

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GEOTAG, INC.

PLAINTIFF,

v.

STARBUCKS CORP, *et al.*,

DEFENDANTS.

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CIVIL ACTION NO. 2:10-cv-00572

JURY TRIAL DEMANDED

**JOINT MOTION FOR DISMISSAL OF
DEFENDANT ILITCH HOLDINGS, INC. WITHOUT PREJUDICE**

Defendant Ilitch Holdings, Inc., Little Caesar Enterprises, Inc., and plaintiff GeoTag Inc. (“GeoTag”), pursuant to FED. R. CIV. P. 41(a)(2) and (c), hereby file this Joint Motion for Dismissal Without Prejudice as to Defendant Ilitch Holdings, Inc. (“Ilitch”), respectfully showing the Court as follows:

1. Plaintiff GeoTag and defendant Ilitch have had discussions in an attempt to identify the proper parties to this action. Based on representations from Ilitch and Defendant Little Caesar Enterprises, Inc. (“Caesar”), GeoTag understands that Ilitch is a holding company that does not operate stores in the United States. In light of these representations, the parties believe that Caesar is the proper entity for this action.

2. Plaintiff GeoTag and defendant Ilitch stipulate to and request that Ilitch be dismissed without prejudice.

3. If GeoTag concludes, through the discovery process, that Ilitch is a proper party to this action and attempts to add Ilitch to the case, Ilitch agrees to accept service through the undersigned counsel. However, Ilitch’s agreement on the acceptance of service is not a consent

to jurisdiction of this Court nor an admission by Ilitch that any attempt to add Ilitch to this matter is necessary or proper.

4. If GeoTag determines that Ilitch has information relevant to this litigation that is not in the possession, custody, or control of Caesar, Ilitch agrees to accept service of a subpoena for that information through the undersigned counsel. However, Ilitch's agreement on the acceptance of service is not a consent to jurisdiction of this Court nor an admission by Ilitch that any such subpoena is necessary or proper.

5. Nothing in this Stipulation constitutes an admission by Ilitch that GeoTag's claims and allegations have any merit or that GeoTag's Complaint is in compliance with applicable rules.

6. GeoTag and Ilitch shall each bear its own fees and costs.

In light of the foregoing, the parties jointly stipulate to the dismissal of Ilitch without prejudice.

Respectfully submitted,

Dated: April 3, 2012

By: /s/ Mark David Taylor (with permission)

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By: /s/ Stevenson Moore

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ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 3rd day of April 2012, the foregoing document was filed electronically in compliance with Local Rules. As such, this document was served on all counsel who have consented to electronic Service.

/s/ Stevenson Moore
Stevenson Moore

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for GeoTag, Inc., Little Caesar Enterprises, Inc., and Ilitch Holdings, Inc. conferred with counsel for plaintiff GeoTag regarding the foregoing Joint Stipulation Voluntary Dismissal Without Prejudice as to Defendant Ilitch Holdings, Inc., and all parties are in agreement.

Dated: April 3, 2012

/s/ Stevenson Moore
Stevenson Moore