

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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

Plaintiff,)

v.)

GROUPON, INC.,)

Defendant.)

Civil Action No. 2:12-cv-02781-JPM-tmp

Hon. Jon Phipps McCalla

JURY DEMAND

**DEFENDANT GROUPON, INC.'S MOTION
TO STAY PROCEEDINGS PENDING *INTER PARTES* REVIEW**

Defendant Groupon, Inc. ("Groupon") respectfully moves this Court to stay this case pending *inter partes* review of U.S. Patent No. 6,628,314. In support of its Motion, Groupon relies on the Memorandum in Support of Its Motion to Stay and the Declaration of Aaron J. Weinzierl, filed contemporaneously herewith.

Dated: November 26, 2013

Respectfully submitted,

/s/ Stephanie A. Quick

John S. Golwen (TN BPR #014324)
Annie T. Christoff (TN BPR #026241)
BASS, BERRY & SIMS, PLC
100 Peabody Place, Suite 900
Memphis, Tennessee 38103
Telephone: (901) 543-5900
Facsimile: (901) 543-5999
Email: jgolwen@bassberry.com
achristoff@bassberry.com

Jeanne M. Gills
Aaron J. Weinzierl (*pro hac vice*)
FOLEY & LARDNER LLP
321 North Clark Street, Suite 2800
Chicago, Illinois 60654
Telephone: (312) 832-4500
Facsimile: (312) 832-4700
Email: jmgills@foley.com
aweinzierl@foley.com

Stephanie A. Quick
FOLEY & LARDNER LLP
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Telephone: (414) 297-2400
Facsimile: (414) 297-4900
Email: squick@foley.com

*Attorneys for Defendant
Groupon, Inc.*

CERTIFICATE OF CONSULTATION

I, Aaron J. Weinzierl, attorney for Defendant Groupon, Inc., certify that I communicated with Dan Weinberg, counsel for Plaintiff B.E. Technology, L.L.C., on November 26, 2013 via telephone regarding Groupon's intention to file this Motion and conferred with him to determine whether B.E. would agree to the relief sought, such that the Motion could be presented as unopposed. Mr. Weinberg advised that B.E. is not opposed to a stay of this case as long as all litigation involving the '290 and '314 patents is also stayed.

/s/ Aaron J. Weinzierl

CERTIFICATE OF SERVICE

I hereby certify that, on November 26, 2013, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Stephanie A. Quick