

IN THE UNITED STATES DISTRICT COURT  
FOR THE 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

**DECLARATION OF JUSTIN A. MACLEAN IN SUPPORT OF SAMSUNG'S MOTION  
TO STAY LITIGATIONS PENDING *INTER PARTES* REVIEW**

I, Justin A. MacLean, hereby declare and state as follows:

1. I am an associate in the New York office of Greenberg Traurig, LLP ("GT"), located at 200 Park Avenue, New York, NY 10166, and admitted *pro hac vice* before this Court. I submit this declaration in support of the Motion to Stay Litigations Pending *Inter Partes* Review ("Motion") filed by Defendants Samsung Telecommunications America LLC ("STA") and Samsung Electronics America, Inc. ("SEA") (collectively, "Samsung"). This declaration is based upon facts of which I have personal knowledge.

2. Samsung filed an IPR petition with the Patent Office on October 9, 2013 seeking review of claims 2 and 3 of the '290 patent and four other IPR petitions challenging the same claims of the '290 patent were filed at around the same time. Shortly after the filing of the IPR petitions, B.E. and the defendants in the 18 remaining actions B.E. filed in this District (the "Related Actions") engaged in discussions regarding a potential stay of the Related Actions, which discussions lasted for several weeks. On November 22, counsel for B.E. and Samsung formally met-and-conferred regarding the Motion. During the meet-and-confer, the parties agreed to a stay of this case so long as all proceedings related to the '290 and '314 patents in the Related Actions are stayed.

3. Counsel for Samsung has also discussed the stay issue with counsel for the defendants in the Related Actions. Based on those discussions, Samsung understands that most if not all of the defendants will either join in the request by moving to stay their respective cases, or will not oppose a stay (perhaps based on one or more conditions). 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 IPRs are not successful. 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.

4. Attached hereto as **Exhibit 1** is a true and correct copy of a Petition for Inter Partes Review of U.S. Patent No. 6,771,290 (the "'290 patent"), filed with the United States Patent and Trademark Office ("PTO") on October 9, 2013 by Samsung.

5. Attached hereto as **Exhibit 2** is a true and correct copy of a Petition for Inter Partes Review of the '290 patent, filed with the PTO on October 4, 2013 by Google, Inc.

6. Attached hereto as **Exhibit 3** is a true and correct copy of a Petition for Inter Partes Review of the '290 patent, filed with the PTO on October 4, 2013 by Google, Inc.

7. Attached hereto as **Exhibit 4** is a true and correct copy of a Petition for Inter Partes Review of the '290 patent, filed with the PTO on October 8, 2013 by Microsoft Corporation.

8. Attached hereto as **Exhibit 5** is a true and correct copy of a Petition for Inter Partes Review of the '290 patent, filed with the PTO on October 9, 2013 by Sony Mobile Communications (USA) Inc.

9. Attached hereto as **Exhibit 6** is a true and correct copy of Docket Entry No. 85 in the matter styled *One Stockduq Holdings, LLC v. Becton, Dickinson & Co.*, No. 2:12-cv-03037-JPM-tmp (W.D. Tenn. Nov. 13, 2013).

10. Attached hereto as **Exhibit 7** is a true and correct copy of a PTO publication entitled "Patent Trial and Appeal Board, AIA Progress, Statistics (as of 11/14/2013)", available at [http://www.uspto.gov/ip/boards/bpai/stats/aia\\_statistics\\_11\\_14\\_2013.pdf](http://www.uspto.gov/ip/boards/bpai/stats/aia_statistics_11_14_2013.pdf).

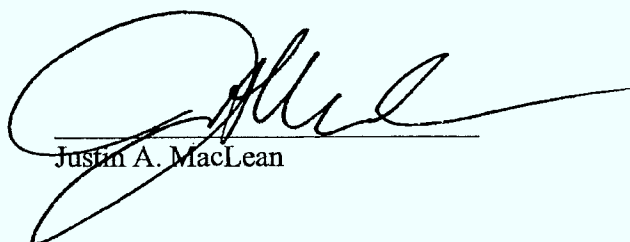
11. Attached hereto as **Exhibit 8** is a true and correct copy of a Decision to Initiate Trial for Inter Partes Review, in the matter styled *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, No. IPR2012-00001, Paper No. 15 (PTAB Jan. 9, 2013).

12. Attached hereto as **Exhibit 9** is a true and correct copy of a Decision Denying Institution of Inter Partes Review, in the matter styled *Universal Remote Control, Inc. v. Universal Elecs., Inc.*, No. IPR2013-00152, Paper No. 8 (Aug. 19, 2013).

13. Attached hereto as **Exhibit 10** is a true and correct copy of Docket Entry No. 53 in the matter styled *One Stockduq Holdings, LLC v. Becton, Dickinson & Co.*, No. 2:12-cv-03037-JPM-tmp (W.D. Tenn. May 6, 2013).

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in New York, NY on November 22, 2013.



Justin A. MacLean