

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

B.E. TECHNOLOGY, L.L.C.,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Civil Action No. 2:12cv2769 JPM-tmp

Hon. Jon Phipps McCalla

JURY DEMAND

**FACEBOOK, INC.'S MOTION TO STAY PROCEEDINGS  
PENDING RESOLUTION OF ITS MOTION TO TRANSFER**

Defendant Facebook, Inc. respectfully moves this Court to stay all other proceedings in this case—including Local Patent Rule disclosures and fact discovery—pending resolution of Facebook's motion to transfer. The Federal Circuit has indicated that a timely-filed motion to transfer a patent case under §1404(a) should be decided before proceeding to the merits of an action, and that it is appropriate to stay litigation pending resolution of a transfer motion. *In re Fusion-IO, Inc.*, No. 12-139, 2012 WL 6634939 (Fed. Cir. Dec. 21, 2012). The grounds for this Motion are fully set forth in the Memorandum of Facts and Law filed simultaneously with this motion.

Dated: January 31, 2013

Respectfully submitted:

*/s/ Orion Armon*

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### CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.2(a)(1)(B), I certify that I spoke to Craig Kaufman on January 30, 2013, regarding the filing of this motion to stay. I was advised by Mr. Kaufman that Plaintiff B.E. Technology, L.L.C. opposes the relief sought by this motion.

/s/ Orion Armon

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served this 31st day of January, 2013, on the following counsel of record via the Court's Electronic Filing System:

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