

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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B.E. TECHNOLOGY, LLC, )  
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 Plaintiff, )  
 )  
 v. ) No. : 2:12-cv-02824-JPM-cgc  
 )  
 SAMSUNG TELECOMMUNICATIONS )  
 AMERICA, INC., )  
 )  
 Defendant. )

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B.E. TECHNOLOGY, LLC, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. : 2:12-cv-02825-JPM-tmp  
 )  
 SAMSUNG ELECTRONICS AMERICA, )  
 INC., )  
 )  
 Defendant. )

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ORDER DENYING MOTION TO TRANSFER VENUE

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Before the Court is the Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) (see Civil Case No. 12-2824, ECF No. 27; Civil Case No. 12-2825, ECF No. 31), of Defendants Samsung Telecommunications America, Inc. ("STA"), and Samsung Electronics America, Inc. ("SEA") (collectively "Samsung"),<sup>1</sup>

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<sup>1</sup> STA "is a wholly owned subsidiary of [SEA]." (Civil Case No. 12-2824, ECF No. 27-13, ¶ 2.)

filed January 22, 2013.<sup>2</sup> For the reasons that follow, the Motion is DENIED.

**I. BACKGROUND**

This case concerns Samsung's alleged infringement of United States Patent No. 6,771,290 (the "'290 patent"). (Civil Case No. 12-2824, ECF No. 1; Civil Case No. 12-2825, ECF No. 1.) Plaintiff B.E. Technology, LLC ("Plaintiff" or "B.E."), is the assignee of the '290 patent (Civil Case No. 12-2824, ECF No. 34, at 2; Civil Case No. 12-2825, ECF No. 38, at 2), currently owning "all right, title, and interest in the '290 patent, and has owned all right, title, and interest throughout the period" of the alleged infringement (Civil Case No. 12-2824, ECF No. 1, ¶ 10; Civil Case No. 12-2825, ECF No. 1, ¶ 7).

**A. Civil Case No. 12-2824**

B.E. alleges that STA infringed "the '290 patent by using, selling, and offering to sell in the United States tablet computer products that directly infringe at least Claim 2 of the '290 patent either literally or under the doctrine of equivalents." (ECF No. 1 ¶ 11.) The STA products alleged to infringe the '290 patent include "Samsung Smart Phones: Galaxy

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<sup>2</sup> Because the Motions to Transfer Venue of STA and SEA are identical, the Court will refer to the Motion to Transfer Venue on STA's docket, Civil Case No. 12-2824, at ECF No. 27. Additionally, B.E. Technology, LLC's Responses to the Motion to Transfer Venue, and STA and SEA's Replies in support of their Motion to Transfer Venue are identical. Accordingly, the Court will refer to the Response and Reply on STA's docket, Civil Case No. 12-2824, at ECF No. 34 and ECF No. 37.

S, Galaxy S 4G, Galaxy S II, Captivate, Continuum, Droid Charge, Galaxy S III, Epic 4G, Fascinate, Exhibit 4G, Galaxy Ace, Galaxy Prevail, Gem, Indulge, Infuse 4G, Intercept, Mesmerize, Nexus S 4G, Replenish, Vibrant; Smart Tablets: Galaxy Note 10.1; Galaxy Tab; Galaxy Player 5.0." (Id.)

B.E. filed a Complaint in this Court on September 21, 2012. (ECF No. 1.) STA filed its Answer to the Complaint on December 31, 2012 (ECF No. 22), and its Motion to Transfer Venue on January 22, 2013 (ECF No. 27). On January 29, 2013, STA filed a Motion to Stay pending resolution of its Motion to Transfer Venue. (ECF No. 30.) The Court granted STA's Motion to Stay on February 8, 2013. (ECF No. 33.) B.E. filed its Response in opposition to STA's Motion to Transfer Venue on February 8, 2013. (ECF No. 34.) With leave of Court (ECF No. 36), STA filed a Reply in support of its Motion to Transfer on February 21, 2013 (ECF No. 37).

**B. Civil Case No. 12-2825**

B.E. alleges that SEA infringed "the '290 patent by using, selling, and offering to sell in the United States tablet computer products that directly infringe at least Claim 2 of the '290 patent either literally or under the doctrine of equivalents." (ECF No. 1 ¶ 8.) The SEA products alleged to infringe the '290 patent include "Smart TVs: LED 8000 Series Smart TV, Plasma 8000 Series Smart TV, LED 7500 Series Smart TV,

LED 7550 Series Smart TV; Smart Blu-Ray/DVD Players: BD-E6500, BDES6000, BD-E5900, BD-E5700, BD-EM57C, BD-EM59C." (Id.)

B.E. filed a Complaint in this Court on September 21, 2012. (ECF No. 1.) SEA filed its Answer to the Complaint on December 31, 2012 (ECF No. 26), and its Motion to Transfer Venue on January 22, 2013 (ECF No. 31). On January 29, 2013, SEA filed a Motion to Stay pending resolution of its Motion to Transfer Venue. (ECF No. 34.) The Court granted SEA's Motion to Stay on February 8, 2013. (ECF No. 37.) B.E. filed its Response in opposition to SEA's Motion to Transfer Venue on February 8, 2013. (ECF No. 38.) With leave of Court (ECF No. 40), SEA filed a Reply in support of its Motion to Transfer on February 21, 2013 (ECF No. 41).

**C. Motion to Transfer Venue<sup>3</sup>**

Samsung seeks to transfer this case to the District of New Jersey. (ECF No. 27-1 at 1.) In the alternative, Samsung seeks to transfer this case to the Northern District of California. (Id. at 16.) STA is headquartered in Texas and maintains offices in New Jersey, and SEA is headquartered in New Jersey. (Id. at 1) Samsung argues that the "patent infringement actions have no meaningful connection to [the Western District of Tennessee]." (Id.) In support, Samsung asserts the following:

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<sup>3</sup> All references to the Motion to Transfer Venue, Response in opposition to the Motion to Transfer Venue, and Reply in support of the Motion to Transfer Venue, will be to those documents filed in Civil Case No. 12-2824. See supra note 2 and accompanying text.

that B.E. has only a tenuous connection to the Western District of Tennessee as there are few relevant witnesses and documents that are likely to be located in this district; that the vast majority of evidence from Defendants is located in the District of New Jersey; that the District of New Jersey is more convenient for the relevant witnesses in the instant action; and that the "alleged acts of infringement bear a much greater relation to the District of New Jersey than to the [Western District of Tennessee]." (Id.)

B.E. opposes Samsung's Motion to Transfer Venue. (ECF No. 34.) B.E. is a limited liability company incorporated in Delaware. (Id. at 2.) B.E. was originally registered in Michigan, but formally registered to conduct business in Tennessee in September 2012. (Id. at 3.) B.E. contends that Memphis, Tennessee, is its principal place of business. (Civil Case No. 12-2824, ECF No. 1, ¶ 2.) Martin David Hoyle ("Hoyle"), B.E.'s founder and CEO, is the named-inventor of the '290 patent. (ECF No. 34 at 1, 2.) Hoyle has been a resident of Tennessee since April, 2006. (Id.)

B.E. argues that transfer is inappropriate because it has substantial connections with this district. B.E. argues that Hoyle has been "present in this District since 2006, and B.E. since at least 2008," and this district is B.E.'s principal place of business. (Id. at 5.) B.E. also argues that none of

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