

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

GEOTAG INC., Plaintiff, v. AROMATIQUE, INC.; et al., Defendants.	2:10-cv-00570
GEOTAG INC., Plaintiff, v. GUCCI AMERICA, INC.; et al., Defendants,	2:10-cv-00571
GEOTAG INC., Plaintiff, v. STARBUCKS CORP.; et al., Defendants.	2:10-cv-00572
GEOTAG INC., Plaintiff, v. THE WESTERN UNION COMPANY; et al., Defendants.	2:10-cv-00574
GEOTAG INC., Plaintiff. v. ROYAL PURPLE, INC.; et al., Defendants.	2:10-cv-00575
GEOTAG INC., Plaintiff, v. WHERE 2 GET IT, INC.; et al., Defendants.	2:11-cv-00175
GEOTAG INC., Plaintiff, v. COLDWATER CREEK INC., Defendant,	2:12-cv-00451

<p>GEOTAG INC., Plaintiff, v. EDDIE BAUER LLC, Defendant,</p>	<p>2:12-cv-00461</p>
<p>GEOTAG INC., Plaintiff, v. HALLMARK CARDS, INC., Defendant,</p>	<p>2:12-cv-00521</p>
<p>GEOTAG INC., Plaintiff, v. BALLY TOTAL FITNESS CORPORATION, Defendant,</p>	<p>2:12-cv-00531</p>
<p>GEOTAG INC., Plaintiff, v. L.A. FITNESS INTERNATIONAL LLC, Defendant,</p>	<p>2:12-cv-00538</p>
<p>GEOTAG INC., Plaintiff, v. SALLY BEAUTY SUPPLY LLC, Defendant,</p>	<p>2:12-cv-00544</p>

**PLAINTIFF GEOTAG, INC.’S UNOPPOSED MOTION TO STAY THE CASE
AGAINST MICROSOFT CORPORATION’S CUSTOMERS**

Plaintiff GeoTag, Inc. (“GeoTag”) hereby moves this Court to stay the case against the below identified Microsoft Corporation customers until a decision has been reached in a co-pending case involving the same patent in suit in the District of Delaware:

<p>Case No. 10-cv-570</p>	<p>BestBuy.com LLC Nordstrom Inc. Target Corp.</p>
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Case No. 10-cv-571	Costco Wholesale Corp. Petco Animal Supplies Inc. Petco Animal Supplies Stores Inc. Zale Delaware Inc.
Case No. 10-cv-572	Starbucks Corp.
Case No. 10-cv-574	CVS Pharmacy Inc.
Case No. 10-cv-575	Pizza Hut Inc. Taco Bell Corporation Rite Aid Corporation KFC Corporation LJS Restaurants, Inc.
Case No. 11-cv-175	SpatialPoint LLC Wal-Mart Stores Inc.
Case No. 12-cv-451	Coldwater Creek Inc.
Case No. 12-cv-461	Eddie Bauer LLC
Case No. 12-cv-521	Hallmark Cards Inc.
Case No. 12-cv-531	Bally Total Fitness Corp.
Case No. 12-cv-538	L.A. Fitness International LLC
Case No. 12-cv-544	Sally Beauty Supply LLC

I. Argument

Microsoft and Google filed a declaratory judgment action against GeoTag in the District of Delaware asserting, among other things, that they do not infringe the ‘474 patent and the ‘474

patent is invalid. *Microsoft Corporation and Google Inc. v. GeoTag, Inc.*, Case No. 11-cv-175-RGA (D.Del.). The trial in Delaware is set for December 2013.

At a hearing on October 2, 2012, the court in Delaware requested that GeoTag, Microsoft, and Google attempt to reach an agreement as to a case management schedule in Delaware that would also include a proposal for the defendants in the Texas cases for case management. As a result of the negotiations, GeoTag and Microsoft reached, in relevant part, the following agreement:

- “GeoTag, subject to the Texas Court’s approval, will agree to extend the Texas schedule 4 (four) months to allow: (A) the Delaware trial to proceed first and (B) narrow referee supervised discovery and associated supervised mediation of non-Microsoft customers.
- Again, subject to approval of the Texas Court, GeoTag will agree to stay the Texas actions solely against the identified Microsoft Corp. customers until a decision has been rendered by the jury in the Delaware trial in December 2013.”

(Exh. A).

Pursuant to its agreement with Microsoft, GeoTag now moves to stay the case against the above identified defendants until a decision has been reached by the jury in December 2013 in *Microsoft Corporation and Google Inc. v. GeoTag, Inc.*, Case No. 11-cv-175-RGA (D.Del.).

CONCLUSION

For the foregoing reasons, GeoTag respectfully requests that the Court stay the case against the above identified defendants until a decision has been rendered by the jury in the Delaware trial in December 2013 in *Microsoft Corporation and Google Inc. v. GeoTag, Inc.*, Case No. 11-cv-175-RGA (D.Del.). Accordingly, GeoTag requests that all claims by GeoTag against the above Defendants be stayed, and that all claims and counterclaims by the above Defendants against GeoTag be stayed.

Dated: January 2, 2013

Respectfully submitted,

/s/ David R. Bennett

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**ATTORNEYS FOR PLAINTIFF
GEOTAG INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on January 2, 2013, 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/David R. Bennett

David R. Bennett

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 in good faith in an attempt to reach an agreement regarding the subject matter of this motion and the defendants at issue in this motion do not oppose this motion.

/s/David R. Bennett

David R. Bennett