

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

GEOTAG, INC.,

v.

**FRONTIER COMMUNICATIONS CORP.,
et al.,**

2:10-cv-265

GEOTAG, INC.,

v.

YELLOWPAGES.com LLC

2:10-cv-272

GEOTAG, INC.,

v.

GEORGIO ARMANI S.P.A., *et al.*,

2:10-cv-569

GEOTAG, INC.,

v.

AROMATIQUE, INC., *et al.*,

2:10-cv-570

GEOTAG, INC.,

v.

GUCCI AMERICA, INC., *et al.*,

2:10-cv-571

GEOTAG, INC.,

v.

STARBUCKS CORP., *et al.*,

2:10-cv-572

GEOTAG, INC.,

v.

RENT-A-CENTER, INC., *et al.*,

2:10-cv-573

GEOTAG, INC.,

v.

THE WESTERN UNION COMPANY, *et al.*,

2:10-cv-574

GEOTAG, INC.,

v.

ROYAL PURPLE, INC., *et al.*,

2:10-cv-575

GEOTAG, INC.,

v.

YAKIRA, L.L.C., *et al.*,

2:10-cv-587

GEOTAG, INC.,

v.

WHERE 2 GET IT, INC., *et al.*,

2:11-cv-175

GEOTAG, INC.,

v.

ZOOSK, INC.

2:11-cv-403

GEOTAG, INC.,

v.

**EYE CARE CENTERS OF AMERICA, INC.,
et al.,**

2:11-cv-404

GEOTAG, INC.,

v.

CIRCLE K STORES, INC., *et al.*,

2:11-cv-405

GEOTAG, INC.,

v.

AMERCO, *et al.*,

2:11-cv-421

GEOTAG, INC.,

v.

7-ELEVEN, INC., *et al.*,

2:11-cv-424

GEOTAG, INC.,

v.

SUNBELT RENTALS, INC.

2:11-cv-425

GEOTAG, INC.,

v.

CLASSIFIED VENTURES, LLC

2:11-cv-426

GEOTAG, INC.,

v.

CANON INC., et al.,

2:12-cv-43

WHERE 2 GET IT, INC.,

v.

GEOTAG, INC.

2:12-cv-149

GEOTAG, INC.,

v.

AMERICAN APPAREL INC.

2:12-cv-436

GEOTAG, INC.,

v.

ABERCROMBIE & FITCH CO.

2:12-cv-437

GEOTAG, INC.,

v.

AMERICAN EAGLE OUTFITTERS INC.

2:12-cv-438

GEOTAG, INC.,

v.

ANN INC.

2:12-cv-439

GEOTAG, INC.,

v.

NEW ASHLEY STEWART, INC.

2:12-cv-440

GEOTAG, INC.,

v.

BURLEIGH POINT, LTD.

2:12-cv-441

GEOTAG, INC.,

v.

CATALOGUE VENTURES, INC.

2:12-cv-442

GEOTAG, INC.,

v.

BURBERRY LIMITED

2:12-cv-443

GEOTAG, INC.,

v.

**BURLINGTON FACTORY WAREHOUSE
CORPORATION**

2:12-cv-444

GEOTAG, INC.,

v.

CACHE INC.

2:12-cv-445

GEOTAG, INC.,

v.

THE WILLIAM CARTER COMPANY

2:11-cv-446

GEOTAG, INC.,

v.

CHARMING SHOPPES INC.

2:12-cv-447

GEOTAG, INC.,

v.

CHICO'S FAS INC.

2:12-cv-448

GEOTAG, INC.,

v.

CITI TRENDS INC.

2:12-cv-449

GEOTAG, INC.,

v.

CLAIRE'S BOUTIQUES, INC.

2:12-cv-450

GEOTAG, INC.,

v.

COLDWATER CREEK INC.

2:12-cv-451

GEOTAG, INC.,

v.

DAVID'S BRIDAL INC.

2:12-cv-452

GEOTAG, INC.,

v.

DEB SHOPS INC.

2:12-cv-453

GEOTAG, INC.,

v.

DELIAS INC.

2:11-cv-454

GEOTAG, INC.,

v.

DESTINATION MATERNITY CORPORATION

2:12-cv-455

GEOTAG, INC.,

v.

DIESEL U.S.A. INC.

2:12-cv-456

GEOTAG, INC.,

v.

DONNA KARAN INTERNATIONAL INC.

2:12-cv-457

GEOTAG, INC.,

v.

**LVMH MOET HENNESSY LOUIS VUITTON
INC.**

2:12-cv-458

GEOTAG, INC.,

v.

DOTS, LLC

2:12-cv-459

GEOTAG, INC.,

v.

DRAPER'S & DAMON'S INC.

2:12-cv-460

GEOTAG, INC.,

v.

EDDIE BAUER LLC

2:12-cv-461

GEOTAG, INC.,

v.

ESPRIT US RETAIL LIMITED

2:12-cv-462

GEOTAG, INC.,

v.

FACTORY CONNECTION LLC

2:11-cv-463

GEOTAG, INC.,

v.

THE FINISH LINE INC.

2:11-cv-464

GEOTAG, INC.,

v.

FOREVER 21 RETAIL INC.

2:12-cv-465

GEOTAG, INC.,

v.

FORMAL SPECIALISTS LTD.

2:12-cv-466

GEOTAG, INC.,

v.

**FREDERICK'S OF HOLLYWOOD STORES
INC.**

2:12-cv-467

GEOTAG, INC.,

v.

GROUPE DYNAMITE, INC. D/B/A GARAGE

2:12-cv-468

GEOTAG, INC.,

v.

GUESS? RETAIL INC.

2:12-cv-469

GEOTAG, INC.,

v.

H&M HENNES & MAURITZ LP

2:12-cv-470

GEOTAG, INC.,

v.

HANESBRANDS INC.

2:12-cv-471

GEOTAG, INC.,

v.

HOT TOPIC INC.

2:12-cv-472

GEOTAG, INC.,

v.

HUGO BOSS FASHION INC.

2:12-cv-473

GEOTAG, INC.,

v.

J. CREW GROUP INC.

2:12-cv-474

GEOTAG, INC.,

v.

JIMMY JAZZ INC.

2:12-cv-475

GEOTAG, INC.,

v.

JOS. A. BANK CLOTHIERS INC.

2:12-cv-476

GEOTAG, INC.,

v.

ALCO STORES INC.

2:12-cv-477

GEOTAG, INC.,

v.

FRED'S INC.

2:12-cv-478

GEOTAG, INC.,

v.

BAKERS FOOTWEAR GROUP

2:12-cv-479

GEOTAG, INC.,

v.

BROWN SHOE COMPANY INC.

2:11-cv-480

GEOTAG, INC.,

v.

COLLECTIVE BRANDS INC.

2:12-cv-481

GEOTAG, INC.,

v.

CROCS INC.

2:12-cv-482

GEOTAG, INC.,

v.

DSW INC. D/B/A DSW SHOE INC.

2:12-cv-483

GEOTAG, INC.,

v.

FLEET FEET INC.

2:12-cv-484

GEOTAG, INC.,

v.

FOOT SOLUTIONS INC.

2:12-cv-485

GEOTAG, INC.,

v.

GENESCO INC.

2:12-cv-486

GEOTAG, INC.,

v.

HEELY'S INC.

2:12-cv-487

GEOTAG, INC.,

v.

JUSTIN BOOT COMPANY

2:12-cv-488

GEOTAG, INC.,

v.

AMERICAN GREETINGS CORPORATION

2:12-cv-520

GEOTAG, INC.,

v.

HALLMARK CARDS, INC.

2:12-cv-521

GEOTAG, INC.,

v.

HICKORY FARMS INC.

2:12-cv-522

GEOTAG, INC.,

v.

SPENCER GIFTS LLC

2:12-cv-523

GEOTAG, INC.,

v.

INTERNATIONAL COFFEE & TEA, LLC

2:11-cv-524

GEOTAG, INC.,

v.

THINGS REMEMBERED, INC.

2:11-cv-525

GEOTAG, INC.,

v.

THE YANKEE CANDLE COMPANY, INC.

2:12-cv-526

GEOTAG, INC.,

v.

BOSE CORPORATION

2:12-cv-527

GEOTAG, INC.,

v.

GUITAR CENTER INC.

2:12-cv-528

GEOTAG, INC.,

v.

PROGRESSIVE CONCEPTS INC.

2:12-cv-529

GEOTAG, INC.,

v.

24 HOUR FITNESS WORLDWIDE INC.

2:12-cv-530

GEOTAG, INC.,

v.

BALLY TOTAL FITNESS CORPORATION

2:12-cv-531

GEOTAG, INC.,

v.

BARE ESSENTIALS INC.

2:12-cv-532

GEOTAG, INC.,

v.

BIOSCRIP INC.

2:12-cv-533

GEOTAG, INC.,

v.

CRABTREE & EVELYN

2:12-cv-534

GEOTAG, INC.,

v.

CURVES INTERNATIONAL INC.

2:12-cv-535

GEOTAG, INC.,

v.

GOLD'S GYM INTERNATIONAL INC.

2:12-cv-536

GEOTAG, INC.,

v.

GREAT CLIPS INC.

2:12-cv-537

GEOTAG, INC.,

v.

L.A. FITNESS INTERNATIONAL INC.

2:12-cv-538

GEOTAG, INC.,

v.

LIFE TIME FITNESS INC.

2:12-cv-539

GEOTAG, INC.,

v.

M.A.C. COSMETICS INC.

2:12-cv-540

GEOTAG, INC.,

v.

MERLE NORMAN COSMETICS

2:11-cv-541

GEOTAG, INC.,

v.

**VITAMIN COTTAGE NATURAL FOOD
MARKETS, INC.**

2:12-cv-542

GEOTAG, INC.,

v.

REGIS CORPORATION

2:12-cv-543

GEOTAG, INC.,

v.

SALLY BEAUTY SUPPLY LLC

2:12-cv-544

GEOTAG, INC.,

v.

SEPHORA USA INC.

2:12-cv-545

GEOTAG, INC.,

v.

TONI&GUY USA, LLC

2:12-cv-546

GEOTAG, INC.,

v.

**ULTA SALON, COSMETICS & FRAGRANCE,
INC.**

2:12-cv-547

GEOTAG, INC.,

v.

VITAMIN SHOPPE INDUSTRIES, INC.

2:12-cv-548

GEOTAG, INC.,

v.

EYEMART EXPRESS, LTD.

2:12-cv-549

GEOTAG, INC.,

v.

LUXOTTICA RETAIL NORTH AMERICA INC.

2:12-cv-550

GEOTAG, INC.,

v.

NATIONAL VISION INC.

2:12-cv-551

GEOTAG, INC.,

v.

U.S. VISION INC.

2:12-cv-552

GEOTAG, INC.,

v.

WILD BIRDS UNLIMITED INC.

2:12-cv-553

GEOTAG, INC.,

v.

JOS. A. BANK CLOTHIERS INC.

2:12-cv-554

GEOTAG, INC.,

v.

BUTH-NA-BODHAIGE INC.

2:12-cv-555

GEOTAG, INC.,

v.

PSP GROUP, LLC

2:12-cv-556

GEOTAG, INC.,

v.

RITZ INTERACTIVE LLC

2:12-cv-557

DEFENDANTS’ MOTION FOR ENTRY OF FIRST AMENDED PROTECTIVE ORDER

The Parties have reached agreement on numerous aspects of a First Amended Protective Order. Points of disagreement remain, however. Many of Plaintiff's proposals are unworkable given the large number of Defendants in these actions or directly contradict what Plaintiff has already agreed to in the Delaware Declaratory Judgment Action. Accordingly, the under-signed Defendants respectfully request that the Court enter Defendants' Proposed First Amended Protective Order (attached as Exhibit A). Defendants' positions are outlined below.

A. Section 5(a) – Making Source Code Available

Defendants propose that a Producing Party may make source code available “[i] at a secure third party facility located in the Dallas, Texas metropolitan area . . . or, [ii] at the office of counsel for the Producing Party, [iii] or at a location mutually agreed upon by the Receiving and Producing Parties, [iv] or as permitted under the Federal Rules of Civil Procedure.” (*See* Exhibit A at § 5(a) (numerals added)). Plaintiff, however, seeks to inappropriately restrict these reasonable production options to (i) a single secure third party facility located in the Dallas, Texas metropolitan area, (ii) at the office of Texas counsel for the Producing Party, or (iii) at a location mutually agreed upon by the Parties.

Defendants proposal is appropriate because the relevant source code is located across the country and Plaintiff has counsel similarly located around the country. In particular, Plaintiff's present counsel in this case reside in (i) Dallas, Texas; (ii) Chicago, Illinois; and (iii) San Jose, California.¹ Accordingly, wherever any Defendant chooses to produce its source code will be convenient to Plaintiff's counsel. Conversely, forcing any Defendant to produce its source code at particular locations in Texas does not make things more convenient for anybody—including

¹ Plaintiff recently added new counsel to its stable of counsel in the Delaware litigation involving the same patent. Plaintiff's counsel in that case reside in Wilmington, Delaware and Andover, Massachusetts. *See Microsoft Corp. v. GeoTag, Inc.*, Case No. 1:11-cv-175 (D. Del.).

Plaintiff. In addition, due to the sensitive nature of the source code materials and the procedures for administering the production of such materials agreed to as set forth in the Amended Protective Order, allowing the Defendants to choose among very reasonable and convenient locations for productions assures that minimal chance for inadvertent productions or variance from the procedures set forth in the agreement will occur. Also, Plaintiff has not explained why Defendants' proposal presents any hardship to Plaintiff when in the Delaware Action Plaintiff agrees to review Source Code "at the offices of the producing party's primary outside counsel of record in this action in Palo Alto, California" *Microsoft Corp., et al. v. GeoTag, Inc.*, Case No. 1:11-cv-175, at 13 (D. Del. April 3, 2012) (attached as Exhibit B). Further, Plaintiff provides no justification for refusing to permit a Defendant to provide its source code for inspection at its offices where kept in the ordinary course of business and as envisioned by Federal Rule of Civil Procedure 34.

B. Section 5(a)(2) – Media within source code review room

In the event that source code is made available in a secure source code review room, Defendants propose that "[n]o recordable media or recordable devices," including computers and cellular telephones with cameras be permitted in the room housing the stand-alone computer containing the Source Code." (*See* Exhibit A at § 5(a)(2)). Plaintiff, however, requests that the Receiving Party be allowed to "bring with it to the secure offices a cell phone and a notetaking computer."

Defendants' Source Code is some of the most highly important and sensitive material that Defendants will disclose in this litigation. Defendants do not want to create the opportunity for even inadvertent copying of Source Code in circumvention of the carefully drafted Source Code provisions of the Protective Order. Defendants are willing to allow the use of a cell phone and notetaking computer near the secure room, but not in it. Also, Plaintiff provides no explanation

regarding why a cell phone and notetaking computer is not needed in the Delaware Action,² but is needed here.

C. Section 5(c) – Format of source code production

Defendants propose that “all Source Code shall be produced or made available in electronic native format, to the extent it exists in that format and can be produced or made available in that format without undue burden.” (*See* Exhibit A at § 5(c)). Plaintiff inappropriately requests an additional requirement that all source code also be made available in “compilable form.”

The Defendants’ Source Code relevant to this case typically consists of the code related geographic search functions on web pages and operates in conjunction with the other source code that undergirds the general functions of those web pages. Defendants have agreed to make available the relevant Source Code related to geographic search, and an expert in the art would be able to understand such Source Code. However, Plaintiff’s demand that code be made available in “compilable form” may require Defendants to produce all of the source code related to their web pages, which is unduly burdensome given the scope of this litigation. Also, Plaintiff again provides no explanation of why code in compilable form is needed here, but is not needed in the Delaware Action.³

² “Source Code will be loaded on up to five non-networked computers, or more upon motion of a Party for good cause shown, that are password protected and maintained in a secure, locked area. Use or possession of any input/output device (e.g., USB memory stick, cameras or any camera-enabled device, CDs, floppy disk, portable hard drive, laptop, etc.) is prohibited while accessing the computer containing the Source Code. All persons entering the locked room containing the Source Code must agree to submit to reasonable security measures to insure they are not carrying any prohibited items before they will be given access to the locked room.” Exhibit B at 13.

³ *See* Exhibit B (containing no requirement that code be in compilable form).

D. Section 5(f) – Viewing and Searching Tools

In the event that source code is made available in a secure source code review room, Defendants propose that “the Producing Party shall install tools that are sufficient for viewing and searching the produced Source Code” (*See* Exhibit A at § 5(f) (emphasis added)). In addition, Defendants propose that the Receiving Party be allowed to request additional tools if the Receiving Party believes it necessary to perform its review of the source code. Plaintiff, however, proposes that the Producing Party make available tools for viewing, searching, and analyzing the source code, and further inappropriately demands that such tools shall include “Visual Studio” and “Understand.”

Defendants have agreed to install viewing and searching tools for the use of Plaintiff’s expert. Plaintiff has failed to explain why this is insufficient here when they agree to a similar provision in the Delaware Action and are not requiring analysis tools in that case.⁴

E. Section 5(g)(1) – Printing Paper Copies of Source Code

Defendants have agreed to allow Plaintiff to receive “35 printed pages [of continuous Source Code] or more than 500 pages of Source Code in total.” (*See* Exhibit A at § 5(g)(1)). Nonetheless, Plaintiff also requests that, in the event that additional Source Code is required to be printed by Plaintiff, that Defendants bear the burden of proving pages in excess of 500 total pages is unreasonable. Plaintiff, however, fails to provide any reasoning as to why it would need more than 500 total pages of Source Code. Indeed, in some cases, the entire body Source Code encompassing the accused functionality is less than 500 pages. Thus, if Plaintiff should require additional pages, Defendants respectfully request that Plaintiff should have the burden of showing good cause for such excess. Defendants have gone beyond the provisions that Plaintiff

⁴ “The receiving party’s outside counsel and/or experts may request that commercially available licensed software tools for viewing and searching Source Code be installed on the secured computer.” *See* Exhibit B at 13.

agrees to in the Delaware Action which contains no explicit allowance for Source Code printing in excess of thirty-five (35) page consecutive pages or 500 pages in aggregate total.⁵

F. Section 7 – Prosecution Bar

Given the large number of defense counsel and defense firms involved in this litigation, Defendants propose the Prosecution Bar contained in § 7 of the attached Exhibit A. Plaintiff, however, seeks to extend the Prosecution Bar to all Defendants and counsel involved in this litigation. Plaintiff's attempt to bar hundreds of lawyers from an amorphous practice that is fraught with uncertainty of scope, based on materials surrounding a 1996 disclosure, is vastly overreaching.

The '474 Patent was filed on January 31, 1996 and discloses material that is over 15 years old. On the flip side, Plaintiff will undoubtedly seek production of Defendants' current, highly sensitive technical materials—such as the present-day software relating to Defendants' websites. It is Plaintiff's exposure to this current technical information that requires the protections of a Prosecution Bar, as it is the state of the art technology (rather than materials over 15 years old) that pose the greatest risk in a patent prosecution context. This is especially true in a rapidly-advancing field, such as computer science.

Second, Plaintiff initiated this litigation alleging infringement of the '474 Patent. The Technical Protected Materials to be produced by Plaintiff, if any,⁶ would necessarily be relevant to the '474 Patent. The '474 Patent must (by definition) sufficiently disclose the invention, and the manner and process of making and using it, in full and clear detail. (*See* 35 U.S.C. § 112). Therefore, the risk to Plaintiff from Defendant's review of Technical Protected Material relevant to the '474 Patent is minimal at best, and to the extent any risk exists, it is a risk the Plaintiff knew of and accepted when it elected to litigate the '474 Patent.

⁵ See Exhibit B at 14.

⁶ When asked during the meet-and-confer, counsel for Plaintiff stated it did not know if Plaintiff would have any source code to produce.

Dated: September 27, 2012

Respectfully submitted,

/s/ Michael A. Bittner

Neil J. McNabney
Texas Bar No. 24002583
njm@fr.com
Michael A. Bittner
Texas Bar No. 24064905
mrb@fr.com
Jane J. Du
Texas Bar No. 24076355
jjd@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, Texas 75201
(214) 747-5070 - Telephone
(214) 747-2091 - Facsimile

COUNSEL FOR DEFENDANTS

**AMERICA GREETINGS CORPORATION; ASICS
AMERICA CORP.; AVIS BUDGET GROUP, INC.;
AVIS RENT A CAR SYSTEM, LLC; BEST MAID
PRODUCTS, INC.; BJ'S WHOLESALE CLUB, INC.;
THE BOEING COMPANY; BROOKSTONE COMPANY,
INC.; BURGER KING CORP.; CABELA'S, INC.;
CHANEL, INC.; CHARMING SHOPPES INC.; CICI
ENTERPRISES, LP D/B/A/ CICI'S PIZZA; DAVID'S
BRIDAL INC.; DOCTOR'S ASSOCIATES, INC. D/B/A
SUBWAY; DOLLAR RENT A CAR, INC.; DOLLAR
THRIFTY AUTOMOTIVE GROUP, INC.; DOLLAR
TREE, INC.; FORMAL SPECIALISTS LTD.; GATES
THAT OPEN, LLC D/B/A/ MIGHTY MULE; GUESS?
RETAIL INC.; INTERSTATE BATTERY SYSTEMS OF
AMERICA, INC.; JACK IN THE BOX, INC.; JOS. A.
BANK CLOTHIERS INC.; KOHLER Co.; KUBOTA
TRACTOR CORP.; LEARNING EXPRESS, INC.; LIVE
NATION WORLDWIDE, INC.; LUXOTTICA RETAIL
NORTH AMERICA INC.; MEXICAN RESTAURANTS,
INC.; PIP, INC. D/B/A PIP PRINTING AND
MARKETING SERVICES; POLO RALPH LAUREN
CORP.; RADIO SHACK CORP.; RALPH LAUREN
MEDIA, LLC; RHINO LININGS CORP.;
RICHEMONT NORTH AMERICA, INC. D/B/A
CARTIER; SEVEN FOR ALL MANKIND, LLC;
SOUTHERN STATES COOPERATIVE; STERLING
JEWELERS, INC. D/B/A JARED THE GALLERIA OF**

JEWELRY D/B/A KAY JEWELERS; TICKETMASTER L.L.C.; THRIFTY, INC.; ULTA SALON, COSMETICS & FRAGRANCE, INC.; VAN CLEEF & ARPELS, INC.; VITAMIN COTTAGE FOOD MARKETS, INC.; WINN-DIXIE STORES, INC.

/s/ Willem G. Schuurman

Willem G. Schuurman (TX Bar No. 17855200)

Avelyn M. Ross (TX Bar No. 24027871)

Ajeet P. Pai (TX Bar No. 24060376)

James D. Shead (TX Bar No. 24070609)

Patrick Doll (TX Bar No. 24078432)

VINSON & ELKINS L.L.P.

2801 Via Fortuna, Suite 100

Austin, Texas 78746-7568

Tel: (512) 542-8400

Fax: (512) 236-3218

bschuurman@velaw.com

aross@velaw.com

apai@velaw.com

jshead@velaw.com

pdoll@velaw.com

ATTORNEYS FOR DEFENDANTS

7-ELEVEN, INC., BARE ESCENTUALS, INC., BURBERRY LIMITED, CHRISTIAN DIOR PERFUMES, LLC, CRABTREE & EVELYN, LTD., DONNA KARAN INTERNATIONAL INC., GOLD'S GYM INTERNATIONAL, INC., LVMH MOET HENNESSY LOUIS VUITTON, INC., AND SEPHORA USA INC.

/s/ Brian K. Buss

Danny L. Williams
Lead Counsel
State Bar No. 21518050
Brian K. Buss
State Bar No. 00798089
WILLIAMS, MORGAN & AMERSON, P.C.
10333 Richmond Avenue, Suite 1100
Houston, Texas 77042
Telephone: (713) 934-7000
Fax: (713) 934-7011
dwilliams@wmalaw.com
bbuss@wmalaw.com

**ATTORNEY FOR DEFENDANTS
BESTBUY.COM, LLC; OLD NAVY, LLC;
TARGET CORP.; NORDSTROM, INC.;
BANANA REPUBLIC, LLC; GAP INC.;
COSTCO WHOLESALE CORP.; PETCO
ANIMAL SUPPLIES, INC.; PETCO ANIMAL
SUPPLIES STORES, INC.; ZALE
DELAWARE, INC.; STARBUCKS CORP.;
DUNKIN' BRANDS, INC.; DUNKIN' DONUTS,
LLC; DARDEN CORP.; MCDONALD'S
CORP.; CVS PHARMACY, INC.; CUMMINS,
INC.; DEERE & CO.; RITE AID CORP.; A&W
RESTAURANTS, INC.; KFC CORP.; LONG
JOHN SILVER'S, INC.; PIZZA HUT, INC.;
TACO BELL CORP.; JC PENNEY
CORPORATION, INC.; SPATIALPOINT LLC;
WAL-MART STORES, INC.; COLDWATER
CREEK, INC; SALLY BEAUTY SUPPLY,
LLC; L.A. FITNESS INTERNATIONAL, LLC;
BALLY TOTAL FITNESS CORP.; EDDIE
BAUER LLC; and HALLMARK CARDS
INCORPORATED**

/s/ Kamran Jivani

Robert L. Lee (GA Bar No. 443978)
bob.lee@alston.com
Kamran Jivani (GA Bar No. 510908)
kamran.jivani@alston.com
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424
Phone: (404) 881-7000
Fax: (404) 881-7777

Jason W. Cook (TX Bar No. 24028537)
jason.cook@alston.com
Derek S. Neilson (TX Bar No. 24072255)
derek.neilson@alston.com
ALSTON & BIRD LLP
2828 North Harwood Street, Suite 1800
Dallas, TX 75201
Phone: (214) 922-3400
Fax: (214) 922-3899

**COUNSEL FOR DEFENDANTS AFC
ENTERPRISES, INC.; BASS PRO, INC.; BPS
DIRECT, L.L.C.; BASS PRO OUTDOORS
ONLINE, L.L.C.; DILLARD'S, INC.; HOBBY
LOBBY STORES, INC. D/B/A HOBBY LOBBY
CREATIVE CENTERS D/B/A HOBBY
LOBBY; JOANN.COM, LLC AND JO-ANN
STORES, INC.; GAMESTOP CORP.; THE
TJX COMPANIES, INC. D/B/A TJ MAXX;
BARNES & NOBLE, INC. AND
BARNESANDNOBLE.COM, LLC; BIG LOTS,
INC. AND BIG LOTS STORES, INC.; GUCCI
AMERICA, INC.; LESLIE'S POOLMART,
INC. D/B/A LESLIE'S POOLMART D/B/A
LESLIE'S SWIMMING POOL SUPPLIES
D/B/A LESLIE'S; PANERA BREAD
COMPANY AND PANERA, LLC;
AUTOZONE, INC.; CARMAX BUSINESS
SERVICES, LLC AND CARMAX, INC.;
BRAKE CENTERS OF THE SOUTHWEST,
INC. D/B/A JUST BRAKES AND JUST
BRAKES OF NEVADA, INC. D/B/A JUST
BRAKES; O'REILLY AUTOMOTIVE, INC.**

D/B/A O'REILLY AUTO PARTS; THE PEP BOYS – MANNY, MOE & JACK D/B/A PEP BOYS; FAMILY DOLLAR STORES, INC. AND FAMILY DOLLAR, INC.; MATTRESS GIANT CORPORATION; WHOLE FOODS MARKET IP, L.P. AND WHOLE FOODS MARKET SERVICES, INC.; CLARK EQUIPMENT COMPANY D/B/A BOBCAT COMPANY; GRACO, INC.; THE KROGER CO.; DILLON COMPANIES, INC. D/BA DILLON FOOD STORES D/BA DILLONS D/B/A BAKER'S SUPERMARKETS D/B/A CITY MARKET D/B/A KING SOOPERS D/B/A GERBES SUPER MARKETS; FOOD 4 LESS GM, INC.; FOOD 4 LESS HOLDINGS, INC.; FRED MEYER STORES, INC. D/B/A QUALITY FOOD CENTERS D/B/A QFC; KROGER LIMITED PARTNERSHIP I D/B/A JAYC FOOD STORES D/B/A PAY LESS SUPER MARKETS; KROGER LIMITED PARTNERSHIP II; KROGER TEXAS L.P.; PAY LESS SUPER MARKETS, INC.; RALPHS GROCERY COMPANY D/B/A RALPHS D/B/A FOOD 4 LESS D/B/A FOODS CO.; SMITH'S FOOD & DRUG CENTERS, INC. D/B/A SMITH'S FOOD & DRUG STORES D/B/A SMITH'S D/B/A FRY'S FOOD STORES; THE VALSPAR CORPORATION; BELK, INC.; CMRG APPAREL, LLC; BUTH-NA-BODHAIGE, INC.; CATALOGUE VENTURES, INC.; BROWN SHOE COMPANY, INC.; BURLINGTON COAT FACTORY WAREHOUSE CORP.; THE WILLIAM CARTER COMPANY; CHICO'S FAS, INC.; CITI TRENDS, INC.; COLLECTIVE BRANDS, INC.; GUITAR CENTER, INC.; RITZ INTERACTIVE LLC; DOTS, LLC; THE FINISH LINE, INC.; ROYAL PURPLE, INC.; SOLUTIA, INC.

/s/ Kamran Jivani

Robert L. Lee
Bob.lee@alston.com
Kamran Jivani
Kamran.jivani@alston.com
Alston & Bird LLP
One Atlantic Center
1201 West Peachtree St.
Atlanta, GA 30309
Telephone: (404) 881-7000
Facsimile: (404) 881-7777

Adam D. Swain
Adam.swain@alston.com
Alston & Bird LLP
The Atlantic Building
950 F Street, N.W.
Washington, DC 20004
Telephone: (202) 756-3300
Facsimile: (202) 756-3333

Jason W. Cook
Jason.cook@alston.com
Derek S. Neilson
Derek.neilson@alston.com
Alston & Bird LLP
2828 Harwood St., Suite 1800
Dallas, TX 75201
Telephone: (214) 922-3400
Facsimile: (214) 922-3899

**COUNSEL FOR DEFENDANTS
KOHL'S ILLINOIS INC., KOHL'S
DEPARTMENT STORES INC., KOHL
CORPORATION, COACH INC., STAPLES
INC., PAPA JOHNS INTERNATIONAL, INC.,
PAPA JOHNS USA INC., DUNKIN BRANDS,
INC. D/B/A DUNKIN DONUTS, DUNKIN
DONUTS, INC., BRINKER INTERNATIONAL,
INC. D/B/A ROMANO'S MACARONI GRILL
D/B/A MAGGIANO'S LITTLE ITALY, THE
HERTZ CORP. D/B/A HERTZ CORP. D/B/A
HERTZ CAR RENTAL, FIFTH THIRD
BANCORP D/B/A FIFTH THIRD BANK,
OFFICEMAX INC., STEELCASE INC.,
SUNTRUST BANKS INC. D/B/A SUNTRUST**

BANK, SUNTRUST INVESTMENT SERVICES INC., HOME DEPOT USA, INC. D/B/A THE HOME DEPOT, WALGREENS, SONIC CORPORATION, WENDY'S/ARBY'S GROUP, INC., WENDY'S INTERNATIONAL INC., WENDY'S/ARBY'S RESTAURANTS, LLC,;OLDEMARK LLC; ANN, INC.; BOSE CORP.; 24 HOUR FITNESS USA, INC.; VITAMIN SHOPPE INDUSTRIES, INC.; GREAT CLIPS INC. AND JOS. A. BANK CLOTHIERS INC.

/s/ Brian C. McCormack

Mark D. Taylor
Texas Bar No. 19713250
mark.taylor@bakermckenzie.com
Brian C. McCormack
Texas Bar No. 00797036
brian.mccormack@bakermckenzie.com
Andrew C. Moreton
Texas Bar No. 24074755
andrew.moreton@bakermckenzie.com
BAKER & MCKENZIE LLP
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75201
Tel. (214) 978-3000
Fax (214) 978-3099

**COUNSEL FOR DEFENDANTS
NEW ALBERTSON'S, INC.; AROMATIQUE,
INC.; AS AMERICA, INC.; BOB EVANS
FARMS, INC.; BOB EVANS RESTAURANTS
OF MICHIGAN, LLC; CEC
ENTERTAINMENT, INC.; CEC
ENTERTAINMENT CONCEPTS, L.P.;;
ESPRIT US RETAIL LIMITED; HEELING
SPORTS, LTD.; HUGO BOSS FASHIONS,
INC.; LITTLE CAESAR ENTERPRISES, INC.;
PIGGLY WIGGLY, LLC; and QUEST
DIAGNOSTICS INCORPORATED**

/s/ Robert M. Fuhrer

George M. Sirilla (admitted pro hac vice)
Jack S. Barufka (admitted pro hac vice)
Robert M. Fuhrer (admitted pro hac vice)
PILLSBURY WINTHROP SHAW PITTMAN LLP
1650 Tysons Blvd., 14th Floor
McLean, VA 22102
703.770.7900 – Telephone
703.770.7901 – Facsimile

**ATTORNEYS FOR DEFENDANTS
BASS PRO, INC., BPS DIRECT, L.L.C., AND BASS
PRO OUTDOORS ONLINE, L.L.C.**

/s/ Deron R. Dacus

Deron R. Dacus
State Bar No. 00790553
The Dacus Firm, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
903/705-1117 (phone & fax)
ddacus@dacusfirm.com

Matthew A. Williams
KY Bar No. 90727
WYATT, TARRANT & COMBS, LLP
PNC Plaza, Suite 2800
500 West Jefferson Street
Louisville, Kentucky 40202-2898
Phone: (502) 562-7378
Facsimile: (502) 589-0309
mwilliams@wyattfirm.com

***Counsel for Cracker Barrel Old Country
Store, Inc.***

/s/ Michael C. Smith

Michael C. Smith (TX Bar #18650410)
Siebman, Burg, Phillips & Smith, LLP
P.O. Box 1556
113 E. Austin Street
Marshall, TX 75671-1556
(903) 938-8900
michaelsmith@siebman.com

Robert J. Lenihan, II (*pro hac vice*)
Brent G. Seitz (*pro hac vice*)
Harness, Dickey & Pierce, P.L.C.
5445 Corporate Drive, Suite 200
Troy, MI 48098
(248) 641-1600
rjlenihan@hdp.com
bseitz@hdp.com

ATTORNEYS FOR LA-Z-BOY INCORPORATED

/s/ Gregory F. Ahrens

Gregory F. Ahrens
Ohio State Bar No. 0038627
(Admitted in the ED TX)
gahrens@whepatent.com
Wood, Herron & Evans, L.L.P.
441 Vine Street, 2700 Carew Tower
Cincinnati, OH 45202
Tel: (513) 241-2324
Fax: (513) 241-6234

**ATTORNEY FOR DEFENDANT
NATIONAL INTERLOCK SYSTEMS, INC.; DSW, INC.**

/s/ Michael J. Harris

Christopher J. Renk (Lead Attorney)
IL Bar No. 6199012
crenk@bannerwitcoff.com
Thomas K. Pratt
IL Bar No. 6209761
tpratt@bannerwitcoff.com
Michael J. Harris
IL Bar No. 6280168
mharris@bannerwitcoff.com
Banner & Witcoff, LTD.
10 S. Wacker Drive, Ste. 3000
Chicago, IL 60606
Tel: (312) 463-5000
Fax: (312) 463-5001

ATTORNEYS FOR DEFENDANT NIKE, INC.

/s/ Brian W. LaCorte

Brian W. LaCorte (AZ Bar No. 012237)
Jonathon A. Talcott (MN Bar No. 0391457)
BALLARD SPAHR LLP
1 East Washington Street, Suite 2300
Phoenix, Arizona 85004
Telephone: (602) 798-5400
Fax: (602) 798-5595
lacorteb@ballardspahr.com
talcottj@ballardspahr.com

William Cornelius (TX Bar No. 04834700)
WILSON, ROBERTSON & CORNELIUS, P.C.
P.O. Box 7339
Tyler, Texas 75711-7339
Telephone: (903) 509-5000
Facsimile: (903) 509-5091
wc@wilsonlawfirm.com

**ATTORNEYS FOR DEFENDANTS
THE REINALT-THOMAS CORPORATION;
AMERCO; EMOVE, INC.; U-HAUL
INTERNATIONAL, INC.; U-HAUL LEASING
& SALES CO.; AND WEB TEAM
ASSOCIATES, INC.**

/s/ Jeremy S. Snodgrass

J. Thad Heartfield
Texas Bar No. 09346800
M. Dru Montgomery
Texas Bar No. 24010800
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Telephone: (409) 866-3318
Fax: (409) 866-5789
thad@jth-law.com
dru@jth-law.com

Of counsel:
Ralph J. Gabric
Tadashi Horie
Rickard K. DeMille
Jeremy S. Snodgrass
BRINKS HOFER GILSON & LIONE
NBC Tower, Suite 3600
455 North Cityfront Plaza Drive
Chicago, IL 60611-5599
(312) 321-4200 (telephone)
(312) 321-4299 (facsimile)

**ATTORNEYS FOR DEFENDANTS SEIKO
CORPORATION OF AMERICA,
SEIKO INSTRUMENTS INC., AND
SEIKO WATCH CORP.**

/s/ R. Kyle Hawes

CHAMBERLAIN, HRDLICKA, WHITE,
WILLIAMS & MARTIN, P.C.

R. Kyle Hawes

kyle.hawes@chamberlainlaw.com

SBN: 00796725

1200 Smith Street, Suite 1400

Houston, Texas 77002

Telephone: 713-658-1818

Facsimile: 713-658-2553

GREENSFELDER, HEMKER & GALE, P.C.

Mary Ann L. Wymore

mlw@greensfelder.com

(Pro Hac Vice)

J. Andrew Walkup

aw@greensfelder.com

(Pro Hac Vice)

10 South Broadway, Suite 2000

St. Louis, Missouri 63102

Telephone: 314-241-9090

Facsimile: 314-345-5499

**ATTORNEYS FOR DEFENDANT
JIM'S FORMAL WEAR CO.**

/s/ Elizabeth L. DeRieux

S. Calvin Capshaw, III
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
D. Jeffrey Rambin
State Bar No. 00791478
Capshaw DeRieux, LLP
114 E. Commerce Ave.
Gladewater, Texas 75647
903) 236-9800 Telephone
(903) 236-8787 Facsimile
E-mail: ccapshaw@capshawlaw.com
E-mail: ederieux@capshawlaw.com
E-mail: jrambin@capshawlaw.com

Michael N Zachary
Christensen O'Connor Johnson Kindness PLLC
1420 Fifth Ave
Ste 2800
Seattle, WA 98101
206-682-8100
Fax: 206-224-0779
Email: michael.zachary@cojk.com

**Counsel for Defendant
Pacific Bioscience Laboratories, Inc.**

/s/ Fran Aden

Fran Aden
S.D. Texas No. 611072
State Bar No. 24050202
HUNTON & WILLIAMS LLP
700 Louisiana, Suite 4200
Houston, Texas 77002
(713) 229-5700 (Telephone)
(713) 229-5750 (Facsimile)
faden@hunton.com

**ATTORNEY FOR DEFENDANT
THE SCOTTS COMPANY LLC**

/s/ Lindsay L. Hargrove

Lindsey L. Hargrove
State Bar No. 24065373
MCGUIREWOODS LLP
JPMorgan Chase Tower
600 Travis Street, Suite 7500
Houston, TX 77002-2906
Telephone: (713) 571-9191
Fax: (713) 571-9652
Email: lhargrove@mcguirewoods.com

David E. Finkelson (admitted *pro hac vice*)
Derek H. Swanson (admitted *pro hac vice*)
Virginia Bar No. 73463
Lead Counsel
MCGUIREWOODS LLP
One James Center
901 East Cary Street
Richmond, VA 23219
Telephone: (804) 775-1000
Fax: (804) 775-1061
Email: dfinkelson@mcguirewoods.com
Email: dswanson@mcguirewoods.com

**COUNSEL FOR DEFENDANTS
REMINGTON ARMS COMPANY, INC. AND
STIHL INCORPORATED**

/s/ Eric H. Findlay

Eric H. Findlay
State Bar No. 00789886
Brian Craft
State Bar No. 04972020
Findlay Craft, LLP
Principal Office:
6760 Old Jacksonville Hwy
Suite 101 Tyler, Texas 75703
Tel: (903) 534-1100
Fax: (903) 534-1137
Email: efindlay@findlaycraft.com
Email: bcraft@findlaycraft.com

Joseph V. Saphia
W. Edward Bailey
Wiggin and Dana LLP
450 Lexington Avenue
Suite 3800
New York, NY 10017
Tel: (212) 490-1700
Fax: (212) 490-0536
Email: jsaphia@wiggin.com
Email: ebailey@wiggin.com

**Attorneys for Defendants
AutoNation, Inc. and American Eagle Outfitters
Inc.**

/s/ Scott Partridge

Scott F. Partridge
Texas Bar No. 00786940
Email: scott.partridge@bakerbotts.com
Elizabeth Durham
Texas Bar No. 24045815
Email: liz.durham@bakerbotts.com
William P. Rothwell
Texas Bar No. 24066005
Email: william.rothwell@bakerbotts.com
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: (713) 229-1569
Facsimile: (713) 229-7769

**ATTORNEYS FOR DEFENDANT HEB
GROCERY COMPANY, LP**

/s/ Laura A. Wytmsa

Jordan A. Sigale
LOEB & LOEB LLP
321 North Clark Street, Suite 2300
Chicago, IL 60610-4746
Telephone: (312) 464-3100
Facsimile: (312) 464-3111
jsigale@loeb.com

Laura A. Wytmsa
LOEB & LOEB LLP
10100 Santa Monica Blvd., Ste. 2200
Los Angeles, California 90067
Telephone: (310) 282-2000
lwytmsa@loeb.com

Eric H. Findlay
FINDLAY CRAFT, LLP
6760 Old Jacksonville Hwy, Suite 101
Tyler, Texas 75703
Telephone: (903) 534-1100
EFindlay@FindlayCraft.com

**Attorneys for Defendants Trane US, Inc. and
Trane, Inc.**

/s/ Charles Ainsworth

Charles Ainsworth
State Bar No. 00783521
Parker, Bunt & Ainsworth, P.C.
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
Telephone: 903.531.3535
Facsimile: 903.533.9687
Email: charley@pbatyler.com

Of Counsel:

Michael A. Cohen (Admitted Pro Hac Vice)
Schwabe Williamson & Wyatt PC
1211 S.W. Fifth Avenue, Suite 1600
Portland, Oregon 97204
Telephone: 503.796.2488
Facsimile: 503.796-2900
Email: mcohen@schwabe.com

Attorneys for Defendants

**Columbia Sportswear Company, Columbia
Sportswear North America, Inc., and Columbia
Sportswear USA Corp.**

/s/ Kirby B. Drake

Darin M. Klemchuk
State Bar No. 24002418
Casey L. Griffith
State Bar No. 24036687
Kirby B. Drake
State Bar No. 24036502
KLEMCHUK KUBASTA LLP
8150 N. Central Expy., 10th Floor
T: 214.367.6000
F: 214.367.6001
darin.klemchuk@kk-llp.com
casey.griffith@kk-llp.com
kirby.drake@kk-llp.com

ATTORNEYS FOR DEFENDANT ACADEMY, LTD.

/s/ J. Thad Heartfield

J. Thad Heartfield
Texas Bar No. 09346800
E-mail: thad@jth-law.com
M. Dru Montgomery
Texas Bar No. 24010800
E-mail: dru@jth-law.com
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Telephone: (409) 866-3318
Fax: (409) 866-5789

John G. Bisbikis
Illinois Bar No. 6209732
E-mail: jbisbikis@mwe.com
Avani C. Macaluso
Illinois Bar No. 6280832
E-mail: amacaluso@mwe.com
MCDERMOTT WILL & EMERY, LLP
227 West Monroe Street, Suite 4400
Chicago, Illinois 60606
Telephone: (312) 372-2000
Fax: (312) 984-7700

**COUNSEL FOR DEFENDANT
CRAFTMASTER MANUFACTURING, INC.**

/s/ J. Thad Heartfield

J. Thad Heartfield
Texas Bar No. 09346800
E-mail: thad@jth-law.com
M. Dru Montgomery
Texas Bar No. 24010800
E-mail: dru@jth-law.com
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Telephone: (409) 866-3318
Fax: (409) 866-5789

**COUNSEL FOR DEFENDANT,
CALIFORNIA PIZZA KITCHEN, INC.**

/s/ James S. Blackburn

James S. Blackburn (*Pro Hac Vice*)

James.blackburn@aporter.com

Ali R. Sharifahmadian (*Pro Hac Vice*)

Ali.sharifahmadian@aporter.com

ARNOLD & PORTER LLP

777 South Figueroa Street

44th Floor

Los Angeles, CA 90017-5844

Telephone: +1 213.243.4000

Facsimile: +1 213.243.4199

Michael E. Jones

State Bar No. 10929400

mikejones@potterminton.com

Allen F. Gardner

State Bar No. 24043679

allengardner@potterminton.com

Daniel A. Noteware, Jr.

State Bar No. 24051123

dannynoteware@potterminton.com

POTTER MINTON

110 N. College Ave., Suite 500

Tyler, Texas 75702

Tel: (903) 597-8311

Fax: (903) 593-0846

Attorneys for Defendants

Local.com Corporation; Dex One Corporation;

Yellow Book USA, Inc.; Yelp!, Inc.; CityGrid

Media, LLC; Match.com SN, LLC; Match.com,

LLC; ServiceMagic, Inc.; People Media, Inc.;

International Coffee & Tea, LLC; and Crocs Inc.

/s/ Keith A. Robb

DOUGLAS D. FLETCHER

Attorney in Charge

Texas State Bar No. 07139500

email: doug.fletcher@fletcherfarley.com

KEITH A. ROBB

Texas State Bar No. 24004889

email: keith.robbs@fletcherfarley.com

FLETCHER, FARLEY,

SHIPMAN & SALINAS, L.L.P.

8750 N. Central Expressway

Dallas, Texas 75231, 16th Floor

214-987-9600

214-987-9866 (Facsimile)

**ATTORNEYS FOR DEFENDANT
TASER INTERNATIONAL, INC.**

/s/ Michael J. Zinna

Charles Ainsworth
State Bar No. 00783521
Email: charley@pbatyler.com
Parker, Bunt & Ainsworth, P.C.
100 E. Ferguson, Suite 1114
Tyler, Texas 75702
Phone: (903) 531-3535
Fax: (903) 533-9687

OF COUNSEL:

John F. Ward
Email: jward@wardzinna.com
Michael J. Zinna
Email: mzinna@wardzinna.com
David G. Lindenbaum
Email: dlindenbaum@wardzinna.com
Patrick R. Colsher
Email: pcolsher@wardzinna.com
Matthew C. Berntsen
Email: mberntsen@wardzinna.com
WARD & ZINNA, LLC
380 Madison Avenue
New York, New York 10017
Phone: (212) 697-6262
Fax: (212) 972-5866

**Attorneys for Defendant
Godiva Chocolatier, Inc.**

/s/ Terence P. Ross

Jennifer Parker Ainsworth
Texas Bar No. 00784720
jainsworth@wilsonlawfirm.com
WILSON, ROBERTSON & CORNELIUS, P.C.
909 ESE Loop 323, Suite 400
P.O. Box 7339 [75711]
Tyler, Texas 75701
Telephone: (903) 509-5000
Facsimile: (903) 509-5092

Terence P. Ross (pro hac vice)
tross@crowell.com
Jeffrey D. Ahdoot (pro hac vice)
jahdoot@crowell.com
CROWELL & MORING, LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2595
Telephone: (202) 624-2500
Facsimile: (202) 628-5116

**Attorneys for Defendants Enterprise Holdings,
Inc. and Vanguard Car Rental USA, LLC**

/s/ Trey Yarbrough

Trey Yarbrough
Bar No. 22133500
Debby E. Gunter
Bar No. 24012752
YARBROUGH ♦ WILCOX, PLLC
100 E. Ferguson St., Ste. 1015
Tyler, TX 75702
Telephone: (903) 595-3111
Facsimile: (903) 595-0191
trey@yw-lawfirm.com
debby@yw-lawfirm.com

Anthony F. Lo Cicero
Richard S. Mandaro
Benjamin Charkow
AMSTER ROTHSTEIN & EBENSTEIN LLP
90 Park Avenue
New York, NY 10016
Telephone: (212) 336-8000
Facsimile: (212) 336-8001
DineEq-GTag@arelaw.com

**ATTORNEYS FOR DEFENDANTS APPLEBEE'S
INTERNATIONAL, INC. AND APPLEBEE'S IP, LLC**

/s/ Anthony F. Lo Cicero

Anthony F. Lo Cicero
Richard S. Mandaro
Benjamin Charkow
AMSTER ROTHSTEIN & EBENSTEIN LLP
90 Park Avenue
New York, NY 10016
Telephone: (212) 336-8000
Facsimile: (212) 336-8001
DineEq-GTag@arelaw.com

**ATTORNEYS FOR DEFENDANTS IHOP IP, LLC
AND DINEEQUITY, INC.**

/s/ R. David Donoghue

Michael C. Smith
Siebman, Burg, Phillips & Smith, LLP
113 East Austin Street
P.O. Box 1556
Marshall, Texas 75671-1556
(903) 938-8900 (office)
(972) 767-4620 (fax)
michaelsmith@siebman.com

R. David Donoghue (Pro hac vice)
Steven E. Jedlinski (Pro hac vice)
Daniel L. Farris (Pro hac vice)
HOLLAND & KNIGHT LLP
131 South Dearborn Street, 30th floor
Chicago, IL 60603
Tel: (312) 263-3600
Fax: (312) 578-6666
david.donoghue@hklaw.com
daniel.farris@hklaw.com

Attorneys for Defendant Herman Miller, Inc.

/s/ Jeff Eichen

Jeffrey L. Eichen
Delaware State Bar No. 5331
Connolly Bove Lodge & Hutz LLP
1007 N. Orange Street, 9th floor
P.O. Box 2207
Wilmington, DE 19899
Tel.: (302) 888-6304
Fax: (302) 658-5614
jeichen@cblh.com

Marisa M. Schouten
State Bar No. 24039163
Martin Walker, P.C.
522 S. Broadway Ste 200
Tyler, Texas 75702
Tel.: (903) 526-1600
Fax: (903) 595-0796

***Attorney for Defendants Dress Barn, Inc. and
Maurices Incorporated***

/s/ Benjamin Hershkowitz
Benjamin Hershkowitz
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue, 47th Floor
New York, New York 10166-0193
Telephone: (212) 351-4000
Facsimile: (212) 351-4035
bhershkowitz@gibsondunn.com

**Attorney for Defendant/Counterclaimant
Footlocker.com, Inc.**

/s/ Michael A. Oakes
Edward F. Fernandes
Hunton & Williams LLP
111 Congress Avenue, Suite 1800
Austin, TX 78701
Telephone: (512) 542-5000
Facsimile: (512) 542-5049
E-mail: efernandes@hunton.com

Michael A. Oakes
Hunton & Williams LLP
2200 Pennsylvania Ave, NW
Washington, DC 20037
Telephone: (202) 955-1500
Facsimile: (202) 778-7459
E-mail: moakes@hunton.com

**ATTORNEYS FOR LOWE'S HOME
CENTERS, INC**

/s/ Eric H. Findlay

Eric H. Findlay
Texas Bar No. 00789886
Brian Craft
Texas Bar No. 04972020
Walter W. Lackey, Jr.
Texas Bar No. 24050901
FINDLAY CRAFT, LLP
6760 Old Jacksonville Hwy
Suite 101
Tyler, TX 75703
Telephone: (903) 534-1100
Facsimile: (903) 534-1137
efindlay@findlaycraft.com
bcraft@findlaycraft.com
wlackey@findlaycraft.com

William E. Devitt
Tiffany P. Cunningham (admitted pro hac vice)
Ian J. Block (admitted pro hac vice)
Kirkland & Ellis - Chicago
300 N. LaSalle Street
Chicago, IL 60654
Phone: 312-862-2000
Fax: 312-862-2200
Email: wdevitt@kirkland.com
tiffany.cunningham@kirkland.com
ian.block@kirkland.com

**COUNSEL FOR DEFENDANTS
ADVANCE AUTO PARTS, INC, ADVANCE
STORES COMPANY, INC., E-ADVANCE
LLC, AND HANESBRANDS, INC.**

/s/ Phong D. Nguyen

Robert G Abrams - LEAD ATTORNEY
Gregory J. Commins, Jr.
Phong D. Nguyen (TX Bar No. 24002690)
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, NW
Washington, DC 20036-5304
T: (202) 861-1500
F: (202) 861-1783
rabrams@bakerlaw.com
gcommins@bakerlaw.com
pnguyen@bakerlaw.com

**Attorneys for Defendant
Caterpillar Inc.**

/s/ Stayton L. Worthington

Don V. Kelly, (Pro Hac Vice)
Eugene P. Schmittgens Jr., (Pro Hac Vice)
Benjamin M. Fletcher (Pro Hac Vice)
Evans & Dixon, LLC
211 N. Broadway, Suite 2500
St. Louis, Missouri 63102
Telephone: 314-552-4066
Facsimile: 314-884-4466
dkelly@evans-dixon.com
gschmittgens@evans-dixon.com
bfletcher@evans-dixon.com

Coghlan Crowson, LLP
Stayton L. Worthington
State Bar No. 22010200
1127 Judson Road, Suite 211
P.O.Box 2665
Longview, Texas 75606

**ATTORNEYS FOR DEFENDANT
THE SWAN CORPORATION**

/s/ Allison H. Altersohn

Douglas R. McSwane, Jr.
State Bar No. 13861300
dougmcswane@potterminton.com
POTTER MINTON
110 N. College, Ste. 500
Tyler, TX 75702
Telephone: (903) 597-8311
Fax: (903) 593-0846

Allison H. Altersohn (admitted pro hac vice)
aaltersohn@kslaw.com
Jonathan D. Ball (admitted pro hac vice)
jball@kslaw.com
KING & SPALDING LLP
1185 Avenue of the Americas
New York, NY 10036
Telephone: (212) 556-2100
Facsimile: (212) 556-2222

**ATTORNEYS FOR DEFENDANT
AVON PRODUCTS, INC.**

/s/ Melissa Richards Smith

Melissa Richards Smith
Texas State Bar No. 24001351
GILLAM & SMITH, L.L.P.
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
E-mail: melissa@gillamsmithlaw.com

**ATTORNEYS FOR DEFENDANTS
THE WESTERN UNION COMPANY;
WESTERN UNION HOLDINGS, INC.; and
PIZZA INN, INC.**

/s/ Michael C. Smith

Michael C. Smith (TX Bar #18650410)
Siebman, Burg, Phillips & Smith, LLP
P.O. Box 1556
113 E. Austin Street
Marshall, TX 75671-1556
(903) 938-8900
michaelsmith@siebman.com

Alan M. Fisch
District of Columbia Bar No. 453068
KAYE SCHOLER LLP
The McPherson Building
901 Fifteenth St., NW
Washington, DC 20005-2327
(202) 682-3500 telephone
(202) 682 3580 fax
Email: alan.fisch@kayescholer.com

Attorney for TA Operating LLC

/s/ Roy W. Hardin

Roy W. Hardin
LOCKE LORD BISSELL & LIDDELL LLP
2200 Ross Avenue, Suite 2200
Dallas, TX 75201
Phone: (214) 740-8000
Fax: (214) 740-8800
rhardin@lockelord.com

Steven F. Meyer
David H. T. Kane
LOCKE LORD BISSELL & LIDDELL LLP
Three World Financial Center
New York, NY 10281-2101
Phone: (212) 415-8600
Fax: (212) 303-2754
smeyer@lockelord.com
dkane@lockelord.com

Brian W. Brokate
Jeffrey E. Dupler
GIBNEY, ANTHONY, & FLAHERTY LLP
665 Fifth Avenue
New York, NY 10022
Phone: (212) 688-5151
Fax: (212) 688-8315
bwbrokate@gibney.com
jdupler@gibney.com

**ATTORNEYS FOR DEFENDANT
ROLEX WATCH USA, INC.**

/s/ Stewart Mesher

Stewart Mesher
Attorney-in-Charge
CONLEY ROSE, P.C.
2508 Ashley Worth Blvd., Suite 200
Austin, TX 78738
Phone: (512) 610-3410
Fax: (512) 610-3456
Email: smesher@conleyrose.com

**ATTORNEY FOR DEFENDANT
MR. GATTI'S, L.P.**

/s/ Mark T. Garrett

Deron R. Dacus
State Bar No. 00790553
Shannon M. Dacus
State Bar No. 00791004
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, Texas 75701
Tel: 903.705.1117
Fax: 903.705.1117
ddacus@dacusfirm.com
sdacus@dacusfirm.com

Mark T. Garrett
State Bar No. 24007225
Sarah R. Holland
State Bar No. 24055679
FULBRIGHT & JAWORSKI LLP
600 Congress Avenue, Suite 2400
Austin, TX 78701
Tel: 512.474.5201
Fax: 512.536.4598
mgarrett@fulbright.com
sholland@fulbright.com

Michael A. Swartzendruber
State Bar No. 19557702
Brandy S. Nolan
State Bar No. 24070337
FULBRIGHT & JAWORSKI LLP
2200 Ross Avenue, Suite 2800
Dallas, TX 75201
Tel: 214.855.8000
Fax: 214.855.8200
mswartzendruber@fulbright.com
bnolan@fulbright.com

Charles S. Baker
State Bar No. 01566200
FULBRIGHT & JAWORSKI L.L.P.
1301 McKinney, Suite 5100
Houston, TX 77010-3095
Tel: 713.651.5151
Fax: 713.651.5246
csbaker@fulbright.com

Patrick J. Gallagher
Minnesota State Bar No. 0294202
FULBRIGHT & JAWORSKI LLP
2100 IDS Center
80 South Eight St
Minneapolis, MN 55402-2112
Tel: 612.321.2812
Fax: 612.321.2288
pgallagher@fulbright.com

Counsel for Cinemark Holdings, Inc.; Cinemark USA, Inc.; CHRISTUS Health a/k/a CHRISTUS Health Non-Profit Corp.; CHRISTUS Health Foundation; Dollar General Corp.; National Vision, Inc.; Office Depot, Inc.; Regis Corporation; Spencer Gifts, LLC; Landry's, Inc.; Claim Jumper Acquisition Company, LLC; The Oceanaire Restaurant Company, Inc.; and/or Saltgrass, Inc.

/s/ Thomas W. Cunningham

FRANK A. ANGILERI

fangileri@brookskushman.com

THOMAS W. CUNNINGHAM

tcunningham@brookskushman.com

JOHN LEROY

jleroy@brookskushman.com

1000 Town Center, 22nd Floor

Southfield, Michigan 48075

Tel: (248) 358-4400

Fax: (248) 358-3351

COUNSEL FOR DEFENDANTS

DOMINO'S PIZZA, INC. and

TEREX CORPORATION

/s/ Margaret Elizabeth Day

Margaret Elizabeth Day (CA Bar No. 177125)
Admitted to Practice
Email: eday@feinday.com
FEINBERG DAY ALBERTI & THOMPSON LP
401 Florence Street, Suite 200
Palo Alto, CA 94301
Telephone: (650) 618.4360
Facsimile: (650) 618.4368

**Attorneys for Defendant
MONSTER CABLE PRODUCTS, INC.**

/s/ Debby E. Gunter

Debby E. Gunter
debby@yw-lawfirm.com
Herbert A. Yarbrough, III
tre@yw-lawfirm.com
YARBROUGH ♦ WILCOX
100 E. Ferguson Street, Suite 1015
Tyler, TX 75702
Tel: 903-595-3111
Fax: 903-595-0191

**COUNSEL FOR DEFENDANT
ROSS STORES, INC.**

/s/ Allen F. Gardner

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College Ave., Suite 500
Tyler, Texas 75702
Tel: (903) 597 8311
Fax: (903) 593 0846

Brian E. Turung
FAY SHARPE
1228 Euclid Avenue, Suite 500
Cleveland, Ohio 44115
Tel: (216) 363-9000
Fax: (216) 363-9001

**COUNSEL FOR DEFENDANT
APPLIED INDUSTRIAL TECHNOLOGIES,
INC.**

/s/ Scott Stevens

Scott Stevens
State Bar No. 00792024
STEVENS LOVE
P.O. Box 3427
Longview, Texas 75606
Telephone: 903-753-6760
Facsimile: 903-753-6761
scott@stevenslove.com

Daniel J. Schwartz
SEYFARTH SHAW LLP
131 S. Dearborn Street - Suite 2400
Chicago, Illinois 60603
Telephone: (312) 460-5000
Facsimile: (312) 460-7000
dschwartz@seyfarth.com

**ATTORNEYS FOR WHERE2GETIT, INC.; VF
OUTDOOR, INC. D/B/A THE NORTH FACE; CHICK-
FIL-A, INC.; MONSTER CABLE PRODUCTS, INC.;
PATAGONIA, INC.; TCF Co. LLC, THE
CHEESECAKE FACTORY INC.; VIEWSONIC CORP.;
AND THE TIMBERLAND CO. D/B/A TIMBERLAND
Co.**

/s/ Timothy S. Durst

Timothy S. Durst
Lead Attorney
Texas Bar No. 00786924
tim.durst@bakerbotts.com
Chad C. Walters
Texas Bar No. 24034730
chad.walters@bakerbotts.com
Susan Cannon Kennedy
Texas Bar No. 24051663
susan.kennedy@bakerbotts.com
BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
Telephone: 214-953-6500
Facsimile: 214-953-6503

Christopher W. Kennerly
Texas Bar No. 00795077
chris.kennerly@bakerbotts.com
BAKER BOTTS L.L.P.
620 Hansen Way
Palo Alto, California 94304
Telephone: 650-739-7502
Facsimile: 650-739-7601

Benjamin R. Johnson
Texas Bar No. 24065495
ben.johnson@bakerbotts.com
BAKER BOTTS L.L.P.
98 San Jacinto Boulevard, Suite 1500
Austin, TX 78701-4078
Telephone: 512-322-2500
Facsimile: 512-322-2501

**ATTORNEYS FOR DEFENDANTS
YELLOWPAGES.COM LLC, AT&T
MOBILITY LLC AND AT&T SERVICES, INC.**

/s/ Matthew A. Braunel

Dean L. Franklin
dfranklin@thompsoncoburn.com
Matthew A. Braunel
mbraunel@thompsoncoburn.com
Anthony F. Blum
ablum@thompsoncoburn.com
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, MO 63101
314-552-6000
FAX 314-552-7000

**Attorney for Defendant
GANDER MOUNTAIN COMPANY**

/s/ Michael E. Schonberg

Bruce S. Sostek
State Bar No. 18855700
Bruce.Sostek@tklaw.com
Michael E. Schonberg
State Bar No. 00784927
Mike.Schonberg@tklaw.com
Vishal Patel
State Bar No. 24065885
Vishal.Patel@tklaw.com
Thompson & Knight LLP
One Arts Plaza
1722 Routh St., Suite 1500
Dallas, Texas 75201
214.969.1700
214.969.1751 (Fax)

**Attorneys for Defendants
VF Corporation;
VF Jeanswear, L.P.**

/s/ Dru Montgomery

J. Thad Heartfield
Texas Bar No. 09346800
thad@jth-law.com
Dru Montgomery
Texas Bar No. 24010800
dru@jth-law.com
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Telephone: (409) 866-3318
Fax: (409) 866-5789

OF COUNSEL:

Guy A. Reiss (pro hac vice)
Henry J. Cittone (pro hac vice)
REISS+PREUSS LLP
1350 Avenue of the Americas, Suite 2900
New York, NY 10019
(646) 731-2770

**ATTORNEYS FOR DEFENDANT
MIELE INCORPORATED**

/s/ Ury Fischer

Ury Fischer
Florida Bar No. 0048534
ufischer@lfiplaw.com
Lott & Fischer, PL
355 Alhambra Circle, Suite 1100
Coral Gables, FL 33134
Telephone: 305.448.7089
Facsimile: 305.446-6191

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500 (75702)
P. O. Box 359
Tyler, TX 75710
Telephone: 903.597.8311
Facsimile: 903.593.0846

**ATTORNEYS FOR DEFENDANT
BROWN JORDAN INTERNATIONAL, INC.**

/s/ Charles L. Stinneford

Charles L. Stinneford
State Bar No. 00785057
cstinneford@gordonarata.com
David V. Bryce
State Bar No. 24052876
dbryce@gordonarata.com
GORDON, ARATA, MCCOLLAM,
DUPLANTIS & EAGAN, LLC
1980 Post Oak Blvd.
Suite 1800
Houston, Texas 77056
Phone: (713) 333-5500
Fax: (713) 333-5501

*Attorneys for Payless Car Rental System, Inc. and
Avalon Global Group, Inc.*

/s/ M. Dru Montgomery

David M. Stein
Texas State Bar No. 00797494
AKIN GUMP STRAUS HAUER & FELD LLP
633 West Fifth Street, Suite 5000
Los Angeles, CA 90071
Work: 213.254.1200
Fax: 213.254.1201
dstein@akingump.com

J. Thad Heartfield
Texas Bar No. 09346800
E-mail: thad@jth-law.com
M. Dru Montgomery
Texas Bar No. 24010800
E-mail: dru@jth-law.com
The Heartfield Law Firm
2195 Dowlen Road
Beaumont, Texas 77706
Telephone: (409) 866-3318
Fax: (409) 866-5789

***Counsel for Defendants
Conn's Appliances, Inc., Conn's Inc., and Deli
Management, Inc. d/b/a Jason's Deli***

/s/ Elizabeth L. DeRieux

Elizabeth L. DeRieux
ederieux@capshawlaw.com
CAPSHAW DERIEUX, LLP
114 E. Commerce Ave.
Gladewater, Texas 75647
(903) 236-9800
(903) 236-8787

H. Jonathan Redway, Lead Attorney
jredway@dickinsonwright.com
DICKINSON WRIGHT PLLC
1875 I Street, NW, Suite 1200
Washington, DC 20006
Phone: (202) 457-0160
Fax: (202) 659-1559

Attorneys for Defendant Carhartt Inc.

/s/ James C. Tidwell

Andre R. Barry – NE Bar #22505
CLINE WILLIAMS WRIGHT
JOHNSON & OLDFATHER, L.L.P.
233 South 13th Street
1900 U.S. Bank Building
Lincoln, NE 68508-2095
(402) 474-6900
(402) 474-5393 fax
abarry@clinewilliams.com

James C. Tidwell – TX Bar #20020100
WOLFE, TIDWELL & McCOY, LLP
320 N. Travis, Suite 205
Sherman, TX 75090
(903) 868-1933
(903) 892-2397 fax
jct@wtmlaw.net

***Attorneys for Defendant
Godfather's Pizza, Inc.***

/s/ J. Thad Heartfield

J. Thad Heartfield
Texas Bar No. 09346800
thad@jth-law.com
M. Dru Montgomery
Texas Bar No. 24010800
dru@jth-law.com
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Telephone: (409) 866-3318
Fax: (409) 866-5789

Michael R. Annis
mike.annis@huschblackwell.com
Husch Blackwell LLP
190 Carondelet Plaza, Suite, 600
Telephone: (314) 480-1500
Fax: (314) 480-1505

**Attorneys for Defendant
Bakers Footwear Group, Inc.**

/s/ Allen F. Gardner

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College Ave., Suite 500
Tyler, Texas 75702
Tel: (903) 597 8311
Fax: (903) 593 0846

Anthony Shaw
shaw.anthony@arentfox.com
ARENT FOX LLP
1050 Connecticut Avenue, NW
Washington, DC 20036-5339
Telephone: 202.857.6227
Fax: 202.857.6395
**Attorneys for Defendant
Diesel U.S.A. Inc.**

/s/ Paul B. Kerlin

Joseph M. Schreiber
Texas Bar No. 24037449
Paul B. Kerlin
Texas Bar No. 24044480
VORYS, SATER, SEYMOUR AND PEASE LLP
700 Louisiana Avenue, Suite 4100
Houston, Texas 77002
Tel: 713-588-7000
Fax: 713-588-7050
jmschreiber@vorys.com
pbkerlin@vorys.com

William H. Oldach III, pro hac vice
VORYS, SATER, SEYMOUR & PEASE LLP
1909 K Street, N.W., 9th Floor
Washington, DC 20006
Phone: 202-467-8800
Facsimile: 202-533-9024
E-mail: wholdach@vorys.com

Robert T. Veon
Texas Bar No. 20546550
VEON LAW FIRM, PA
117 E. Broad St.
Texarkana, AR 71854
Phone: 870-774-7390
Facsimile: 870-773-3690
Email: robert.veon@veonfirm.com

**ATTORNEYS FOR DEFENDANT
ABERCROMBIE & FITCH CO.**

/s/ William Cornelius

William Cornelius
State Bar No. 04834700
Wilson, Robertson & Cornelius, P.C.
P.O. Box 7339
Tyler, Texas 75711-7339
Telephone: (903) 509-5000
Facsimile: (903) 509-5091
wc@wilsonlawfirm.com

**ATTORNEYS FOR DEFENDANT
PSP GROUP, LLC D/B/A PET SUPPLIES
PLUS**

/s/ Gregory R. Lyons

J. Thad Heartfield (TX Bar # 09346800)
M. Dru Montgomery (TX Bar # 24010800)
THE HEARTFIELD LAW FIRM
2195 Dowlen Road
Beaumont, Texas 77706
Tel: (409) 866-3318
Fax: (409) 866-5789
thad@jth-law.com
dru@jth-law.com

Gregory R. Lyons
Brian H. Pandya (VA Bar # 72233)
WILEY REIN LLP
1776 K Street NW
Washington, DC 20006
Tel: (202) 719-7000
glyons@wileyrein.com
bpandya@wileyrein.com

**ATTORNEYS FOR DEFENDANT
MERLE NORMAN COSMETICS**

/s/ J. Thad Heartfield

J. Thad Heartfield
Texas Bar No. 09346800
M. Dru Montgomery
Texas Bar No. 24010800
The Heartfield Law Firm
2195 Dowlen Rd
Beaumont, TX 77706
409/866-3318
Fax: 14098665789
Email: thad@jth-law.com
dru@jth-law.com

John P Higgins
Summa Additon & Ashe, PA
11610 N Community House Rd
Suite 200
Charlotte, NC 28277-2199
704/945-6704
Fax: 704/945-6735
Email: jhiggins@summalaw.com

**Attorneys for Defendant
Hallmark Cards Inc.**

/s/ Philip J. Moy Jr.

Philip J. Moy Jr. (Ohio Bar No. 0043568)
FAY SHARPE LLP
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, OH 44115
Telephone: 216-363-9000
Facsimile: 216-363-9001
Email: pmoy@faysharpe.com

**Attorneys for Defendant
Things Remembered, Inc.**

/s/ Terrell R. Miller

Ronald M. Gaswirth
Texas Bar No. 07752000
Terrell R. Miller
Texas Bar No. 24046446
GARDERE WYNNE SEWELL LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201-4761
Telephone: (214) 999-3000
Facsimile: (214) 999-4667
rgaswirth@gardere.com
tmiller@gardere.com

**ATTORNEYS FOR DEFENDANT
NEW ASHLEY STEWART, INC.**

/s/ Charles Clark

Charles Clark (TX #04274000)

chc@charlesclarklaw.com

CLARK & PORTER

P.O. Box 98

604 West Woldert

Tyler, TX 75702

Telephone: 903/593-2514

Facsimile: 903/595-1294

David R. Barnard (Admitted pro hac vice)

dbarnard@lathropgage.com

David R. Frye (Admitted pro hac vice)

dfrye@lathropgage.com

LATHROP & GAGE LLP

2345 Grand Blvd., Ste, 2400

Kansas City, MO 64108

Telephone: 913/292-2000

Facsimile: 913/292-2001

**ATTORNEYS FOR DEFENDANT
ALCO STORES, INC.**

/s/ Brian Craft

Brian Craft
State Bar No. 04972020
Eric H. Findlay
State Bar No. 00789886
Findlay Craft, LLP
Principal Office:
6760 Old Jacksonville Hwy
Suite 101 Tyler, Texas 75703
Tel: (903) 534-1100
Fax: (903) 534-1137
Email: bcraft@findlaycraft.com
Email: efindlay@findlaycraft.com

Of Counsel:
Brian G. Bodine (Pro Hac Vice)
Tiffany Scott (Pro Hac Vice)
1420 Fifth Avenue, Suite 4100
Seattle, Washington 98101-2338
Telephone: (206) 223-7000
Facsimile: (206) 223-7107
E-mail: bodineb@lanepowell.com
scottt@lanepowell.com

ATTORNEYS FOR INTELIOUS INC.

By: */s/*

/s/ Hector J. Ribera

Hector J. Ribera
CA Bar No. 221511 (Admitted E.D. Tex.)
hribera@fenwick.com
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, California 94041
Telephone: (650) 988-8500
Facsimile: (650) 938-5200

**Attorneys for Defendant
ZOOSK, INC.**

/s/ Lisa A. Ferrari

Martin B. Pavane (admitted *pro hac vice*)

New York Bar No. 1528819

Lisa A. Ferrari (admitted *pro hac vice*)

New York Bar No. 2411759

COZEN O'CONNOR

277 Park Avenue

New York, New York 10172

Telephone: (212) 883-4900

Telecopy: (212) 986-0604

Email: mpavane@cozen.com

lferrari@cozen.com

Kendall K. Hayden

Texas State Bar No. 24046197

COZEN O'CONNOR

1717 Main Street

Dallas, Texas 75201

Telephone: (214) 462-3000

Facsimile: (214) 462-3299

Email: khayden@cozen.com

Attorneys for Beech Nut Nutrition Corp.

/s/ Trey Yarbrough

Trey Yarbrough
Bar No. 22133500
Debby E. Gunter
Bar No. 24012752
YARBROUGH ♦ WILCOX, PLLC
100 E. Ferguson St., Ste. 1015
Tyler, TX 75702
(903) 595-3111
Fax: (903) 595-0191
tre@yw-lawfirm.com
debby@yw-lawfirm.com

Nathan D. Meyer
CA Bar No. 239850
Marc A. Fenster
CA Bar No. 181067
Larry C. Russ
CA Bar No. 082760
RUSS, AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
(310) 826-7474
Fax: (310) 826-6991
nmeyer@raklaw.com
mfenster@raklaw.com
lruss@raklaw.com

**ATTORNEYS FOR DEFENDANT
FOREVER 21 RETAIL, INC.**

/s/ Trey Yarbrough

Trey Yarbrough
Bar No. 22133500
Debby E. Gunter
Bar No. 24012752
YARBROUGH ♦ WILCOX, PLLC
100 E. Ferguson St., Ste. 1015
Tyler, TX 75702
(903) 595-3111
Fax: (903) 595-0191
tre@yw-lawfirm.com
debby@yw-lawfirm.com

Burton S. Ehrlich
John Luther
Ladas & Parry LLP
224 S. Michigan Avenue
Chicago, IL 60604
(312) 427-1300
Fax: (312) 427-6668

**ATTORNEYS FOR DEFENDANT,
HICKORY FARMS, INC.**

/s/ Trey Yarbrough

Trey Yarbrough
Bar No. 22133500
Debby E. Gunter
Bar No. 24012752
YARBROUGH ♦ WILCOX, PLLC
100 E. Ferguson St., Ste. 1015
Tyler, TX 75702
Telephone: (903) 595-3111
Facsimile: (903) 595-0191
tre@yw-lawfirm.com
debby@yw-lawfirm.com

Anthony F. Lo Cicero
Richard S. Mandaro
Benjamin Charkow
AMSTER ROTHSTEIN & EBENSTEIN LLP
90 Park Avenue
New York, NY 10016
Telephone: (212) 336-8000
Facsimile: (212) 336-8001
DineEq-GTag@arelaw.com

**ATTORNEYS FOR DEFENDANT
DINEEQUITY, INC.**

/s/ Trey Yarbrough

Trey Yarbrough
Bar No. 22133500
Debby E. Gunter
Bar No. 24012752
YARBROUGH ♦ WILCOX, PLLC
100 E. Ferguson St., Ste. 1015
Tyler, TX 75702
Telephone: (903) 595-3111
Facsimile: (903) 595-0191
tre@yw-lawfirm.com
debby@yw-lawfirm.com

Anthony F. Lo Cicero
Richard S. Mandaro
Benjamin Charkow
AMSTER ROTHSTEIN & EBENSTEIN LLP
90 Park Avenue
New York, NY 10016
Telephone: (212) 336-8000
Facsimile: (212) 336-8001

**ATTORNEYS FOR DEFENDANT
MACY'S RETAIL HOLDINGS, INC.**

/s/ J. Matt Rowan

E. Glenn Thames, Jr.
State Bar No. 00785097
glennthames@potterminton.com
J. Matt Rowan
State Bar No. 24033137
mattrowan@potterminton.com
POTTER MINTON, A Professional Corporation
110 N. College Avenue, Suite 500
Tyler, TX 75702
(903) 597-8311 (Telephone)
(903) 593-0846 (Facsimile)

Joseph J. Richetti
joseph.richetti@bryancave.com
BRYAN CAVE LLP
1290 Avenue of the Americas
New York, NY 10104
Telephone: (212) 541-2000
Facsimile: (212) 541-4630

Thomas Jameson Adair
thomas.adair@bryancave.com
BRYAN CAVE LLP
2200 Ross Ave., Ste 3300
Dallas, TX 75201
214-721-8000
214-220-6733 (fax)

Counsel for dELiA*s, Inc.

/s/ J. Matt Rowan

E. Glenn Thames, Jr.
State Bar No. 00785097
glennthames@potterminton.com
J. Matt Rowan
State Bar No. 24033137
mattrowan@potterminton.com
POTTER MINTON, A Professional Corporation
110 N. College Avenue, Suite 500
Tyler, TX 75702
(903) 597-8311 (Telephone)
(903) 593-0846 (Facsimile)

Robert G. Lancaster
rglancaster@bryancave.com
BRYAN CAVE LLP
120 Broadway, Suite 300
Santa Monica, California 90401-2386
Tele: (310) 576-2239
Facs: (310) 260-7139

Wilhemina Joni Tyler
wilhemina.tyler@bryancave.com
BRYAN CAVE LLP
211 N Broadway, Suite 3600
St Louis, MO 63102-3600
314-259-2345
314-552-8345 (fax)

Counsel for American Apparel, Inc.

/s/ Thomas W. Cunningham

Frank A. Angileri (MI Bar No. P45611)
Thomas W. Cunningham (MI Bar No. P57899)
John S. LeRoy (MI Bar No. P61964)
BROOKS KUSHMAN P.C.
1000 Town Center, Twenty-Second Floor
Southfield, Michigan 48075
Telephone: (248) 358-4400
Facsimile: (248) 358-3351
fangileri@brookskushman.com
tcunningham@brookskushman.com
jleroy@brookskushman.com

**Attorneys for Defendants
Domino's Pizza, Inc. and Terex, Inc.**

/s/ Joel T. Beres

Joel T. Beres
Lead Counsel
Kentucky State Bar No. 84376
Jack A. Wheat
Kentucky State Bar No. 75945
Jennifer L. Kovalcik
Kentucky State Bar No. 89391
Lindsay Yeakel Capps
Kentucky State Bar No. 92726
STITES & HARBISON, PLLC
400 West Market Street
Suite 1800
Louisville, KY 40202-3352
Telephone: (502) 587-3400
Facsimile: (502) 587-6391
jberes@stites.com
jwheat@stites.com
jkovalcik@stites.com
lcapps@stites.com

**Attorneys for Defendant
Eyemart Express, Ltd.**

/s/ Jennifer Parker Ainsworth

Jennifer Parker Ainsworth
(State Bar No. 00784720)
jainsworth@wilsonlawfirm.com
Wilson, Robertson & Cornelius, P.C.
One American Center
909 ESE Loop 323, Suite 400
Tyler, Texas 75701
(903) 509-5000

Peter J. Brann
pbrann@brannlaw.com
David Swetnam-Burland
dsb@brannlaw.com
Stacy O. Stitham
sstitham@brannlaw.com
BRANN & ISAACSON
184 Main Street; P.O. Box 3070
Lewiston, ME 04243-3070
(207) 786-3566

Attorneys for J. Crew Group, Inc.

/s/ Elizabeth Flannery

Scott F. Partridge
Texas Bar No. 00786940
Email: scott.partridge@bakerbotts.com
Elizabeth Flannery
Texas Bar No. 24045815
Email: liz.flannery@bakerbotts.com
William P. Rothwell
Texas Bar No. 24066005
Email: william.rothwell@bakerbotts.com
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, Texas 77002-4995
Telephone: (713) 229-1569
Facsimile: (713) 229-7769

**ATTORNEYS FOR DEFENDANT
HEB GROCERY COMPANY, LP**

/s/ Bradley Chambers

Bradley Chambers
Texas State Bar No. 24001860
Baker, Donelson, Bearman, Caldwell & Berkowitz
1301 McKinney
Suite 3700
Houston, Texas 77010
(713) 286-7193 - Direct
(713) 650-9701 - Fax
bchambers@bakerdonelson.com

Bradley E. Trammell (Of Counsel)
Tennessee State Bar No. 013980
Baker, Donelson, Bearman, Caldwell & Berkowitz
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Telephone: (901) 577-2121
Facsimile: (901) 577-0781
btrammell@bakerdonelson.com

**Attorneys for Defendant
Fred's, Inc.**

/s/ Darren W. Saunders

John M. Jackson
Texas Bar No. 24002340
jjackson@jw.com
Matthew C. Acosta
Texas Bar No. 24062577
macosta@jw.com
JACKSON WALKER L.L.P.
901 Main Street, Suite 6000
Dallas, TX 75202
Telephone: (214) 953-6000
Facsimile: (214) 661-6645

Darren W. Saunders (admitted pro hac vice)
dsaunders@manatt.com
Alpa V. Patel (admitted pro hac vice)
avpatel@manatt.com
MANATT PHELPS & PHILLIPS LLP
Seven Times Square
New York, New York 10036
Tel: (212) 790-4500
Fax: (212) 790-4545

**ATTORNEYS FOR DEFENDANT
H&M HENNES & MAURITZ, L.P.**

/s/ Allen Gardner

Jan M. Conlin (pro hac vice)
Thomas C. Mahlum (pro hac vice)
Andrew J. Pieper (pro hac vice)
ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402-2015
T: 612-349-8500
F: 612-339-4181

Michael E. Jones (TX. No. 10929400)
POTTER MINTON P.C.
110 N. College
500 Plaza Tower
Tyler, TX 75702
T: (903) 597-8311
F: (903) 593-0846

**ATTORNEYS FOR DEFENDANT
GREAT CLIPS, INC.**

/s/ Allen Gardner

Jan M. Conlin (pro hac vice)
Thomas C. Mahlum (pro hac vice)
Andrew J. Pieper (pro hac vice)
ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402-2015
T: 612-349-8500
F: 612-339-4181

Michael E. Jones (TX. No. 10929400)
POTTER MINTON P.C.
110 N. College
500 Plaza Tower
Tyler, TX 75702
T: (903) 597-8311
F: (903) 593-0846

**ATTORNEYS FOR DEFENDANT
M.A.C. COSMETICS, INC.**

/s/ David Bassett

David Bassett
WilmerHale
399 Park Avenue
NY, NY 10022
212.230.8858 (Telephone)
212.230.8888 (Facsimile)
David.Bassett@wilmerhale.com

John M. Jackson
Nicole Ruble Metcalf
JACKSON WALKER L.L.P.
901 Main Street, Suite 6000
Dallas, Texas 75202-3797
Telephone: (214) 953-6000
jjackson@jw.com
nmetcalf@jw.com

**Attorneys for Defendant
The Yankee Candle Company, Inc.**

/s/ Scott S. Brown

Scott S. Brown
MAYNARD, COOPER & GALE, P.C.
2400 Regions/Harbert Plaza
1901 Sixth Avenue North
Birmingham, AL 35203-2618
Tel: (205) 254-1232
Fax: (205)254-1999
scottbrown@maynardcooper.com

**Attorney for Defendant
Factory Connection LLC**

/s/ Allen F. Gardner

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
Daniel A. Noteware, Jr.
State Bar No. 24051123
dannynoteware@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College Ave., Suite 500
Tyler, Texas 75702
Tel: (903) 597 8311
Fax: (903) 593 0846

**ATTORNEYS FOR DEFENDANT
JIMMY JAZZ E-COMMERCE, LLC**

/s/ Thomas L. Duston

Thomas L. Duston
State Bar. No.: 6196612
tduston@marshallip.com
Cullen N. Pendleton, Ph.D.
State Bar. No.: 6283725
cpendleton@marshallip.com
MARSHALL, GERSTEIN & BORUN LLP
6300 Willis Tower
233 South Wacker Drive
Chicago, IL 60606-6357
T: 312.474.6300

**Attorneys for Defendant
Classified Ventures, LLC**

/s/ Stacie L. Greskowiak

Theodore Stevenson, III
Lead Attorney
Texas State Bar No. 19196650
tstevenson@mckoolsmith.com
Stacie L. Greskowiak
Texas State Bar No. 24074311
sgreskowiak@mckoolsmith.com
McKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Phone: (214) 978-4000
Fax: (214) 978-4044

**COUNSEL FOR DEFENDANT
BURLEIGH POINT, LTD.**

/s/ J. Daniel Harkins

J. Daniel Harkins
State Bar No. 09008990
dharkins@coxsmith.com
Marissa Dawn Helm
State Bar No. 24046273
mhelm@coxsmith.com

COX SMITH MATTHEWS INCORPORATED
112 E. Pecan Street, Suite 1800
San Antonio, Texas 78205
(210) 554-5500
(210) 226-8395 (Fax)

Attorneys for Visionworks of America, Inc.

/s/ Andrew C. Warnecke

Andrew C. Warnecke (admitted pro hac vice)
Joshua J. Heidelman (admitted pro hac vice)
Bryan Cave LLP
161 N. Clark St., Suite 4300
Chicago, IL 60601
Telephone: (312) 602-5000
Fax: (312) 602-5050
andrew.warnecke@bryancave.com
joshua.heidelman@bryancave.com

Thomas J. Adair
Texas Bar No. 24047753
Bryan Cave LLP
JP Morgan Chase Tower
2200 Ross Avenue, Suite 3300
Dallas, Texas 75201
Telephone: (214) 721-8000
Fax: (214) 721-8100
thomas.adair@bryancave.com

**ATTORNEYS FOR DEFENDANT
BIOSCRIP, INC**

/s/ Andy H. Chan

Thomas F. Fitzpatrick
CA State Bar No. 193565
tfitzpatrick@goodwinprocter.com
Andy H. Chan
CA State Bar No. 242660
achan@goodwinprocter.com
GOODWIN PROCTER LLP
135 Commonwealth Drive
Menlo Park, CA 94025
(650) 752-3100 (Telephone)
(650) 853-1038 (Facsimile)

Charles Ainsworth
State Bar No. 00783521
Parker, Bunt & Ainsworth, P.C.
charley@pbatyler.com
100 E. Ferguson, Suite 1114
Tyler, TX 75702
(903) 531-3535 telephone
(903) 533-9687 fax
charley@pbatyler.com

**Attorneys for Defendant
Draper's & Damon's, LLC**

/s/ James E. Hudson III

James E. Hudson III
Texas Bar No. 00798270
CRAIN, CATON & JAMES, P.C.
1401 McKinney, Suite 1700
Houston, Texas 77010
713.752.8652
713.425.7952 Fax
jHUDSON@craincaton.com

**ATTORNEY FOR DEFENDANT
CURVES INTERNATIONAL, INC.**

/s/ Gregory L. Lippetz

Gregory L. Lippetz
Iman Lordgooei
JONES DAY
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: (650) 739-3939
Facsimile: (650) 739-3900
E-mail: glippetz@jonesday.com
E-mail: ilordgooei@jonesday.com

**Attorneys for Defendant
Toni&Guy USA, LLC**

/s/ Devan V. Padmanabhan

Devan V. Padmanabhan (admitted pro hac vice)
dpadmanabhan@winthrop.com
Justin H. Jenkins (#24051866)
jjenkins@winthrop.com
WINTHROP & WEINSTINE, P.A.
Capella Tower, Suite 3500
225 South Sixth Street
Minneapolis, MN 55402
Telephone: (612) 604-6411
Facsimile: (612) 604-6891
Indianapolis, IN 46204

**Attorneys for Defendants
bestbuy.com, Life Time Fitness, Inc., and Jos. A.
Bank Clothiers**

/s/ Jeffrey C. Morgan

Todd G. Vare (admitted pro hac vice)
BARNES & THORNBURG LLP
11 S. Meridian Street
Indianapolis, IN 46204
Telephone: (317) 231-7735
Facsimile: (317) 231-7433
Email: tvare@btlaw.com

Jeffrey C. Morgan
Georgia Bar No. 522667
BARNES & THORNBURG LLP
Prominence in Buckhead
3475 Piedmont Road, N.E.
Suite 1700
Atlanta, GA 30305
Telephone: (404) 264-4015
Facsimile: (404) 264-4033
Email: jeff.morgan@btlaw.com

S. Calvin Capshaw, III
State Bar No. 03783900
Elizabeth L. DeRieux
State Bar No. 05770585
D. Jeffrey Rambin
State Bar No. 00791478
CAPSHAW DeRIUEX LLP
114 E. Commerce Avenue
Gladewater, TX 75647
Telephone: (903) 233-4816
Facsimile: (903) 236-8787
Email: ccapshaw@capshawlaw.com
Email: ederieux@capshawlaw.com
Email: jrambin@capshawlaw.com

**ATTORNEYS FOR DEFENDANT
WILD BIRDS UNLIMITED, INC.**

/s/ Matias Ferrario

Matias Ferrario
NC Bar No. 38723
mferrario@kilpatricktownsend.com
KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: 336.607.7300
Facsimile: 336.607.7500

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500 (75702)
P. O. Box 359
Tyler, TX 75710
Telephone: 903.597.8311
Facsimile: 903.593.0846

**ATTORNEYS FOR DEFENDANTS
AGCO CORP., LABORATORY
CORPORATION OF AMERICA HOLDINGS,
LABORATORY CORPORATION OF
AMERICA, VICTORINOX SWISS ARMY,
INC., GENESCO INC., AND SUNBELT
RENTALS, INC.**

/s/ Matias Ferrario

Matias Ferrario
NC Bar No. 38723
mferrario@kilpatricktownsend.com
KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
Telephone: 336.607.7300
Facsimile: 336.607.7500

Geoffrey Gavin
ggavin@kilpatricktownsend.com
KILPATRICK TOWNSEND & STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, GA 30309-4528
Telephone: 404.815.6500
Facsimile: 404.815.6555

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College, Suite 500 (75702)
P. O. Box 359
Tyler, TX 75710
Telephone: 903.597.8311
Facsimile: 903.593.0846

**ATTORNEYS FOR DEFENDANT
THE ROCKPORT COMPANY, LLC**

/s/ Don Tiller

David H. Harper
Texas State Bar No. 09025540
david.harper@haynesboone.com
Donald E. Tiller
Texas State Bar No. 24066197
don.tiller@haynesboone.com
HAYNES AND BOONE, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Tel: 214-651-5000
Fax: 214-651-5940

**ATTORNEYS FOR DEFENDANT,
COLDWATER CREEK INC. AND ZALE
DELAWARE, INC.**

/s/ Don Tiller

Thomas J. Williams (Lead Attorney)
State Bar No. 21578500
thomas.williams@haynesboone.com
HAYNES AND BOONE, LLP
201 Main Street, Suite 2200
Fort Worth, TX 76102
Tel: (817) 347-6600
Fax: (817) 347-6650
Donald E. Tiller
State Bar No. 24066197
don.tiller@haynesboone.com
HAYNES AND BOONE, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Tel: 214-651-5000
Fax: 214-651-5940

**ATTORNEYS FOR DEFENDANT,
PROGRESSIVE CONCEPTS INC.**

/s/ Melissa R. Smith

Melissa R. Smith
State Bar No. 24001351
GILLAM & SMITH, L.L.P.
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
melissa@gillamsmithlaw.com

Jonathan N. Zerger
jzerger@shb.com
Beth A. Larigan
blarigan@shb.com
Admitted pro hac vice
SHOOK, HARDY & BACON LLP
2555 Grand Blvd.
Kansas City, Missouri 64108-2613
Telephone: 816.474.6550
Facsimile: 816.421.5547

**ATTORNEYS FOR DEFENDANT
CIRCLE K STORES, INC.**

/s/ David J. Healey

David J. Healey
(healey@fr.com)
Texas Bar No. 0932790
Claire M. Devine
(devine@fr.com)
Texas Bar No. 24080858
FISH & RICHARDSON P.C.
1221 McKinney, Suite 2800
Houston, Texas 77010
Phone: 713-654-4300
Fax: 713-652-0109

Clayton E. Dark, Jr.
Law Office of Clayton E. Dark, Jr.
P.O. Box 2207
Lufkin, TX 75902-1733
Phone: 936-637-1733
Fax: 936-637-2897
Email: cekrad@yahoo.com

**ATTORNEYS FOR BROOKSHIRE
BROTHERS, LTD.**

/s/ B. Lance Vincent

B. Lance Vincent
Texas Bar No. 20585580
Ritcheson, Lauffer & Vincent PC
2 American Center
821 ESE Loop 323, Suite 530
Tyler, Texas 75701
Tel: (903) 535-2900
Fax: (903) 533-8646
lancev@rllawfirm.net

Mark P. Wine (admitted pro hac vice)
Calif. State Bar No. 189897
Thomas J. Gray (admitted pro hac vice)
Calif. State Bar No. 191411
Benjamin S. Lin (admitted pro hac vice)
Calif. State Bar No. 232735
ORRICK HERRINGTON & SUTCLIFFE LLP
2050 Main St., Suite 1100
Irvine, CA 92614
Tel: (949) 567-6700
Fax: (949) 567-6710
mwine@orrick.com
tgray@orrick.com
blin@orrick.com

**ATTORNEYS FOR DEFENDANTS ACE
HARDWARE CORPORATION,
AERPOSTALE, INC., CHARLOTTE RUSSE,
INC., CHRISTOPHER & BANKS CORP.
D/B/A/ CHRISTOPHER & BANKS D/B/A CJ
BANKS, COST PLUS, INC. D/B/A COST PLUS
WORLD MARKET, DICK'S SPORTING
GOODS, INC., BABIESRUS.COM, LLC,
TOYSRUS.COM, LLC, GEOFFREY, LLC,
TOYS "R" US, INC., TOYS "R" US-
DELAWARE, INC., GENERAL NUTRITION
CENTERS, INC., GENERAL NUTRITION
CORPORATION, GSI COMMERCE, INC.,
HAGGAR CLOTHING CO., HAGGAR
DIRECT, INC., LEVI STRAUSS & COMPANY,
MEE ACCESSORIES LLC (F/K/A MARC
ECKO ENTERPRISES ACCESSORIES, LLC),
MEE DIRECT LLC (F/K/A ECKO DIRECT,
LLC) (D/B/A MARC ECKO ENTERPRISES),
MEE APPAREL LLC (F/K/A ECKO**

COMPLEX LLC), YAKIRA, LLC, MAURICES INC., NAUTICA RETAIL USA, INC., PETSMA RT INC., PETSMA RT STORE SUPPORT GROUP, INC., QUIKSILVER D/B/A ROXY, SPANX, INC., THE SPORTS AUTHORITY, INC., GROUPE DYNAMITE, INC., VERA WANG BRIDAL HOUSE LTD, AND VEW LTD.

/s/ Brian Erickson

BRIAN K. ERICKSON
Texas Bar No. 24012594
Brian.Erickson@dlapiper.com
HENNING SCHMIDT
Texas Bar No. 24060569
Henning.Schmidt@dlapiper.com
DLA PIPER LLP (US)
401 Congress Avenue, Suite 2500
Austin, TX 8701
Phone: (512) 457-7000
Fax: (512) 457-7001

**ATTORNEYS FOR DEFENDANTS
CINNABON, INC., MOE'S FRANCHISOR,
LLC, SCHLOTZSKY'S FRANCHISE, LLC,
BURT'S BEES, INC., DESTINATION
MATERNITY CORPORATION, CACHE INC.,
AND CLAIRE'S STORES INC.**

/s/ H. Arnold Shokouhi

Levi G. McCathern, II
State Bar No. 00787990
lmccathern@mccathernlaw.com
H. Arnold Shokouhi
State Bar No. 24056315
arnolds@mccathernlaw.com
McCathern Mooty Grinke, LLP
Regency Plaza
3710 Rawlins, Ste. 1600
Dallas, Texas 75219
214-741-2662 - Telephone
214-741-4717 - Facsimile

Of counsel:

William H. Mandir
Kelly G. Hyndman
Leigh Ann Lindquist
SUGHRUE MION, PLLC
2100 Pennsylvania Ave NW
Suite 800
Washington, DC 20037
Telephone: (202) 293-7060
Fax: (202) 293-7860

**Attorneys for Defendant
KAMPGROUNDS OF AMERICA, INC.**

/s/ Steven M. Hanle

Steven M. Hanle
shanle@sheppardmullin.com
Mark L. Blake
mblake@sheppardmullin.com
SHEPPARD, MULLIN, RICHTER & HAMPTON
LLP
650 Town Center Drive, 4th Floor
Costa Mesa, CA 92626
Telephone: (714) 513-5100
Facsimile: (714) 513-5130

**Attorneys for Defendant
HOT TOPIC, INC.**

/s/ David K. Anderson

David K. Anderson
SBT No. 01174100
SDT No. 7405
ANDERSON & CUNNINGHAM, P.C.
1221 Lamar, Suite 1115
Houston, Texas 77010
Telephone: 713-655-8400
FAX: 713-650-0260

OF COUNSEL:

Julie B. Cunningham
SBT No. 05240700
SDT No. 15051
ANDERSON & CUNNINGHAM, P.C.
1221 Lamar, Suite 1115
Houston, Texas 77010
Telephone: 713-655-8400
FAX: 713-650-0260

Steven A. Haber
Matthew A. Green
OBERMAYER REBMANN MAXWELL &
HIPPEL LLP
One Penn Center, 19th Floor
1617 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-1895
Telephone: 215-665-3000
Fax: 215-665-3165

**Attorneys for Defendant
iCIMS, Inc.**

/s/ Joel T. Beres

Joel T. Beres
Lead Counsel
Kentucky State Bar No. 84376
William Charles Ferrell, Jr.
Kentucky State Bar No. 90934
STITES & HARBISON, PLLC
400 West Market Street
Suite 1800
Louisville, KY 40202-3352
Telephone: (502) 587-3400
Facsimile: (502) 587-6391
jberes@stites.com
wferrell@stites.com

**ATTORNEYS FOR DEFENDANT
HELLO METRO INCORPORATED**

/s/ Sherry H. Flax

Sherry H. Flax, pro hac vice (Md. admitted)
sflax@saul.com

Sarah F. Lacey, pro hac vice (Md. admitted)
slacey@saul.com

SAUL EWING LLP

Lockwood Place
500 East Pratt St., 9th Floor
Baltimore, MD 21202
Tel: (410) 332-8784
Fax: (410) 332-8785

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com

Allen F. Gardner
State Bar No. 24043679
allengardner@potterminton.com

Daniel A. Noteware, Jr.
State Bar No. 24051123
dannynoteware@potterminton.com

POTTER MINTON

110 N. College Ave., Suite 500
Tyler, Texas 75702
Tel: (903) 597-8311
Fax: (903) 593-0846

**ATTORNEYS FOR DEFENDANT
U.S. VISION, INC.**

/s/ Kimberly A. Warshawsky

James J. DeCarlo
decarloj@gtlaw.com
Jonathan M. Dunsay, admitted *pro hac vice*
dunsayj@gtlaw.com
GREENBERG TRAUIG, LLP
MetLife Building
200 Park Avenue
New York, New York 10166
Telephone: (212) 801-9200
Facsimile: (212) 801-6400

Mary-Olga Lovett
lovettm@gtlaw.com
State Bar No. 00789289
GREENBERG TRAUIG, LLP
1000 Louisiana Street, Suite 1700
Houston, Texas 77002
Telephone: 713-374-3541
Facsimile: 713-374-3505

Michael A. Nicodema, admitted *pro hac vice*
Attorney in Charge
nicodemam@gtlaw.com
GREENBERG TRAUIG, LLP
200 Park Avenue
PO Box 677
Florham Park, New Jersey 07932
Telephone: 973-360-7900
Facsimile: 973-301-8410

Kimberly A. Warshawsky
warshawskyk@gtlaw.com
GREENBERG TRAUIG, LLP
2375 East Camelback Road, Suite 700
Phoenix, Arizona 85016
Telephone: 602-445-8000
Facsimile: 602-445-8100

**ATTORNEYS FOR DEFENDANT
CANON U.S.A., INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on September 27, 2012, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Michael A. Bittner

Michael A. Bittner

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel has complied with the meet and confer requirement of Local Rule CV-7(h). The Parties conferred by telephone and web conference on September 27, 2012 in good faith in an attempt to reach an agreement regarding the terms of the proposed Protective Order. The Parties were unable to reach an agreement on all provisions. Discussions have conclusively ended in an impasse, leaving an open issue for the Court to resolve

/s/ Michael A. Bittner

Michael A. Bittner