UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

B.E. TECHNOLOGY, L.L.C.,	)	
	)	**Civil Action No. 2:12-cv-02782**
Plaintiff,	)	
v.	)	
PANDORA MEDIA, INC.,	)	
Defendant.	)	
	)	**Jury Trial Demanded**

DEFENDANT PANDORA MEDIA, INC.'S
RESPONSE OPPOSING PLAINTIFF'S MOTION TO STRIKE
DEFENSES PURSUANT TO FED. R. CIV. P. 12(f)

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Defendant Pandora Media, Inc. ("Pandora"), by and through its undersigned counsel, hereby submits this Response in Opposition to Plaintiff B.E. Technology's ("B.E.") Motion to Strike pursuant to Fed. R. Civ. P. 12(f). For the reasons provided below, the Court should deny B.E.'s motion.

I. NATURE AND STAGE OF THE PROCEEDINGS

B.E. alleges that Pandora has infringed U.S. Patent No. 6,628,314 ("the '314 patent"). *See* Dkt. 1. On September 10, 2012, B.E. filed a complaint alleging that "Pandora has infringed the '314 patent by using a method of providing demographically targeted advertising that directly infringes at least Claim 11 of the '314 patent either literally or under the doctrine of equivalents." Dkt. 1 at ¶ 11. The Complaint does not provide any specific details as to why Pandora's services allegedly infringe the asserted patent. Pandora filed its Answer on December 31, 2012, asserting three affirmative defenses. *See* Dkt. 20. Pandora's First Affirmative Defense states that "[t]he Complaint fails to state a claim upon which relief may be granted." Dkt. 20 at 6. Pandora's Second Affirmative Defense provides that "Pandora has not infringed and is not infringing, any valid claim of the '314 patent." Dkt. 20 at 7. Finally, Pandora's Third Affirmative Defense states that "[e]ach of the claims of the '314 patent is invalid for failing to comply with the conditions of patentability set forth in the patent laws of the United States, 35 U.S.C. § 1, *et. seq.*, including without limitation, at least 35 U.S.C. §§ 102, 103, and/or 112." Dkt. 20 at 7. On January 25, 2012, B.E. filed a Motion to Strike Pandora's affirmative defenses. Dkt. 31.

II. PLAINTIFF'S MOTION SHOULD BE DENIED

B.E. argues in its Motion that the standard for pleading complaints, articulated in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009),

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