

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

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GEOTAG, INC.,  
Plaintiff,

v.

Civil Action No. 2:10-CV-00572  
Lead Case

STARBUCKS CORP., *et al.*,  
Defendants

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**STIPULATED MOTION FOR DISMISSAL WITHOUT PREJUDICE OF  
MULTIPLE DEFENDANTS**

Applebee's International, Inc.; Applebee's IP, LLC; Cracker Barrel Old Country Store, Inc. d/b/a Cracker Barrel; IHop Corp.; IHop IP LLC; and International House of Pancakes LLC ("Defendants") and GeoTag, Inc. ("GeoTag") move this Court pursuant to Fed. R. Civ. P. 41(a) for an order dismissing without prejudice all claims and counterclaims which have been or could have been asserted against each other, with each party to bear its own costs, expenses and attorneys' fees for the dismissed claims.

Defendants have been accused of infringement by GeoTag based either in whole or in part on their use of products or services provided by Where 2 Get It, Inc. ("W2GI"). W2GI and GeoTag have executed an agreement between them as a result of mediation with the Special Master and assigned Mediator. That agreement provides for dismissal of all claims and counterclaims between Defendants and GeoTag, including claims of infringement that are not directed to Defendants' use of W2GI products or services. Defendants and GeoTag therefore move this Court for an order dismissing without prejudice all claims and counterclaims which have been or could have been asserted against each other, with each party to bear its own costs, expenses and attorneys' fees for the dismissed claims.

DATED: January 29, 2014

Respectfully submitted,

/s/ Joel W. Reese  
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**COUNSEL FOR DEFENDANTS:**

**Where2GetIt, Inc., Chick-fil-A, Inc., Jo-Ann Stores, Inc., Patagonia, Inc., The Cheesecake Factory, Inc., TCF Co. LLC, ViewSonic Corp., Safeway Inc., GFM Holdings LLC, Carr-Gottstein Foods Co., Randall's Food and Drugs, Genuardi's Family Markets, Randall's Food Markets, Inc., Safeway Inc, d/b/a Tom Thumb and The Vons Companies, Inc., Michaels Stores, Inc., VF Outdoor, Inc. d/b/a The**

**North Face, New York & Company, Inc.,  
The Timberland Co., Cracker Barrel Old  
Country Store, Inc., and Office Depot,  
Inc.**

By: /s/ Penny R. Slicer

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INTERNATIONAL, INC., IHOP CORP.,  
IHOP IP, LLC , INTERNATIONAL  
HOUSE OF PANCAKES LLC AND  
DINEEQUITY, 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 29, 2014 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/ Joel Reese*

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Joel Reese

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel has complied with the meet and confer requirement in Local Rule CV-7(h) and that the motion is agreed by the moving parties.

*/s/ Joel Reese*

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Joel Reese