

U.S. DISTRICT COURT  
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**EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

TIMES THREE CLOTHIER, LLC,

*Plaintiff,*

v.

SPANX, INC.,

*Defendant.*

CIVIL ACTION NOS.  
1:13-cv-2157-DLC  
1:13-cv-7260-DLC; and  
1:13-cv-7635-DLC

*ADD*  
**STIPULATION OF DISMISSAL**

NOW COME THE PARTIES, TIMES THREE CLOTHIER, LLC (“TTC”) and SPANX, INC. (“SPANX”), who have resolved their disputes by mutual agreement without admitting liability, and, by and through their undersigned counsel of record and in accordance with Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, hereby STIPULATE and AGREE that:

1. all claims and counterclaims asserted by TTC against SPANX in the captioned actions, be, and hereby are, DISMISSED WITH PREJUDICE;
2. those claims and counterclaims asserted by SPANX against TTC in the captioned actions pertaining to the specific products of SPANX accused by TTC of infringement in these actions are DISMISSED WITH PREJUDICE;
3. all other claims and counterclaims asserted by SPANX against TTC in the captioned actions, including, without limitation, SPANX’s claims asserting invalidity, are DISMISSED WITHOUT PREJUDICE; and
4. Each party will bear its own costs and attorneys’ fees.

SO ORDERED:

*[Signature]*  
Hon. Andrew Jay Peck  
United States Magistrate Judge 11/12/14 Page 13 of 14

*[Handwritten signatures]*

**FILED**

SO STIPULATED AND AGREED, this 1<sup>st</sup> day of November, 2014.

By: /s/ Laura Goldbard George  
Steven B. Pokotilow

Laura Goldbard George  
Binni N. Shah  
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