

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

GEOTAG INC. AND  
GEOTAG, INC.,

*Plaintiffs,*

v.

EYE CARE CENTERS OF AMERICA INC.,  
AMERICAN GREETINGS CORPORATION,  
HALLMARK CARDS, INC.,  
HICKORY FARMS INC.,  
PAPYRUS FRANCHISE CORPORATION,  
SPENCER GIFTS LLC,  
INTERNATIONAL COFFEE & TEA, LLC  
D/B/A THE COFFEE BEAN & TEA LEAF,  
THINGS REMEMBERED, INC.  
THE YANKEE CANDLE COMPANY, INC.,  
BOSE CORP.,  
GUITAR CENTER INC.,  
PROGRESSIVE CONCEPTS INC.,  
RITZ CAMERA IMAGE LLC,  
24 HOUR FITNESS WORLDWIDE INC.,  
BALLY TOTAL FITNESS CORP.,  
BARE ESCENTUALS INC.,  
BIOSCRIP INC.,  
CRABTREE & EVELYN,  
CURVES INTERNATIONAL, INC.,  
GOLD'S GYM INTERNATIONAL INC.,  
GREAT CLIPS INC.,  
L.A. FITNESS INTERNATIONAL LLC,  
LIFE TIME FITNESS INC.,  
M.A.C. COSMETICS, INC.  
MEDICINE SHOPPE INTERNATIONAL  
INC.,  
MERLE NORMAN COSMETICS,  
VITAMIN COTTAGE NATURAL FOOD  
MARKETS D/B/A NATURAL GROCERS BY  
VITAMIN COTTAGE,  
REGIS CORPORATION,  
SALLY BEAUTY SUPPLY LLC,  
SEPHORA USA INC.,  
THE BODY SHOP AMERICAS, INC.,

Civil Action No. 2:11-CV-404

JURY TRIAL DEMANDED

**TONI&GUY USA, LLC,  
ULTA SALON, COSMETICS &  
FRAGRANCE, INC.,  
VITAMIN SHOPPE INDUSTRIES, INC.,  
VIVA VITAMINS,  
EYEMART EXPRESS, LTD.,  
LUXOTTICA RETAIL NORTH AMERICA  
INC.,  
NATIONAL VISION INC.,  
U.S. VISION INC.,  
PET SUPPLIES PLUS-USA INC., AND  
WILD BIRDS UNLIMITED INC.,**

*Defendants.*

**PLAINTIFFS' FIRST AMENDED COMPLAINT**

This is an action for patent infringement in which Plaintiffs GeoTag Inc. and GeoTag, Inc., (collectively “GeoTag” or “Plaintiff”) makes the following allegations against Defendants Eye Care Centers of America, Inc., American Greetings Corporation, Hallmark Cards Inc., Hickory Farms Inc., POPYRUS Franchise Corporation, Spencer Gifts LLC, International Coffee & Tea, LLC d/b/a/ The Coffee Bean & Tea Leaf, Things Remembered, Inc., The Yankee Candle Company, Inc., Bose Corp., Guitar Center Inc., Progressive Concepts Inc., Ritz Camera Image LLC, 24 Hour Fitness Worldwide Inc., Bally Total Fitness Corp., Bare Escentuals Inc., BioScrip Inc., Crabtree & Evelyn, Curves International, Inc., Gold’s Gym International Inc., Great Clips Inc., L.A. Fitness International LLC, Life Time Fitness Inc., M.A.C. Cosmetics Inc., Medicine Shoppe International Inc., Merle Norman Cosmetics, Vitamin Cottage Natural Food Markets, Inc. d//b/a Natural Grocers by Vitamin Cottage, Regis Corporation, Sally Beauty Supply LLC, Sephora USA Inc., The Body Shop Americas, Inc., Toni&Guy USA, LLC, Ulta Salon, Cosmetics & Fragrance, Inc., Vitamin Shoppe Industries, Inc., Viva Vitamins, Eyemart Express,

Ltd., Luxottica Retail North America Inc., National Vision Inc., U.S. Vision Inc., Pet Supplies Plus-USA Inc., and Wild Birds Unlimited Inc. (collectively “Defendants”):

**PARTIES**

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

2. On information and belief, Defendant Eye Care Centers of America Inc. is a Delaware corporation with its principal place of business at 11103 West Ave., San Antonio, Texas 78213. Eye Care Centers of America Inc. has appointed Capital Services, Inc. located at 1675 South State St., Ste. B, Dover, Delaware 19901, as its agent for service of process.

3. On information and belief, Defendant American Greetings Corporation is an Ohio corporation with its principal place of business at 1 American Road, Cleveland, OH 44144. American Greetings 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, as its agent for service of process.

4. On information and belief, Defendant Hallmark Cards, Inc. is a Delaware corporation with its principal place of business at 2501 McGee Street, Kansas City, MO 64108. Hallmark Cards, Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process.

5. On information and belief, Defendant Hickory Farms Inc. is a Delaware corporation with its principal place of business at 1505 Holland Road, Maumee, OH 43537. Hickory Farms Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process.

6. On information and belief, Defendant PAPYRUS Franchise Corporation is a California corporation with its principal place of business at 500 Chadbourne Road, Fairfield, CA 94534. PAPYRUS Franchise Corporation has appointed Dominique Schurman located at 500 Chadbourne Road, Caller Box 6030, Fairfield, CA 94533, as its agent for service of process.

7. On information and belief, Defendant Spencer Gifts LLC is a Delaware corporation with its principal place of business at 6826 Black Horse Pike, Egg Harbor Township, NJ 08234. Spencer Gifts LLC has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process.

8. On information and belief, Defendant International Coffee & Tea, LLC d/b/a The Coffee Bean & Tea Leaf is a Delaware corporation with its principal place of business at 1945 S. La Cienega Blvd., Los Angeles, CA 90034. International Coffee & Tea, LLC d/b/a The Coffee Bean & Tea Leaf has appointed Melvin Elias located at 1945 S. La Cienega Blvd., Los Angeles, CA 90034, as its agent for service of process.

9. On information and belief, Defendant Things Remembered, Inc. is a Delaware corporation with its principal place of business at 5500 Avion Park Drive, Highland Heights, OH. 44143. Things Remembered, 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, as its agent for service of process.

10. On information and belief, Defendant The Yankee Candle Company, Inc. is a Massachusetts corporation with its principal place of business at 16 Yankee Candle Way, South Deerfield, MA 01373. Yankee Candle Company has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77026, as its agent for service of process.

11. On information and belief, Defendant Bose Corp. is a Delaware corporation with its principal place of business at The Mountain, Framingham, MA 01701. Bose Corp. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process.

12. On information and belief, Defendant Guitar Center Inc. is a Delaware corporation with its principal place of business at 5795 Lindero Canyon Road, Westlake Village, CA 91362. Guitar Center Inc. has appointed the Secretary of State located at 5155 Clareton Drive, Agoura Hills, CA 91301, as its agent for service of process.

13. On information and belief, Defendant Progressive Concepts Inc. is a Delaware corporation with its principal place of business at 5718 Airport Freeway, Fort Worth, TX 76117. Progressive Concepts Inc. has appointed Robert M. McMurray, 5718 Airport Freeway, Fort Worth, TX 76117, as its agent for service of process.

14. On information and belief, Defendant Ritz Camera Image LLC is a Delaware corporation with its principal place of business at 6711 Ritz Way, Beltsville MD 20705. Ritz Camera Image LLC has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process.

15. On information and belief, Defendant 24 Hour Fitness Worldwide Inc. is a California corporation with its principal place of business at 12647 Alcosta Blvd., 5<sup>th</sup> Floor, San Ramon, CA 94583. 24 Hour Fitness Worldwide 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, as its agent for service of process.

16. On information and belief, Defendant Bally Total Fitness Corp. is a Delaware corporation with its principal place of business at 8700 W. Bryn Mawr Avenue, Chicago, IL

60631. Bally Total Fitness Corp. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process.

17. On information and belief, Defendant Bare Escentuals Inc. is a Delaware corporation with its principal place of business at 71 Stevenson Street, 22<sup>nd</sup> Floor, San Francisco, CA 94105. Bare Escentuals 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, as its agent for service of process.

18. On information and belief, Defendant BioScrip Inc. is a Delaware corporation with its principal place of business at 100 Clearbrooke Road, Elmsford, NY 10523. BioScrip 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, as its agent for service of process.

19. On information and belief, Defendant Crabtree & Evelyn is a Delaware corporation with its principal place of business at 102 Peake Brook Road, Woodstock, CT 06281-3429. Crabtree & Evelyn has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process.

20. On information and belief, Defendant Curves International, Inc. is a Texas corporation with its principal place of business at 100 Ritchie Road, Waco, TX 76712-8599. Curves International, Inc. has appointed Roger N. Schmidt located at 100 Ritchie Road, Waco, TX 76712, as its agent for service of process.

21. On information and belief, Defendant Gold's Gym International Inc. is a Delaware corporation with its principal place of business at 125 E. John Carpenter Freeway, Suite 1300, Irving, TX 75062. Gold's Gym International Inc. has appointed Corporate

Creations Network, Inc. located at 211 E.7<sup>th</sup> Street, Suite 620, Austin, TX 78711, as its agent for service of process.

22. On information and belief, Defendant Great Clips Inc. is a Minnesota corporation with its principal place of business at 7700 France Avenue South, Suite 425, Minneapolis, MN 55435-5023. Great Clips Inc. has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77062, as its agent for service of process.

23. On information and belief, Defendant L.A. Fitness International LLC is a California corporation with its principal place of business at 2600 Michelson Drive, Suite 300, Irvine, CA 92612. L.A. Fitness International LLC may be served through its president at 2600 Michelson Drive, Suite 300, Irvine, CA 92612.

24. On information and belief, Defendant Life Time Fitness Inc. is a Minnesota corporation with its principal place of business at 2902 Corporate Place, Chanhassen, MN 55317. Life Time Fitness Inc. has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77062, as its agent for service of process.

25. On information and belief, Defendant M.A.C. Cosmetics Inc. is a Delaware corporation with its principal place of business at 130 Prince Street, New York, NY 10012. M.A.C. Cosmetics 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, as its agent for service of process.

26. On information and belief, Defendant Medicine Shoppe International Inc. is a Delaware corporation with its principal place of business at 1 Rider Trail Plaza Drive, Suite 300 Earth City, MO 63045. Medicine Shoppe International Inc. has appointed The Corporation

Trust Company located at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801, as its agent for service of process.

27. On information and belief, Defendant Merle Norman Cosmetics is a California corporation with its principal place of business at 9130 Bellanca Avenue, Los Angeles, CA 90045. Merle Norman Cosmetics has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process.

28. On information and belief, Defendant Vitamin Cottage Natural Food Markets, Inc. d/b/a Natural Grocers by Vitamin Cottage is a Colorado corporation with its principal place of business at 12612 W. Alameda Parkway, Lakewood, CO 80228. Natural Grocers by Vitamin Cottage has appointed Kyle Lavender located at 10943 Mayfield Road, Houston, TX 77043, as its agent for service of process.

29. On information and belief, Defendant Regis Corporation is a Minnesota corporation with its principal place of business at 7201 Metro Blvd., Minneapolis, MN 55439. Regis Corporation has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77043, as its agent for service of process.

30. On information and belief, Defendant Sally Beauty Supply LLC is a Delaware corporation with its principal place of business at 3001 Colorado Blvd., Denton, TX 76210. Sally Beauty Supply LLC has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process.

31. On information and belief, Defendant Sephora USA Inc. is a Delaware corporation with its principal place of business at 525 Market Street, 32<sup>nd</sup> Floor, First Market Tower, San Francisco, CA 94105. Sephora USA 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, as its agent for service of process.

32. On information and belief, Defendant The Body Shop Americas, Inc. is a Delaware corporation with its principal place of business at 5036 One World Way, Wake Forest, NC 27587. The Body Shop Americas, Inc. has appointed CT Corporation System located at 350 N. St. Paul Street, Suite 2900, Dallas, TX 75201, as its agent for service of process.

33. On information and belief, Defendant Toni&Guy USA, LLC is a Texas corporation with its principal place of business at 2311 Midway Road, Carrollton, TX 75006-2596. Toni&Guy USA, LLC has appointed Kimber Summers located at 2311 Midway Road, Carrollton, TX 75006, as its agent for service of process.

34. On information and belief, Defendant Ulta Salon, Cosmetics & Fragrance, Inc. is a Delaware corporation with its principal place of business at 1000 Remington Blvd., Suite 120, Bolingbrook, IL 60440. Ulta Salon, Cosmetics & Fragrance, Inc. has appointed Lexis/Nexis Document Solutions, Inc. located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX 78701, as its agent for service of process.

35. On information and belief, Defendant Vitamin Shoppe Industries, Inc. is a Delaware corporation with its principal place of business at 2101 91<sup>st</sup> Street, North Bergen, NJ 07047. Vitamin Shoppe Industries, 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, as its agent for service of process.

36. On information and belief, Defendant Viva Vitamins is a California corporation with its principal place of business at 25908 McBean Parkway, Valencia, CA 91355. Viva Vitamins may be served through its president at 25908 McBean Parkway, Valencia, CA 91355.

37. On information and belief, Defendant Eyemart Express, Ltd. is a Texas corporation with its principal place of business at 13800 Senlac, Farmers Branch, TX 75006. Eyemart Express, Ltd. has appointed Doug Barnes located at 13800 Senlac Drive, Suite 200, Dallas, TX 75234, as its agent for service of process.

38. On information and belief, Defendant Luxottica Retail North America Inc. is an Ohio corporation with its principal place of business at 4000 Luxottica Place, Mason, OH 45040. Luxottica Retail North America Inc. has appointed National Registered Agents, Inc. located at 16055 Space Center, Suite 235, Houston, TX 77062, as its agent for service of process.

39. On information and belief, Defendant National Vision Inc. is a Georgia corporation with its principal place of business at 296 Grayson Highway, Lawrenceville, GA 30046. National Vision 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.

40. On information and belief, Defendant U.S. Vision Inc. is a Delaware corporation with its principal place of business at 1 Harmon Drive, Blackwood, NJ 08012. U.S. Vision Inc. has appointed The Corporation Trust Company located at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801, as its agent for service of process.

41. On information and belief, Defendant Pet Supplies Plus-USA Inc. is a Michigan corporation with its principal place of business at 22710 Haggerty Road, Suite 100, Farmington Hills, MI 48335. Pet Supplies Plus-USA Inc. has appointed Harvey L. Solway, located at 22710 Haggerty Road, Suite 100, Farmington Hills, MI 48335, as its agent for service of process.

42. On information and belief, Defendant Wild Birds Unlimited Inc. is an Indiana corporation with its principal place of business at 11711 N. College Avenue, Suite 146, Carmel,

IN 46032. Wild Birds Unlimited Inc. has appointed James R. Carpenter located at 11711 N. College Ave. #146, Carmel, IL 46032, as its agent for service of process.

### **JURISDICTION AND VENUE**

1. 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, 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 an interactive website(s) 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.

2. 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**

3. 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.

4. 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.

5. On information and belief, Eye Care Centers 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 locator and/or careers searches at [www.ecca.com](http://www.ecca.com), [www.ecca.com/careers](http://www.ecca.com/careers), [www.eyemasters.com](http://www.eyemasters.com), [www.visionworkseyewear.com](http://www.visionworkseyewear.com), [www.visionworld.com](http://www.visionworld.com), [www.houreyes.com](http://www.houreyes.com), [www.steinoptical.com](http://www.steinoptical.com), [www.drbizersvisionworld.com](http://www.drbizersvisionworld.com), [www.drbizersvaluision.com](http://www.drbizersvaluision.com), [www.drvaluision.com](http://www.drvaluision.com), and [www.eyedrx.com](http://www.eyedrx.com).

6. On information and belief, American Greetings 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 locator and/or careers search at [www.corporate.americangreetings.com](http://www.corporate.americangreetings.com) and [www.americangreetings.com](http://www.americangreetings.com).

7. On information and belief, Hallmark Cards, 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 locator and/or career search at [www.hallmark.com](http://www.hallmark.com) and [hrdirect.hallmark.com](http://hrdirect.hallmark.com).

8. On information and belief, Hickory Farms 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 locator search at [www.hickoryfarms.com](http://www.hickoryfarms.com).

9. On information and belief, POPYRUS Franchise 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 locator search at [www.papyrusonline.com](http://www.papyrusonline.com).

10. On information and belief, Spencer Gifts 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 locator and career search at [www.spencersonline.com](http://www.spencersonline.com).

11. On information and belief, International Coffee & Tea, LLC d/b/a The Coffee Bean & Tea Leaf 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 locator and career search at [www.coffeebean.com](http://www.coffeebean.com).

12. On information and belief, Things Remembered, 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 locator search at [www.thingsremembered.com](http://www.thingsremembered.com).

13. On information and belief, The Yankee Candle 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 locator and careers search at [www.yankeecandle.com](http://www.yankeecandle.com).

14. On information and belief, Bose Corp. 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 locator and careers search at [www.bose.com](http://www.bose.com).

15. On information and belief, Guitar Center 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 locator, locator and careers search at [www.guitarcenter.com](http://www.guitarcenter.com).

16. On information and belief, Progressive Concepts 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 locator search at [www.hawkelectronics.com](http://www.hawkelectronics.com).

17. On information and belief, Ritz Camera Image 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 locator search at [www.cameraworld.com](http://www.cameraworld.com) and [www.ritzcamera.com](http://www.ritzcamera.com).

18. On information and belief, 24 Hour Fitness Worldwide 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 comprise the locator and career search at [www.24hourfitness.com](http://www.24hourfitness.com).

19. On information and belief, Bally Total Fitness Corp. 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 locator and career search at [www.ballyfitness.com](http://www.ballyfitness.com).

20. On information and belief, Bare Escentuals 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 locator and career search at [www.bareescentuals.com](http://www.bareescentuals.com) and [www.bareescentualscareers.com](http://www.bareescentualscareers.com).



21. On information and belief, BioScrip 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 locator search at [www.bioscrip.com](http://www.bioscrip.com).

22. On information and belief, Crabtree & Evelyn 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 locator and career search at [www.crabtree-evelyn.com](http://www.crabtree-evelyn.com).

23. On information and belief, Curves International, 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 locator search at [www.curves.com](http://www.curves.com).

24. On information and belief, Gold's Gym International 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 locator and career search at [www.goldsgym.com](http://www.goldsgym.com).

25. On information and belief, Great Clips 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 locator and career search at [www.greatclips.com](http://www.greatclips.com).

26. On information and belief, L.A. Fitness International 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 locator search at [www.lafitness.com](http://www.lafitness.com).

27. On information and belief, Life Time Fitness 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 locator and career search at [www.lifetimefitness.com](http://www.lifetimefitness.com) and [jobs.lifetimefitness.com](http://jobs.lifetimefitness.com).

28. On information and belief, M.A.C. Cosmetics 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 locator search at [www.maccosmetics.com](http://www.maccosmetics.com).

29. On information and belief, Medicine Shoppe International 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 locator search at [www.medicap.com](http://www.medicap.com).

30. On information and belief, Merle Norman Cosmetics 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 locator search at [www.merlenorman.com](http://www.merlenorman.com).

31. On information and belief, Vitamin Cottage Natural Food Markets, Inc. d/b/a Natural Grocers by Vitamin Cottage 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 locator search at [www.vitamincottage.com](http://www.vitamincottage.com) and [www.naturalgrocers.com](http://www.naturalgrocers.com).

32. On information and belief, Regis 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 locator and career search at [www.bestcuts.com](http://www.bestcuts.com), [www.borics.com](http://www.borics.com), [www.carltonhairinternational.com](http://www.carltonhairinternational.com), [www.costcutters.com](http://www.costcutters.com), [www.coolcuts4kids.com](http://www.coolcuts4kids.com), [www.getthelook.com](http://www.getthelook.com), [www.firstchoice.com](http://www.firstchoice.com), [www.greatexpectationssalons.com](http://www.greatexpectationssalons.com), [www.hairexcitement.com](http://www.hairexcitement.com), [www.haircrafters.com](http://www.haircrafters.com), [www.hairmasterssalon.com](http://www.hairmasterssalon.com), [www.headstartsalons.com](http://www.headstartsalons.com), [www.holidayhair.com](http://www.holidayhair.com), [www.magiccuts.com](http://www.magiccuts.com), [www.mastercuts.com](http://www.mastercuts.com), [www.miaandmaxx.com](http://www.miaandmaxx.com), [www.mitchellhair.com](http://www.mitchellhair.com), [www.panopoulossalons.com](http://www.panopoulossalons.com), [procuts.com](http://procuts.com), [www.regissalons.com](http://www.regissalons.com), [www.saturdayssalon.com](http://www.saturdayssalon.com), [www.smartstyle.com](http://www.smartstyle.com), [www.styleamerica.com](http://www.styleamerica.com), [www.supercuts.com](http://www.supercuts.com), [www.tgfhairstalons.com](http://www.tgfhairstalons.com), [www.wecarehairstalons.com](http://www.wecarehairstalons.com), and [regis-hr.silkroad.com](http://regis-hr.silkroad.com).

33. On information and belief, Sally Beauty Supply 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 locator and career search at [www.sallybeauty.com](http://www.sallybeauty.com).

34. On information and belief, Sephora USA 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 locator search at [www.sephora.com](http://www.sephora.com).

35. On information and belief, The Body Shop Americas, 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 locator and career search at [www.bodyshop.com](http://www.bodyshop.com) and [www.thebodyshop-usa.com](http://www.thebodyshop-usa.com).

36. On information and belief, Toni&Guy USA, 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 locator search at [www.toniguy.com](http://www.toniguy.com).

37. On information and belief, Ulta Salon, Cosmetics & Fragrance, 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 locator and career search at [www.ulta.com](http://www.ulta.com) and [careers.ulta.com](http://careers.ulta.com).

38. On information and belief, Vitamin Shoppe Industries, 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 locator and career search at [www.vitaminshoppe.com](http://www.vitaminshoppe.com).

39. On information and belief, Viva Vitamins 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 locator search at [www.vivavitamins.com](http://www.vivavitamins.com).

40. On information and belief, Eyemart Express, 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 locator and career search at [www.eyemartexpress.com](http://www.eyemartexpress.com) and [jobs.eyemartexpress.com](http://jobs.eyemartexpress.com).

41. On information and belief, Luxottica Retail North 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 locator and career search at [www.luxottica.com](http://www.luxottica.com), [www.ray-ban.com](http://www.ray-ban.com), [www.oakley.com](http://www.oakley.com), [www.arnette.com](http://www.arnette.com), [www.persol.com](http://www.persol.com), [www.revo.com](http://www.revo.com), [www.vogue-eyewear.com](http://www.vogue-eyewear.com), and [luxotticaretail.tms.hrdepartment.com](http://luxotticaretail.tms.hrdepartment.com).

42. On information and belief, National Vision 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 locator and career search at [www.nationalvision.com](http://www.nationalvision.com), [www.twopair.com](http://www.twopair.com), [www.findvistaoptical.com](http://www.findvistaoptical.com), [www.eyeglassworld.com](http://www.eyeglassworld.com), and [www2.ultirecruit.com](http://www2.ultirecruit.com).

43. On information and belief, U.S. Vision 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 locator search at [www.usvision.com](http://www.usvision.com).

44. On information and belief, Pet Supplies Plus-USA 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 locator search at [www.petsuppliesplus.com](http://www.petsuppliesplus.com).

45. On information and belief, Wild Birds Unlimited 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 locator search at [www.wbu.com](http://www.wbu.com).

46. 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.

47. 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: November 3, 2011

Respectfully submitted,

**NI LAW FIRM, PLLC**

By: /s/ Hao Ni

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**ATTORNEYS FOR PLAINTIFFS  
GEOTAG INC. AND 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 November 3, 2011 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). Any other counsel of record will be served by electronic mail.

/s/ Hao Ni  
Hao Ni