

U.S. DISTRICT COURT  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: ~~11/10/14~~ 11/12/14

**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  
**STROOCK & STROOCK & LAVAN  
LLP**

180 Maiden Lane  
New York, NY 10038  
(212) 806-5400  
SPokotilow@stroock.com  
LGoldbard@stroock.com  
BNShah@stroock.com

Attorneys for Plaintiff  
TIMES THREE CLOTHIER, LLC

By: /s/ Kathleen E. McCarthy

**KING & SPALDING LLP**  
1185 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 556-2100  
Fax: (212) 556-2222  
kmccarthy@kslaw.com

Natasha H. Moffitt  
**KING & SPALDING LLP**  
1180 Peachtree Street, NE  
Atlanta, Georgia 30309  
Tel: (404) 572-4600  
Fax: (404) 572-5100  
nmoffitt@kslaw.com

Attorneys for Defendant  
SPANX, INC.