

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION**

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

Plaintiff,

v.

BARNES & NOBLE, INC.,

Defendant.

Case No. 2:12-cv-02823-JPM-tmp

JURY TRIAL REQUESTED

**DEFENDANT BARNES & NOBLE, INC.'S MOTION TO TRANSFER VENUE
PURSUANT TO 28 U.S.C. § 1404(a)
(INCLUDING CERTIFICATE OF CONSULTATION)**

Defendant Barnes & Noble, Inc. respectfully moves this Court to transfer this case to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. § 1404(a). The facts and legal authorities supporting this relief are set forth in the accompanying declaration and memorandum.

Respectfully submitted,

s/Glen G. Reid, Jr.

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Attorneys for Defendant

CERTIFICATE OF CONSULTATION

I, Glen Reid, attorney for defendant, certify that I talked to Richard Carter on December 7, 2012 regarding defendant's intention to file the foregoing motion, and conferred with him to determine whether the plaintiff would agree to the relief sought, such that the motion could be presented as unopposed. The consultation was not successful and Mr. Carter advised that the plaintiff opposes the motion.

s/Glen G. Reid, Jr.
Glen G. Reid, 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.
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