

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**B.E. TECHNOLOGY, L.L.C.,** )  
 )  
 **Plaintiff/Counter-Defendant,** )  
 )  
 v. )  
 )  
 **GROUPON, INC.,** )  
 )  
 **Defendant/Counterclaimant.** )  
 )  
 \_\_\_\_\_ )

**Civil Action No. 2:12-cv-02781-JPM cgc**  
**JURY DEMAND**

**PLAINTIFF’S MOTION FOR ORAL ARGUMENT, MEMORANDUM IN SUPPORT,  
AND CERTIFICATE OF CONSULTATION**

**MOTION**

Plaintiff B.E. Technology L.L.C. (“B.E.”) moves this Honorable Court to allow oral argument at a hearing on defendant Groupon, Inc.’s (“Groupon”) Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a). Concurrently herewith, B.E. requests that the Court also permit oral argument on the nearly identical transfer motions filed by Google, Inc. (“Google”), Amazon Digital Services, Inc. (“Amazon”), LinkedIn, Inc. (“LinkedIn”), Facebook, Inc. (“Facebook”), Pandora Media, Inc. (“Pandora”), Twitter, Inc. (“Twitter”), Barnes & Noble, Inc. (“Barnes & Noble”), Samsung Telecommunications America, LLC (“STA”), Samsung Electronics America, Inc. (“SEA”), Sony Computer Entertainment America LLC (“SCEA”), Sony Mobile Communications (USA) Inc. (“SMC”), Sony Electronics, Inc. (“SEI”), Microsoft Corp. (“Microsoft”), Apple, Inc. (“Apple”), Spark Networks, Inc. (“Spark”), People Media, Inc. (“People Media”), Match.com L.L.C. (“Match”), and Motorola Mobility Holdings LLC (“Motorola”) (collectively with Groupon, the “B.E. defendants”). A hearing on these motions

will (a) enable B.E. adequately to respond to the arguments and evidence presented by the B.E. defendants' reply memoranda, and (b) provide the Court a forum to ask any questions it may have before deciding these important motions.

**MEMORANDUM**

The arguments in favor of conducting a hearing on the B.E. defendant's motions to transfer are set forth in the memorandum supporting the motion for oral argument filed in *B.E. Technology L.L.C. v. Google, Inc.*, Case No. 2:12-cv-02830 JPM tmp. B.E. hereby incorporates by reference that document to avoid repeating duplicative information.

**CERTIFICATE OF CONSULATION**

Richard M. Carter, counsel for B.E., consulted with counsel for Groupon, Annie T. Christoff, who stated that Groupon does not oppose this request for oral argument.

Dated: March 18, 2013

Respectfully submitted,

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Attorneys for Plaintiff B.E. Technology, L.L.C.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 18, 2013 a true and correct copy of the foregoing was electronically filed with the United States District Court for the Western District of Tennessee and was served on counsel by the Court's electronic filing notification.

*s/Daniel J. Weinberg*  
Daniel J. Weinberg