

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

B.E. TECHNOLOGY, LLC,)
)
 Plaintiff,)
)
 v.) No. : 2:12-cv-02826-JPM-tmp
)
 SONY COMPUTER ENTERTAINMENT)
 AMERICA LLC,)
)
 Defendant.)

B.E. TECHNOLOGY, LLC,)
)
 Plaintiff,)
)
 v.) No. : 2:12-cv-02827-JPM-tmp
)
 SONY MOBILE COMMUNICATIONS)
 (U.S.A.) INC.,)
)
 Defendant.)

B.E. TECHNOLOGY, LLC,)
)
 Plaintiff,)
)
 v.) No. : 2:12-cv-02828-JPM-tmp
)
 SONY ELECTRONICS INC.,)
)
 Defendant.)

ORDER DENYING MOTION TO TRANSFER VENUE

Before the Court are the Motions to Transfer Venue Pursuant
to 28 U.S.C. § 1404(a) (No. 12-cv-2826-JPM-tmp, ECF No. 25; No.

12-cv-2827-JPM-tmp, ECF No. 29; No. 12-cv-2828-JPM-tmp, ECF No. 24), of Defendants Sony Computer Entertainment America LLC ("SCEA"), Sony Mobile Communications (U.S.A.) Inc. ("SMC"), and Sony Electronics Inc. ("SEL") (collectively "Sony"),¹ filed January 28, 2013.² For the following reasons, the Motions are DENIED.

I. BACKGROUND

This case concerns Sony's alleged infringement of United States Patent No. 6,771,290 (the "'290 patent"). (ECF No. 25-1 at 1.) Plaintiff B.E. Technology, LLC ("B.E."), is the assignee of the '290 patent (ECF No. 32 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. (See No. 12-cv-2826-JPM-tmp, ECF No. 1, ¶ 10; accord No. 12-cv-2827-JPM-tmp, ECF No. 1, ¶ 10; No. 12-cv-2828-JPM-tmp, ECF No. 1, ¶ 10.)

¹ SMC and SEL are affiliates of SCEA. (See No. 12-cv-2826-JPM-tmp, ECF No. 25-1, at PageID 115.)

² SCEA, SMC, and SEL all support their Motions to Transfer Venue with the same Memorandum, attached to SCEA's Motion to Transfer Venue at No. 12-cv-2826-JPM-tmp, ECF No. 25-1. (See, e.g., No. 12-cv-2827-JPM-tmp, ECF No. 29, at 1 ("The facts and law supporting this relief are set forth in detail in the memorandum and exhibits supporting the same motion filed in the related action against defendant's affiliate [SCEA] [SMC] incorporates that document in this motion by reference, to eliminate the necessity of the Court reviewing what would otherwise be extensive duplicate information."); accord No. 12-cv-2828-JPM-tmp, ECF No. 24, at 1.) Additionally, B.E. Technology, LLC's Responses to the Motions to Transfer Venue, and SCEA, SEL, and SMC's Replies in support of their Motions to Transfer Venue are identical. Accordingly, the Court will refer to the Memorandum in Support of the Motions to Transfer Venue (ECF No. 25-1), the Response in opposition to the Motions to Transfer Venue (ECF No. 32), and the Reply in support of the Motions to Transfer Venue (ECF No. 35) on SCEA's docket, No. 12-cv-2826-JPM-tmp.

A. Civil Case No. 12-cv-2826-JPM-tmp

B.E. alleges that SCEA 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 SCEA products alleged to infringe the '290 patent "include Game Consoles: [Playstation ("PS")] 2, PS 3, PS Vita." (Id.)

B.E. filed a Complaint in this Court on September 21, 2012. (ECF No. 1.) SCEA filed its Answer to the Complaint on December 31, 2012 (ECF No. 21), and its Motion to Transfer Venue on January 28, 2013 (ECF No. 25). On February 7, 2013, SCEA filed a Motion to Stay pending resolution of its Motion to Transfer Venue. (ECF No. 28.) The Court granted SCEA's Motion to Stay on February 11, 2013. (ECF No. 31.) B.E. filed its Response in opposition to SCEA's Motion to Transfer Venue on February 14, 2013. (ECF No. 32.) With leave of Court (ECF No. 34), SCEA filed a Reply in support of its Motion to Transfer on March 4, 2013 (ECF No. 35).

B. Civil Case No. 12-cv-2827-JPM-tmp

B.E. alleges that SMC 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 SMC products alleged to infringe the '290 patent "include Smart Phones: Xperia Smartphones." (Id.)

B.E. filed a Complaint in this Court on September 21, 2012. (ECF No. 1.) SMC filed its Answer to the Complaint on December 31, 2012 (ECF No. 25), and its Motion to Transfer Venue on January 28, 2013 (ECF No. 29). On February 7, 2013, SMC filed a Motion to Stay pending resolution of its Motion to Transfer Venue. (ECF No. 32.) The Court granted SMC's Motion to Stay on February 11, 2013. (ECF No. 35.) B.E. filed its Response in opposition to SMC's Motion to Transfer Venue on February 14, 2013. (ECF No. 36.) With leave of Court (ECF No. 38), SMC filed a Reply in support of its Motion to Transfer on March 4, 2013 (ECF No. 39).

C. Civil Case No. 12-cv-2828-JPM-tmp

B.E. alleges that SEL 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 SEL products alleged to infringe the '290 patent "include Smart Phones: Xperia Smartphones; Smart TVs: LED HX750 Internet TVs, LED EX640 Internet TVs, Google TV; Smart Blu-Ray/DVD Player: Sony 3D Blu-Ray Disc Player, Sony Streaming Player; Game Consoles: PS 2, PS

3, PS Vita; e-Readers: Reader PRST1, Reader PRST2; Tablets: Xperia Tablet S, Sony Tablet S, Sony Tablet P.” (Id.)

B.E. filed a Complaint in this Court on September 21, 2012. (ECF No. 1.) SEL filed its Answer to the Complaint on December 31, 2012 (ECF No. 20), and its Motion to Transfer Venue on January 28, 2013 (ECF No. 24). On February 7, 2013, SEL filed a Motion to Stay pending resolution of its Motion to Transfer Venue. (ECF No. 27.) The Court granted SEL’s Motion to Stay on February 11, 2013. (ECF No. 30.) B.E. filed its Response in opposition to SEL’s Motion to Transfer Venue on February 14, 2013. (ECF No. 31.) With leave of Court (ECF No. 33), SEL filed a Reply in support of its Motion to Transfer on March 4, 2013 (ECF No. 34).

D. Motion to Transfer Venue³

Sony seeks to transfer this case to the Northern District of California. (See ECF No. 25-1 at 1.)

SCEA is headquartered in Foster City, California, in the Northern District of California. (Id. at 4.) SEL is headquartered in San Diego, California, in the Southern District of California. (Id. at 5.) SEL also has a large facility in San Jose, California, in the Northern District of California. (Id.) SMC “is a wholly owned indirect subsidiary of Sony

³ All references to the Memorandum in support of 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-cv-2826-JPM-tmp. See supra note 2 and accompanying text.

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