

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
) JURY TRIAL DEMANDED
SONY COMPUTER ENTERTAINMENT)
AMERICA, LLC,)
Defendant.)

B.E. TECHNOLOGY, LLC,)
Plaintiff,)
)
v.) No. 2:12-cv-2827-JPM-tmp
) JURY TRIAL DEMANDED
SONY MOBILE COMMUNICATIONS)
(USA), INC.,)
Defendant.)

B.E. TECHNOLOGY, LLC,)
Plaintiff,)
)
v.) No. 2-12-cv-2828-JPM-tmp
) JURY TRIAL DEMANDED
SONY ELECTRONICS, INC.,)
Defendant.)

ORDER GRANTING DEFENDANTS' MOTIONS TO STAY

Before the Court is Defendant Sony Computer Entertainment America, LLC's Motion To Stay Proceedings Pending Resolution of its Motion To Transfer (No. 2:12-cv-2826-JPM-tmp, ECF No. 28); Defendant Sony Mobile Communications (USA), Inc.'s Motion To Stay Proceedings Pending Resolution of its Motion To Transfer

(No. 2:12-cv-2827-JPM-tmp, ECF No. 32); and Defendant Sony Electronics, Inc.'s Motion To Stay Proceedings Pending Resolution of its Motion To Transfer (No. 2-12-cv-2828-JPM-tmp, ECF No. 27), all filed February 7, 2013. For the reasons that follow, the Motions are GRANTED.

"The decision whether to grant a stay of a particular action is within the inherent power of the Court and is discretionary." Ellis v. Merck & Co., Inc., 06-1005-T/AN, 2006 WL 448694 (W.D. Tenn. Feb. 19, 2006). The Court is tasked with "control[ling] the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." Gray v. Bush, 628 F.3d 779, 786 (6th Cir. 2010) (quoting Landis v. North Am. Co., 299 U.S. 248, 254 (1936)) (internal quotation marks omitted). Applying this power in a recent patent case, the United States Court of Appeals for the Federal Circuit directed the litigants to file a motion to stay proceedings and for the district court to decide the motion to stay and a pending motion to transfer venue "before proceeding to any motion on the merits of the action." In re Fusion-IO, Inc., 489 Fed. App'x 465, 465 (Fed. Cir. 2012).

The instant cases present similar sets of circumstances. Plaintiff B.E. Technology, LLC, filed patent-infringement actions against each Defendant on September 21, 2012. Defendants filed each Answer on December 31, 2012, and Motions

To Change Venue on January 28, 2013, in each case, seeking transfer to the United States District Court for the District of New Jersey. Discovery will soon commence as Defendants' Non-Infringement Contentions are due under the Local Patent Rules by February 21, 2013. Staying the proceedings – including the Local Patent Rule disclosures and fact discovery – will allow the Court to properly decide the pending Motions to Change Venue in light of judicial economy and comity. See McDonnell Douglas Corp. v. Polin, 429 F.2d 30, 31 (3d Cir. 1970) (“Judicial economy requires that another district court should not burden itself with the merits of the action until it is decided that a transfer should be effected”).

Therefore, the Court orders that all proceedings in each case – including Local Patent Rule disclosures and fact discovery – are hereby stayed pending the outcome of Defendants' Motions To Change Venue and further Orders by the Court.

IT IS SO ORDERED this 11th day of February, 2013.

s/ Jon P. McCalla
CHIEF U.S. DISTRICT JUDGE