

this action. It will determine which court's resources will be employed in managing and deciding the case, whether and how the parties may procure relevant evidence, and a potentially extended series of travel and lodging arrangements for a large number of people. Indeed, given the existence of 18 other cases filed by the same plaintiff involving common U.S. patents (as detailed in the transfer motion), the filing of transfer motions in all of the cases, and the relationship of all the motions to the Court's consideration of each, the Court's decision will likely affect an *extremely* large number of people. The issue merits thorough consideration of all relevant facts, arguments, and authorities.

3. As the party moving for transfer, Amazon bears the burden on the underlying motion. Allowing Amazon an opportunity for rebuttal, through a reply memorandum, comports with fair application of that burden.

4. B.E.'s opposition to Amazon's transfer motion includes arguments whose self-contradictory character merits analysis. For example, plaintiff has suggested on the one hand that this action should be consolidated with 18 others, yet addresses the transfer motion as a contest between only two parties' circumstances. While Amazon believes the circumstances tilt strongly in favor of transfer, the Court should have the benefit of full argument on the implications of these matters in the venue transfer context.

5. This action is in an early stage. No Scheduling Order has been entered yet, and proceedings other than this transfer motion have been stayed pending its outcome. The proposed Order on this motion would require defendant to file its reply memorandum within just 7 days from the grant of leave. Allowing these few additional days before the motion is at issue for decision will not materially impede the progress of this action.

6. Like any Section 1404 motion in a case of this type, briefing must address a number of issues and circumstances. While Amazon is committed to its reply being as concise as possible, coverage of the issues meriting a reply appears likely to require more than the 5 pages

normally permitted by Local Rule 7.2(e). This motion respectfully requests authorization to use up to 10 pages for such purpose.

Respectfully submitted,

s/ Glen G. Reid, Jr.

Glen G. Reid, Jr. (#8184)
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Dr., Suite 800
Memphis, TN 38120-4367
Phone: 901.537.1000
Facsimile: 901.537.1010
greid@wyattfirm.com

s/ Mark Vorder-Bruegge, Jr.

Mark Vorder-Bruegge, Jr. (#06389)
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Dr., Suite 800
Memphis, TN 38120-4367
Phone: 901.537.1000
Facsimile: 901.537.1010
mvorder-bruegge@wyattfirm.com

-and-

J. David Hadden
dhadden@fenwick.com
Darren F. Donnelly
ddonnelly@fenwick.com
Saina S. Shamilov
sshamilov@fenwick.com
Ryan J. Marton
rmarton@fenwick.com
Clifford Web
cweb@fenwick.com
Justin Hulse
jhulse@fenwick.com
FENWICK & WEST LLP
801 California Street, 6th Floor
Mountain View, CA 94041
(650) 988-8500

Counsel for Defendant
AMAZON DIGITAL SERVICES, INC.

CERTIFICATE OF CONSULTATION

The undersigned attorney hereby certifies that prior to the filing of the foregoing motion, multiple consultations were held with Richard Carter, attorney for plaintiff B.E. Technology, to determine whether plaintiff would agree to the relief sought. During that time, the Court granted motions similar to the foregoing in a number of related cases. On February 21, 2013, Mr. Carter informed the undersigned by electronic mail that plaintiff could not consent, but will not oppose relief sought in this motion.

s/Mark Vorder-Bruegge, Jr.
Mark Vorder-Bruegge, Jr.

CERTIFICATE OF SERVICE

The foregoing document was filed under the Court's CM/ECF system, automatically effecting service on counsel of record for all other parties who have appeared in this action on the date of such service.

s/ Mark Vorder-Bruegge, Jr.
Mark Vorder-Bruegge, Jr.

60334743.1