefore, denies them.

77. The allegations of Paragraph 77 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 77 and, therefore, denies them.

78. The allegations of Paragraph 78 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 78 and, therefore, denies them.

79. The allegations of Paragraph 79 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 79 and, therefore, denies them.

80. The allegations of Paragraph 80 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 80 and, therefore, denies them.

81. The allegations of Paragraph 81 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 81 and, therefore, denies them.

82. The allegations of Paragraph 82 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 82 and, therefore, denies them.

83. The allegations of Paragraph 83 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 83 and, therefore, denies them.

84. The allegations of Paragraph 84 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 84 and, therefore, denies them.

85. The allegations of Paragraph 85 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 85 and, therefore, denies them.

86. The allegations of Paragraph 86 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is

without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 86 and, therefore, denies them.

87. The allegations of Paragraph 87 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 87 and, therefore, denies them.

88. The allegations of Paragraph 88 are not directed toward Cracker Barrel and, therefore, do not require a response. To the extent a response is required, Cracker Barrel is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 88 and, therefore, denies them.

89. To the extent the allegations in Paragraph 89 of the Complaint are directed toward Cracker Barrel, they are denied. To the extent the allegations of Paragraph 89 of the Complaint are directed toward other Defendants, Cracker Barrel is without knowledge or information sufficient to form a belief as to the allegations and, therefore, denies them.

90. To the extent the allegations in Paragraph 90 of the Complaint are directed toward Cracker Barrel, they are denied. To the extent the allegations of the Paragraph 90 of the Complaint are directed toward other Defendants, Cracker Barrel is without knowledge or information sufficient to form a belief as to the allegations and, therefore, denies them.

PRAYER FOR RELIEF

With regard to Geotag's Prayer for Relief, Cracker Barrel denies any allegations therein to the extent they are directed toward Cracker Barrel and specifically denies that Geotag is entitled to any of the requested relief against Cracker Barrel. To the extent Geotag's Prayer for Relief contains allegations directed toward other Defendants, Cracker Barrel is without

knowledge or information sufficient to form a belief as to the allegations and, therefore, denies them.

DEMAND FOR JURY TRIAL

Cracker Barrel admits and also demands a jury trial.

AFFIRMATIVE DEFENSES

Cracker Barrel alleges and asserts the following defenses, affirmative or otherwise, without assuming any burden of proof that it would not otherwise have. In addition to the affirmative defenses described below and subject to its responses above, Cracker Barrel specifically reserves the right to amend its Answer to allege additional affirmative defenses, including without limitation allegations of inequitable conduct, that become known through the course of discovery.

FIRST DEFENSE

Geotag fails to state a claim upon which relief can be granted or fails to plead the required allegations with sufficient particularity or both.

SECOND DEFENSE

Geotag fails to state a claim for willful infringement against Cracker Barrel upon which relief can be granted because Geotag's Complaint fails to meet the standard for pleading set by the Supreme Court in *Ashcroft v. Iqbal*, --- U.S. ---, 129 S. Ct. 1937 (2009), and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

THIRD DEFENSE

The '474 patent is invalid for failure to satisfy the requirements of Title 35 of the United States Code, including without limitation one or more of 35 U.S.C. §§ 101, 102, 103, and 112.

FOURTH DEFENSE

Cracker Barrel does not infringe and has not infringed, either directly, contributorily, or by inducement, any claim of the '474 patent, either literally or under the doctrine of equivalents.

FIFTH DEFENSE

Any claim of infringement of the '474 patent against Cracker Barrel under the doctrine of equivalents would be limited or barred by prosecution history estoppel.

SIXTH DEFENSE

Geotag's claims against Cracker Barrel are barred by the doctrines of estoppel, laches, unclean hands, waiver, acquiescence, and/or other applicable equitable doctrines.

SEVENTH DEFENSE

Geotag's claims for damages are barred, in whole or in part, under 35 U.S.C. § 286 or 35 U.S.C. § 287 or both.

EIGHTH DEFENSE

Geotag is not entitled to any injunctive relief as it has, at a minimum, an adequate remedy at law and no irreparable injury.

NINTH DEFENSE

To the extent that Geotag asserts that Cracker Barrel indirectly infringes, either by contributory infringement or inducement of infringement, Cracker Barrel is not liable to Geotag for the acts alleged to have been performed before Cracker Barrel knew that its actions would cause indirect infringement.

Respectfully submitted,

/s/ Deron R. Dacus

Deron R. Dacus
Texas Bar No. 00790553
derond@rameyflock.com
Ramey & Flock, P.C.
100 E. Ferguson, Suite 500
Tyler, Texas 75702
Phone: (903) 597-3301
Fax: (903) 597-2413

J. Graham Matherne
gmatherne@wyattfirm.com
WYATT, TARRANT & COMBS, LLP
2525 West End Avenue, Suite 1500
Nashville, Tennessee 37203-1423
Phone: (615) 244-0200
Fax: (615) 256-1726

Matthew A. Williams
mwilliams@wyattfirm.com
WYATT, TARRANT & COMBS, LLP
500 West Jefferson Street, Suite 2800
Louisville, Kentucky 40202-2898
Phone: (502) 589-5235
Fax: (502) 589-0309

*Counsel for Defendant, Cracker Barrel Old
Country Store d/b/a Cracker Barrel*

CERTIFICATE OF SERVICE

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 14th day of March, 2011. Any other counsel of record will be served by first class mail.

/s/ Deron R. Dacus

Deron R. Dacus