

**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**

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**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**

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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 patents<sup>1</sup>—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.<sup>2</sup>

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<sup>1</sup> 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.”

<sup>2</sup> 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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