

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

GEOTAG INC., AND  
GEOTAG, INC.

*Plaintiffs,*

v.

CIRCLE K STORE, INC.,  
ABERCROMBIE & FITCH CO.,  
AMERICAN APPAREL INC.,  
AMERICAN EAGLE OUTFITTERS INC.,  
ANN INC.,  
ASHLEY STEWART, INC.,  
BILLABONG RETAIL INC.,  
BODY SHOP OF AMERICA INC.,  
BURBERRY LIMITED,  
BURLINGTON FACTORY WAREHOUSE  
CO.,  
CACHE INC.,  
CARTER'S INC.,  
THE WILLIAM CARTER COMPANY,  
CHARMING SHOPPES INC.,  
CHICO'S FAS INC.,  
CITI TRENDS INC.,  
CLAIRE'S STORES INC.,  
COLDWATER CREEK INC.,  
DAVID'S BRIDAL INC.,  
DEB SHOPS INC.,  
DELIAS INC.,  
DESTINATION MATERNITY  
CORPORATION,  
DIESEL U.S.A. INC.,  
DONNA KARAN INTERNATIONAL INC.,  
LVMH MOET HENNESSY LOUIS  
VUITTON INC.,  
DOTS INC.,  
DRAPER'S & DAMON'S INC.,  
EDDIE BAUER LLC,  
ESPRIT US RETAIL LIMITED,  
FACTORY CONNECTION LLC,  
THE FINISH LINE INC.,  
FOREVER 21 RETAIL INC.,

Civil Action No. 2:11-CV-405

JURY TRIAL DEMANDED

**FORMAL SPECIALISTS LTD,  
FREDERICK'S OF HOLLYWOOD STORES  
INC.,  
GROUPE DYNAMITE, INC. D/B/A/  
GARAGE,  
GUESS? RETAIL INC.,  
H&M HENNES & MAURITZ LP,  
HANESBRANDS INC.,  
HOT TOPIC INC.,  
HUGO BOSS FASHION INC.,  
J. CREW GROUP INC.,  
JIMMY JAZZ INC.,  
JOS. A. BANK CLOTHIERS INC.,  
ALCO STORES INC.,  
FRED'S INC.,  
BAKERS FOOTWEAR GROUP INC.,  
BROWN SHOE COMPANY INC.,  
COLLECTIVE BRANDS INC.,  
CROCS INC.,  
DSW INC. D/B/A DSW SHOE INC.,  
FLEET FEET INC.,  
FOOT SOLUTIONS INC.,  
GENESCO INC.,  
HEELY'S INC., AND  
JUSTIN BOOT COMPANY,**

*Defendants.*

**PLAINTIFFS' FIRST AMENDED COMPLAINT**

This is an action for patent infringement in which Plaintiffs GeoTag, Inc. and GeoTag Inc., (collectively "GeoTag" or "Plaintiff") make the following allegations against Defendants Circle K Store, Inc., Abercrombie & Fitch Co., ALCO Stores, Inc., American Apparel Inc., American Eagle Outfitters Inc., Ann Inc., Ashley Stewart, Inc., Billabong Retail Inc., Body Shop of America Inc., Burberry Limited, Burlington Factory Warehouse Co., Cache Inc., Carter's Inc., The William Carter Company, Charming Shoppes Inc., Chico's FAS Inc., Citi Trends Inc., Claire's Stores Inc., Coldwater Creek Inc., David's Bridal Inc., Deb Shops Inc., Delias Inc., Destination Maternity Corporation, Diesel U.S.A. Inc., Donna Karan International Inc., LVMH

Moet Hennessy Louis Vuitton Inc., Dots Inc., Draper's & Damon's Inc., Eddie Bauer LLC, Esprit US Retail Limited, Factory Connection LLC, The Finish Line Inc., Forever 21 Retail Inc., Formal Specialists Ltd., Frederick's of Hollywood Stores Inc., Groupe Dynamite, Inc. d/b/a Garage, Guess? Retail Inc., H&M Hennes & Mauritz LP, Hanesbrands Inc., Hot Topic Inc., Hugo Boss Fashion Inc., J. Crew Group Inc., Jimmy Jazz Inc., Jos. A. Bank Clothiers Inc., Fred's Inc., Bakers Footwear Group Inc., Brown Shoe Company Inc., Collective Brands Inc., Crocs Inc., DSW Inc. d/b/a DSW Shoe Inc., Fleet Feet Inc., Foot Solutions Inc., Genesco Inc., Heely's Inc., and Justin Boot Company.

### **PARTIES**

1. Plaintiff GeoTag, Inc. is a Texas corporation with its principal place of business in Plano, Texas. Plaintiff GeoTag Inc. was a Delaware corporation with its principal place of business in Plano, Texas. GeoTag Inc. has been merged into GeoTag, Inc.

2. On information and belief, Defendant Circle K is a Texas corporation with its principal place of business at 1130 West Warner Rd., Tempe, AZ 95284. Circle K has appointed Corporation Service Company d/b/a CSC-Lawyers Incorporating Service Company, 211 E. 7th St., Ste 620, Austin, TX 78701, as its agent for service of process.

3. On information and belief, Defendant Abercrombie & Fitch Co. is a Delaware corporation with its principal place of business at 6301 Fitch Path, New Albany, OH 43054. Abercrombie & Fitch Co. has appointed Steven A. Martin located at 2302 Maxwell Lane, Houston, TX 77023-4820, as its agent for service of process.

4. On information and belief, Defendant American Apparel Inc. is a California corporation with its principal place of business at 747 Warehouse Street, Los Angeles, CA

90021. American Apparel Inc. has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77062, as its agent for service of process.

5. On information and belief, Defendant American Eagle Outfitters Inc. is an Ohio corporation with its principal place of business at 150 Thom Hill Road, Warrendale, PA 15086. American Eagle Outfitters Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

6. On information and belief, Defendant Ann Inc. is a Delaware corporation with its principal place of business at 7 Times Square, New York, NY 10036. Ann Inc. has appointed Corporation Service Company located at 2711 Centerville Road, Suite 400, Wilmington, DE 19808, as its agent for service of process.

7. On information and belief, Defendant Ashley Stewart, Inc. is a Delaware corporation with its principal place of business at 80 Enterprise Avenue, Secaucus, NJ 07094-1914. Ashley Stewart, Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

8. On information and belief, Defendant Billabong Retail Inc. is a California corporation with its principal place of business at 117 Waterworks Way, Irvine, CA 92618-3110. Billabong Retail Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

9. On information and belief, Defendant Body Shop of America Inc. is a Florida corporation with its principal place of business at 6225 Powers Avenue, Jacksonville, FL 32217. Body Shop of America Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

10. On information and belief, Defendant Burberry Limited is a New York corporation with its principal place of business at 444 Madison Avenue, New York, NY 10022. Burberry Limited has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

11. On information and belief, Defendant Burlington Factory Warehouse Co. is a New Jersey corporation with its principal place of business at 1830 Route 103 North, Burlington, NJ 08016. Burlington Factory Warehouse Co. has appointed Bob Bentley located at 121 W. Parker Road, Plano, TX 75203, as its agent for service of process.

12. On information and belief, Defendant Cache Inc. is a Florida corporation with its principal place of business at 1440 Broadway, 5<sup>th</sup> Floor, New York, NY 10018. Cache Inc. has appointed Prentice-Hall Corp. System located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701, as its agent for service of process.

13. On information and belief, Defendant Carter's Inc. is a Delaware corporation with its principal place of business at 1170 Peachtree Street NE, Suite 900, Atlanta, GA 30309. Carter's Inc. has appointed National Registered Agents, Inc. located at 800 Brazos Street, Suite 400, Austin, TX 78701, as its agent for service of process.

14. On information and belief, Defendant The William Carter Company is a Massachusetts corporation with its principal place of business at 1170 Peachtree Street NE, Suite 900, Atlanta, GA 30309. The William Carter Company has appointed National Corporate Research, Ltd. located at 10 Milk St., Ste 1055, Boston, MA 02108, as its agent for service of process.

15. On information and belief, Defendant Charming Shoppes Inc. is a Pennsylvania corporation with its principal place of business at 450 Winks Lane, Bensalem, PA 19020.

Charming Shoppes Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

16. On information and belief, Defendant Chico’s FAS Inc. is a Florida corporation with its principal place of business at 11215 Metro Parkway, Fort Myers, FL 33966. Chico’s FAS Inc. has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77062, as its agent for service of process.

17. On information and belief, Defendant Citi Trends Inc. is a Delaware corporation with its principal place of business at 104 Coleman Blvd., Savannah, GA 31408. Citi Trends Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

18. On information and belief, Defendant Claire’s Stores Inc. is a Colorado corporation with its principal place of business at 3 SW 129<sup>th</sup> Avenue, Pembroke Pines, FL 33027. Claire’s Stores Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

19. On information and belief, Defendant Coldwater Creek Inc. is a Delaware corporation with its principal place of business at 1 Coldwater Creek Drive, Sandpoint, ID 83864. Coldwater Creek Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

20. On information and belief, Defendant David’s Bridal Inc. is a Florida corporation with its principal place of business at 1001 Washington Street, Conshohocken, PA 19428. David’s Bridal Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers

Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

21. On information and belief, Defendant Deb Shops Inc. is a Pennsylvania corporation with its principal place of business at 9401 Blue Grass Road, Philadelphia, PA 19114. Deb Shops Inc. has appointed the Secretary of State located at 9401 Blue Grass Road, Philadelphia, PA 19114-2305, as its agent for service of process.

22. On information and belief, Defendant Delias Inc. is a Delaware corporation with its principal place of business at 50 W. 23<sup>rd</sup> Street, 10<sup>th</sup> Floor, New York, NY 10010. Delias Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

23. On information and belief, Defendant Destination Maternity Corporation is a Delaware corporation with its principal place of business at 456 N. 5<sup>th</sup> Street, Philadelphia, PA 19114. Destination Maternity Corporation has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

24. On information and belief, Defendant Diesel U.S.A. Inc. is a Delaware corporation with its principal place of business at 220 W. 19<sup>th</sup> Street, 11<sup>th</sup> Floor, New York, NY 10011. Diesel U.S.A. Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

25. On information and belief, Defendant Donna Karan International Inc. is a New York corporation with its principal place of business at 550 Fashion Avenue, New York, NY

10018. Donna Karan International Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

26. On information and belief, Defendant LVMH Moet Hennessy Louis Vuitton Inc. is a Delaware corporation with its principal place of business at 198 East 57th Street, New York, NY 10022. LVMH Moet Hennessy Louis Vuitton Inc. has appointed Corporation Service Company located at 80 State Street, Albany, New York, 12207-2543, as its agent for service of process.

27. On information and belief, Defendant Dots Inc. is an Ohio corporation with its principal place of business at 30801 Carter Street, Solon, OH 44139-3517. Dots Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

28. On information and belief, Defendant Draper's & Damon's Inc. is a California corporation with its principal place of business at 30 Tozer, Beverly, MA 01915. Draper's & Damon's Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

29. On information and belief, Defendant Eddie Bauer LLC is a Delaware corporation with its principal place of business at 10401 NE 8<sup>th</sup> Street, Suite 500, Bellevue, WA 98004. Eddie Bauer LLC has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

30. On information and belief, Defendant Esprit US Retail Limited is a Delaware corporation with its principal place of business at 1370 Broadway, 17<sup>th</sup> Floor, New York, NY



10018. Esprit US Retail Limited has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77062, as its agent for service of process.

31. On information and belief, Defendant Factory Connection LLC is a Delaware corporation with its principal place of business at 701 Railroad Avenue, Albertville, AL 35951-3421. Factory Connection LLC has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

32. On information and belief, Defendant The Finish Line Inc. is an Indiana corporation with its principal place of business at 3308 N. Mitthoefer Rd., Indianapolis, IN 46235-2332. The Finish Line Inc. has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77062, as its agent for service of process.

33. On information and belief, Defendant Forever 21 Retail Inc. is a California corporation with its principal place of business at 2001 S. Alameda St., Vernon, CA 90058. Forever 21 Retail Inc. has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77062, as its agent for service of process.

34. On information and belief, Defendant Formal Specialists Ltd. is a Texas corporation with its principal place of business at 7807 Main St., Houston, TX 77030. Formal Specialists Ltd. has appointed Stuart C. Gaylor located at 7807 Main Street, Houston, TX 77030, as its agent for service of process.

35. On information and belief, Defendant Frederick's of Hollywood Stores Inc. is a California corporation with its principal place of business at 6255 W. Sunset Blvd., 6<sup>th</sup> Floor, Hollywood, CA 90028. Frederick's of Hollywood Stores Inc. has appointed CT Corporation

System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

36. On information and belief, Defendant Groupe Dynamite, Inc. d/b/a Garage is a Canadian corporation with its principal place of business at 5592 Ferrier Street, Mount Royal, Quebec H4P 1M2, Canada. Groupe Dynamite, Inc. d/b/a Garage may be served through its president at 5592 Ferrier Street, Mount Royal, Quebec H4P 1M2, Canada.

37. On information and belief, Defendant Guess? Retail Inc. is a Delaware corporation with its principal place of business at 1444 S. Alameda Street, Los Angeles, CA 90021. Guess? Retail Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

38. On information and belief, Defendant H & M Hennes & Mauritz LP is a New York corporation with its principal place of business at 100 Porete Avenue, N. Arlington, NJ 07031-5418. H & M Hennes & Mauritz LP has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

39. On information and belief, Defendant Hanesbrands Inc. is a Maryland corporation with its principal place of business at 1000 E. Hanes Mill Rd., Winston Salem, NC 27105. Hanesbrands Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

40. On information and belief, Defendant Hot Topic Inc. is a California corporation with its principal place of business at 18305 San Jose Avenue, City of Industry, CA 91748. Hot

Topic Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

41. On information and belief, Defendant Hugo Boss Fashion Inc. is a California corporation with its principal place of business at 601 W. 26<sup>th</sup> Street, 8<sup>th</sup> Floor, New York, NY 10001. Hugo Boss Fashion Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

42. On information and belief, Defendant J. Crew Group Inc. is a Delaware corporation with its principal place of business at 770 Broadway, New York, NY 10003. J. Crew Group Inc. has appointed Corporation Service Company located at 2711 Centerville Road, Suite 400, Wilmington, DE 19808, as its agent for service of process.

43. On information and belief, Defendant Jimmy Jazz Inc. is a New York corporation with its principal place of business at 85 Metro Way, Room 1110, Secaucus, NJ 07094. Jimmy Jazz Inc. may be served through its president Joseph Khezrie at 43 Hall Street, 7<sup>th</sup> Floor, Brooklyn, NY 11205.

44. On information and belief, Defendant Jos. A. Bank Clothiers Inc. is a Delaware corporation with its principal place of business at 500 Hanover Pike, Hampstead, MD 21074. Jos. A. Bank Clothiers Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

45. On information and belief, Defendant ALCO Stores Inc. is a Kansas corporation with its principal place of business at 401 Cottage Avenue, Abilene, KS 67410. ALCO Stores Inc. has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77062, as its agent for service of process.

46. On information and belief, Defendant Fred's Inc. is a Tennessee corporation with its principal place of business at 4300 Getwell Road, Memphis, TN 38118. Fred's Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

47. On information and belief, Defendant Bakers Footwear Group Inc. is a Missouri corporation with its principal place of business at 2815 Scott Avenue, St. Louis, MO 63103. Bakers Footwear Group Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

48. On information and belief, Defendant Brown Shoe Company Inc. is a New York corporation with its principal place of business at 8300 Maryland Avenue, St. Louis, MO 63105. Brown Shoe Company Inc. has appointed CSC-Lawyers Incorporating Service Company located at 211 Bolivar Street, Jefferson City, MO 65101, as its agent for service of process.

49. On information and belief, Defendant Collective Brands Inc. is a Delaware corporation with its principal place of business at 3231 SE Sixth Avenue, Topeka, KS 66607. Collective Brands Inc. has appointed The Corporation Trust Company located at 1209 Orange Street, Wilmington, DE 19801, as its agent for service of process.

50. On information and belief, Defendant Crocs Inc. is a Delaware corporation with its principal place of business at 6328 Monarch Park Place, Niwot, CO 80503. Crocs Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201-4240, as its agent for service of process.

51. On information and belief, Defendant DSW Inc. d/b/a DSW Shoe Inc. is an Ohio corporation with its principal place of business at 810 DSW Drive, Columbus, OH 43219. DSW Inc. d/b/a DSW Shoe Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers

Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

52. On information and belief, Defendant Fleet Feet Inc. is a North Carolina corporation with its principal place of business at 406 E. Main Street, Carrboro, NC 27510-2314. Fleet Feet Inc. has appointed Ritchie W. Taylor located at 3605 Glenwood Avenue, Suite 500, Raleigh, NC 27619-0389, as its agent for service of process.

53. On information and belief, Defendant Foot Solutions Inc. is a Georgia corporation with its principal place of business at 2359 Windy Hill Road SE, Suite 400, Marietta, GA 30067. Foot Solutions Inc. has appointed Raymond J. Margiano located at 2359 Windy Hill Road, Suite 400, Marietta, GA 30067, as its agent for service of process.

54. On information and belief, Defendant Genesco Inc. is a Tennessee corporation with its principal place of business at 1415 Murfreesboro Pike, Nashville, TN 37217. Genesco Inc. has appointed Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701-3218, as its agent for service of process.

55. On information and belief, Defendant Heely's Inc. is a Washington corporation with its principal place of business at 3200 Belmeade Drive, Suite 100, Carrollton, TX 75006. Heely's Inc. has appointed Capitol Services, Inc. located at 1675 South State Street, Suite B, Dover, DE 19901, as its agent for service of process.

56. On information and belief, Defendant Justin Boot Company is a Texas corporation with its principal place of business at 610 W. Daggett Avenue, Fort Worth, TX 76104. Justin Boot Company has appointed Richard J. Savitz located at 2821 W. 7<sup>th</sup> Street, P.O. Box 425, Fort Worth, TX 76101, as its agent for service of process.

### **JURISDICTION AND VENUE**

57. This action arises under the patent laws of the United States, Title 35 of the United States Code. This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). On information and belief, the Defendants are subject to this Court's specific and general personal jurisdiction, pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including related to the infringements alleged herein. Further, on information and belief, Defendants have interactive websites comprising infringing methods and apparatuses which are at least used in and/or accessible in this forum. Further, on information and belief, Defendants are subject to the Court's general jurisdiction, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in Texas.

58. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Without limitation, on information and belief, Defendants are subject to personal jurisdiction in this district. On information and belief, the Defendants are subject to this Court's specific and general personal jurisdiction, pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this district, including related to the infringements alleged herein. Further, on information and belief, Defendants have an interactive website(s) comprising infringing methods and apparatuses which are used in and/or accessible in this district. Further, on information and belief, Defendants are subject to the Court's general jurisdiction in this district, including from regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to persons or entities in this district.

### **COUNT I – PATENT INFRINGEMENT**

59. Plaintiff is the owner by assignment of United States Patent No. 5,930,474 (the “’474 Patent”), entitled “Internet Organizer for Accessing Geographically and Topically Based Information.” The ’474 Patent issued on July 29, 1999. A true and correct copy of the ’474 Patent is attached hereto as Exhibit A.

60. The Claims of the ’474 Patent cover, *inter alia*, systems and methods which comprise associating on-line information with geographical areas, such as systems and methods comprising computers, an organizer, and a search engine configured to provide a geographical search area wherein at least one entry associated with a broader geographical area is dynamically replicated into at least one narrower geographical area, the search engine further configured to search topics within the selected geographical search area.

61. On information and belief, Circle K has infringed the ’474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the ’474 patent. On information and belief, such systems and methods include the store locator at [www.circlek.com](http://www.circlek.com).

62. On information and belief, Abercrombie & Fitch Co. has infringed the ’474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the ’474 patent. On information and belief, such systems and methods include the store locator at <http://www.abercrombie.com>.

63. On information and belief, American Apparel Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.americanapparel.net>.

64. On information and belief, American Eagle Outfitters Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.ae.com> and/or job locator at <https://www.ae.apply2jobs.com>.

65. On information and belief, Ann Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.anninc.com>.

66. On information and belief, Ashley Stewart, Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474



patent. On information and belief, such systems and methods include the store locator at <http://www.ashleystewart.com>.

67. On information and belief, Billabong Retail Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.billabong.com/us> and <http://www.billabonggirls-usa.com>.

68. On information and belief, Body Shop of America Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.bodyc.com>.

69. On information and belief, Burberry Limited has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.burberry.com> and <https://burberrycareers.com>.

70. On information and belief, Burlington Factory Warehouse Co. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-

line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.coat.com> and [Burlington.hodesiq.com](http://Burlington.hodesiq.com).

71. On information and belief, Cache Inc. d/b/a Cache-Galleria, Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.cache.com>.

72. On information and belief, Carter's Inc. and The William Carter Company have infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.carters.com> and [carters.submit4jobs.com](http://carters.submit4jobs.com).

73. On information and belief, Charming Shoppes Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.catherines.lanebryant.com>, <http://www.lanebryant.com>, <http://cacique.lanebryant.com>; <http://fashionbug.lanebryant.com>, <http://outlet.laneybrant.com>, <http://loop18.lanebryant.com>, and <https://charmingshoppes.hua.hrsmartpe.com>.

74. On information and belief, Chico's FAS Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.chicos.com> and <http://jobs.chicos.com>.

75. On information and belief, Citi Trends Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.cititrends.com> and <https://www.cititrends.apply2jobs.com>.

76. On information and belief, Claire's Stores Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.claire.com>.

77. On information and belief, Coldwater Creek Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474

patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.coldwatercreek.com> and <https://careersatthecreek.tms.hrdepartment.com>

78. On information and belief, David's Bridal Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.davidsbridal.com>.

79. On information and belief, Deb Shops Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.debshops.com>.

80. On information and belief, Delias Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://store.delias.com>.

81. On information and belief, Destination Maternity Corporation has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-

line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.apeainthepod.com>.

82. On information and belief, Diesel U.S.A. Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.diesel.com>.

83. On information and belief, Donna Karan International Inc. and LVMH Moët Hennessey Louis Vuitton Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.dkny.com> and <http://www.donnakaran.com>

84. On information and belief, Dots Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.dots.com>.

85. On information and belief, Draper's & Damon's Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.drapers.com>.

86. On information and belief, Eddie Bauer LLC has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.eddiebauer.com> and <http://eddiebauer.hodesiq.com>.

87. On information and belief, Esprit US Retail Limited has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.esprit.com>.

88. On information and belief, Factory Connection LLC has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474

patent. On information and belief, such systems and methods include the store locator at <http://www.factory-connection.com>.

89. On information and belief, The Finish Line Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the product pickup and store and/or job locator at <http://www.finishline.com> and <https://careers.finishline.com>

90. On information and belief, Forever 21 Retail Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.forever21.com> and <https://forever21.tms.hrdepartment.com>.

91. On information and belief, Formal Specialists Ltd. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.alsformalwear.com>.

92. On information and belief, Hollywood Stores Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line

information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.fredericks.com> and <https://fredericks.tms.hrdepartment.com>.

93. On information and belief, Groupe Dynamite, Inc. d/b/a Garage has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.shopgarageonline.com>.

94. On information and belief, Guess? Retail Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://shop.guess.com>.

95. On information and belief, H & M Hennes & Mauritz LP has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.hm.com> and <http://about.hm.com>.

96. On information and belief, Hanesbrands Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or



offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://onehanesplace.com> and <https://jobs.hanesbrands.icims.com>.

97. On information and belief, Hot Topic Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.hottopic.com> and <https://hottopicinc.tms.hrdepartment.com>.

98. On information and belief, Hugo Boss Fashion Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.bossshops.com> and <http://group.hugoboss.com>.

99. On information and belief, H.F.D. No. 55 Inc. d/b/a J. Crew Factory Stores has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator /or profile search at <http://www.jcrew.com>.

100. On information and belief, Jimmy Jazz Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.jimmyjazzstores.com>.

101. On information and belief, Jos. A. Bank Clothiers Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.josbank.com> and <http://jobs.josabank.com>.

102. On information and belief, ALCO Stores Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.alcostores.com>.

103. On information and belief, Fred's Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On

information and belief, such systems and methods include the store and/or job locator at <http://www.fredsinc.com> and <http://www.carerrsatfreds.com>.

104. On information and belief, Bakers Footwear Group Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.bakersshoes.com>.

105. On information and belief, Brown Shoe Company Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store and/or job locator at <http://www.brownshe.com>, <http://www.famousfootwear.com>, and <http://www.naturalizer.com>.

106. On information and belief, Collective Brands Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.strideritecorp.com>, <http://www.sperrytopsider.com>, <http://www.keds.com>, and <http://www.saucony.com>

107. On information and belief, Crocs Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.crocs.com>.

108. On information and belief, DSW Inc. d/b/a DSW Shoe Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.dsw.com>.

109. On information and belief, Fleet Feet Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.fleetfeetsports.com>.

110. On information and belief, Foot Solutions Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474

patent. On information and belief, such systems and methods include the store locator at <http://www.footsolutions.com>.

111. On information and belief, Genesco Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the product pickup and store and/or job locator at <http://www.lids.com>, <http://www.johnstonmurphy.com>, and [www.journeys.com](http://www.journeys.com),

112. On information and belief, Heely's Inc. has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.heelys.com>.

113. On information and belief, Justin Boot Company has infringed the '474 patent in violation of 35 U.S.C. § 271 through actions comprising the making, using, selling and/or offering for sale in the United States systems and methods which comprise associating on-line information with geographic areas and which are covered by one or more claims of the '474 patent. On information and belief, such systems and methods include the store locator at <http://www.justinboots.com>.

114. To the extent that facts learned during the pendency of this case show that any Defendant's infringement is, or has been willful, GeoTag reserves the right to request such a finding at time of trial.

115. As a result of each Defendant's infringing conduct, each Defendant has damaged GeoTag. Each Defendant is liable to GeoTag in an amount that adequately compensates GeoTag for its infringement, which, by law, can be no less than a reasonable royalty.

**PRAYER FOR RELIEF**

WHEREFORE, GeoTag respectfully requests that this Court enter:

1. A judgment in favor of GeoTag that each Defendant has infringed the '474 patent;
2. A permanent injunction enjoining each Defendant, and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '474 patent;
3. A judgment and order requiring each Defendant to pay GeoTag its damages, costs, expenses, and prejudgment and post-judgment interest for each Defendant's infringement of the '474 patent as provided under 35 U.S.C. § 284;
4. An award to GeoTag for enhanced damages as provided under 35 U.S.C. § 284;
5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to GeoTag its reasonable attorneys' fees; and
6. Any and all other relief to which GeoTag may show itself to be entitled.

**DEMAND FOR JURY TRIAL**

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, GeoTag requests a trial by jury of any issues so triable by right.

Dated: October \_\_\_\_, 2011

Respectfully submitted,

**NI LAW FIRM, PLLC**

By: /s/ Hao Ni

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