

**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-tmp

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

Plaintiff,

v.

**SAMSUNG ELECTRONICS AMERICA
INC.,**

Defendant.

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

**MEMORANDUM OF LAW IN SUPPORT OF SAMSUNG'S
MOTION TO STAY LITIGATIONS PENDING *INTER PARTES* REVIEW**

TABLE OF CONTENTS

I. INTRODUCTION 1

II. FACTUAL AND PROCEDURAL BACKGROUND..... 3

 A. B.E. Technology Alleges Infringement Of The '290 Patent In Eleven Litigations Pending Before This Court..... 3

 B. Defendants Filed Five Petitions For *Inter Partes* Review Of The '290 Patent..... 3

 C. This And The Other Litigations Involving The '290 Patent Are At An Early Stage..... 4

 D. The Parties' Pre-Motion Discussions Regarding A Stay 5

III. ARGUMENT 5

 A. Legal Standard 5

 B. The Present Litigation Should Be Stayed Pending Resolution Of The IPRs 7

 1. A Stay Will Simplify the Issues, Regardless of the Outcome of the IPRs..... 7

 2. Discovery Is Not Complete and No Trial Date Has Been Set 9

 3. B.E. Will Not Be Unduly Prejudiced By A Stay 10

 C. A Stay Should Be Granted Now: There Is No Need To Wait For The Patent Office's Decision To Institute An IPR..... 11

IV. CONCLUSION..... 12

TABLE OF AUTHORITIES

CASES

Akeena Solar Inc. v. Zep Solar Inc.,
2010 WL 1526388 (N.D. Cal. Apr. 14, 2010) 12

Capriola Corp. v. LaRose Indus. LLC,
2013 WL 1868344 (M.D. Fla. Mar. 11, 2013) 12

Cascades Computer Innovation, LLC v. SK Hynix Inc.,
2012 WL 2086469 (N.D. Ill. May 25, 2012) 2

Crown Cent. Petroleum Corp. v. Dep’t of Energy,
102 F.R.D. 95 (D. Md. 1984)..... 2

Dura Global Tech., LLC v. Magna Int’l Inc.,
2011 WL 5039883 (E.D. Mich. Oct. 24, 2011) 6

EMSAT Advanced v. T-Mobile USA, Inc.,
2011 WL 843205 (N.D. Ohio Mar. 8, 2011) 6

Equipements de Transformation IMAC v. Anheuser-Busch Cos.,
559 F. Supp. 2d 809 (E.D. Mich. 2008)..... 5

Ethicon, Inc. v. Quigg,
849 F.2d 1422 (Fed. Cir. 1988)..... 5

e-Watch, Inc. v. Lorex Canada, Inc.,
2013 WL 5425298 (S.D. Tex. Sept. 26, 2013) 8

Geospan Corp. v. Pictometry Int’l Corp.,
2012 WL 5942005 (D. Minn. Nov. 28, 2012) 9

Lincoln Elec. Co. v. Miller Elec. Mfg. Co.,
2007 WL 2670039 (N.D. Ohio Sept. 7, 2007)..... 6

One Stockduq Holding, LLC v. Becton, Dickinson & Co. ("Stockduq I"),
No. 2:12-cv-03037-JPM-tmp, D.E. 53 (W.D. Tenn. May 6, 2013)..... 11, 12

One Stockduq Holding, LLC v. Becton, Dickinson & Co. ("Stockduq II"),
No. 2:12-cv-03037-JPM-tmp, D.E. 85 (W.D. Tenn. Nov. 12, 2013) *passim*

Regents of the Univ. of Mich. v. St. Jude Med., Inc.,
2013 WL 2393340 (E.D. Mich. May 31, 2013)..... 6

Semiconductor Energy Lab. Co. v. Chimei Innolux Corp.,
2012 WL 7170593, at *2 (C.D. Cal. Dec. 19, 2012) 9, 10

Software Rights Archive, LLC v. Facebook, Inc.,
2013 WL 5225522 (N.D. Cal. Sept. 17, 2013) 4, 10

SSW Holding Co. v. Schott Gemtron Corp.,
2013 WL 4500091 (W.D. Ky. Aug. 21, 2013) 6

Universal Elecs., Inc. v. Univ. Remote Control, Inc.,
2013 WL 1876459 (C.D. Cal. May 2, 2013) 7

Visual Interactive Phone Concepts, Inc. v. Samsung Telecommcn’s Am., LLC,
2012 WL 1049197 (E.D. Mich. Mar. 28, 2012) 6, 8, 10

STATUTES

35 U.S.C. § 313 4

35 U.S.C. § 314 4

35 U.S.C. § 316 4

OTHER AUTHORITIES

37 C.F.R. § 42.107 4

Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC,
No. IPR2012-00001, Paper No. 15 (PTAB Jan. 9, 2013) 8, 9

Universal Remote Control, Inc. v. Universal Elecs., Inc.,
No. IPR2013-00152, Paper No. 8, 20 (Aug. 19, 2013) 9

RULES

Fed. R. Civ. P. 1 5

Defendants Samsung Telecommunications America, LLC (“STA”) and Samsung Electronics America, Inc. (“SEA”) (collectively, “Samsung”) respectfully move this Court to stay this case as described below.

I. INTRODUCTION

Samsung and Plaintiff B.E. Technology LLC (“B.E.”) *agree* that this case should be stayed pending resolution of multiple petitions for *inter partes* review (“IPRs”) that were filed last month challenging the validity of the ’290 and ’314 patents¹—so long as all of the other litigations pending before this court involving those patents are also stayed.

Shortly after the IPRs were filed with the Patent Office, Samsung and the 16 other defendants that have been sued by B.E. in this District began discussing a stay with each other and with B.E. Based on those discussions, including Samsung’s direct communication with B.E. in compliance with its meet-and-confer obligations, Samsung understands that B.E. supports a stay of each of the cases involving the ’290 and ’314 patents, so long as all those cases are stayed. Samsung also understands that most, if not all, of the 16 other defendants will either move to stay their respective cases, or will not actively oppose entry of a stay in their cases—again so long as all the other cases involving the ’290 and ’314 patents are also stayed.²

¹ U.S. Patent No. 6,771,290 is referred to herein as “the ’290 patent” and U.S. Patent No. 6,628,314 is referred to herein as “the ’314 patent.”

² For example, Apple has indicated that, at this time, it does not plan to request a stay of its case but also does not plan to actively oppose such a stay should the Court order a stay with respect to all the litigations. Apple is apparently concerned that, by not opposing a stay, it may be deemed in privity with Samsung and the other IPR-filer defendants moving for a stay and therefore be subject to the same estoppels as those defendants if the IRPs are not successful. Samsung does not agree with, or fully understand, Apple’s position. Nevertheless, we understand that Apple and the other defendants may file notices or other papers in their respective cases further explaining their positions on a potential stay.

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