

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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

Plaintiff,

v.

SAMSUNG TELECOMMUNICATIONS
AMERICA, LLC,

Defendant.

Civil Action No. 12-cv-02824-JPM-cgc

JURY TRIAL DEMANDED

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

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA
INC.,

Defendant.

Civil Action No. 12-cv-02825-JPM-tmp

JURY TRIAL DEMANDED

**DEFENDANTS SAMSUNG TELECOMMUNICATIONS AMERICA, LLC AND
SAMSUNG ELECTRONICS AMERICA INC.'S MOTION TO STAY LITIGATIONS
PENDING *INTER PARTES* REVIEW**

Defendants Samsung Electronics America, Inc. (“SEA”) and Samsung Telecommunications America, LLC (“STA”, collectively, with SEA, “Samsung”) respectfully move this Court for a stay of the instant litigation against Samsung pending resolution of the five petitions for *inter partes* review (“IPR”) that were filed challenging the validity of the ’290 patent.¹ As set forth in the accompanying Memorandum of Law, Samsung and Plaintiff B.E. Technology, LLC (“B.E. Tech.”) agree that this case should be stayed pending resolution of

¹ U.S. Patent No. 6,771,290 is referred to herein as “the ’290 patent.”

those IPR petitions—so long as all litigations related to the '290 and '314 patents² are stayed. Each of the factors considered in deciding whether to stay litigations pending IPRs weighs strongly in favor of granting a stay. In fact, Samsung respectfully suggests that these considerations—the simplification of issues, the early stage of litigation, and the lack of prejudice to B.E.—are likely to apply equally in all of the litigations filed by Plaintiff B.E. Technology, LLC against the defendants in related actions before this Court³ and the Court should exercise its inherent power to stay them all.

In support of their Motion, SEA and STA rely on the Memorandum in Support of Their Motion to Stay and the Declarations and Exhibits attached thereto, filed contemporaneously herewith.

DATE: November 22, 2013

Respectfully submitted,

/s/ Jonathan E. Nelson

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² U.S. Patent No. 6,628,314 is referred to herein as “the '314 patent.” Samsung understands that four IPRs have been filed against the '314 patent.

³ See *B.E. v. Amazon Digital Servs., Inc.*, No. 2:12-cv-02767-JPM-cgc; *B.E. v. Facebook, Inc.*, No. 2:12-cv-02769-JPM-tmp; *B.E. v. LinkedIn Corp.*, No. 2:12-cv-02772-JPM-dkv; *B.E. v. Groupon, Inc.*, No. 2:12-cv-02781-JPM-cgc; *B.E. v. Pandora Media, Inc.*, No. 2:12-cv-02782-JPM-cgc; *B.E. v. Twitter, Inc.*, No. 2:12-cv-02783-JPM-cgc; *B.E. v. Barnes & Noble, Inc.*, No. 2:12-cv-02823-JPM-tmp; *B.E. v. STA*, No. 2:12-cv-02824-cgc; *B.E. v. SEA*, No. 2:12-cv-02825-JPM-tmp; *B.E. v. Sony Computer Entm't Am., Inc.*, No. 2:12-cv-02826-JPM-tmp; *B.E. v. Sony Mobile Commcn's (USA) Inc.*, No. 2:12-cv-02827-JPM-dkv; *B.E. v. Sony Elecs. Inc.*, No. 2:12-cv-02828-JPM-tmp; *B.E. v. Microsoft Corp.*, No. 2:12-cv-02829-JPM-tmp; *B.E. v. Google Inc.*, No. 2:12-cv-02830-JPM-cgc; *B.E. v. Apple Inc.*, No. 2:12-cv-02831-JPM-cgc; *B.E. v. People Media, Inc.*, No. 2:12-cv-02833-JPM-dkv; *B.E. v. Match.com, LLC*, No. 2:12-cv-02834-JPM-dkv; *B.E. v. Motorola Mobility Holdings, LLC*, No. 2:12-cv-02866-JPM-dkv.

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CERTIFICATE OF CONSULTATION

I, Jonathan Nelson, attorney for Defendants Samsung Electronics America, Inc. and Samsung Telecommunications America, LLC, certify that my co-counsel, Josh Raskin, communicated with Counsel for Plaintiff, Dan Weinberg, on November 22, 2013 via telephone regarding Defendants' 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. Mr. Weinberg advised that the Plaintiff is not opposed to a stay of this case so long as all litigation involving the '290 and '314 patents is also stayed. Therefore, Mr. Weinberg confirmed that Plaintiff is not opposed to the relief sought.

/s/ Jonathan Nelson
Jonathan Nelson

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/ Jonathan Nelson

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