

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

B.E. Technology, L.L.C.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Civil Action No. 2:12-cv-2829 JPM

**MICROSOFT CORPORATION’S MOTION TO STAY PROCEEDINGS
PENDING RESOLUTION OF MICROSOFT’S MOTION TO TRANSFER**

Defendant Microsoft Corporation (“Microsoft”) respectfully moves this Court to stay all other proceedings in this matter—including Local Patent Rule disclosures and fact discovery—pending resolution of Microsoft’s Motion to Transfer Venue to the Western District of Washington, or in the Alternative, to the Northern District of California. The Federal Circuit has indicated that a promptly filed motion to transfer under §1404(a), along with a motion to stay proceedings pending disposition of the transfer motion should be acted on promptly and before proceeding the merits of the action. *Fusion-IO, Inc.*, No. 12-139, 2012 WL 6634939 (Fed. Cir. Dec. 21, 2012); *In re EMC Corp*, Misc. No. 142, 2013 WL 324154 (Fed. Cir. Jan. 29, 2013).

In accordance with the Local Rules of this Court, Microsoft is filing herewith a Memorandum of Law, a Certificate of Consultation, and a Proposed Order granting the relief requested herein.

Dated: February 8, 2013

Respectfully submitted,

s/ Leeron G. Kalay

Kelly C. Hunsaker (CA Bar No. 168307)
Leeron G. Kalay (CA Bar No. 23359)
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063
Telephone: (650) 839-5070
E:mail: hunsaker@fr.com
kalay@fr.com

Bradley E. Trammell (TN #13980)
Adam Baldrige (TN #023488)
Baker, Donelson, Bearman, Caldwell &
Berkowitz, P.C.
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Telephone: 901.577.2121
Email: btrammell@bakerdonelson.com
abaldrige@bakerdonelson.com

Attorneys for Defendant
MICROSOFT CORPORATION

CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.2(a)(1)(B), I hereby certify that on February 8, 2013, Leeron Kalay, counsel for Defendant Microsoft Corporation, consulted via telephone with counsel for Plaintiff B.E. Technology, L.L.C., Craig Kaufman, who informed Mr. Kalay that Plaintiff opposes this Motion.

s/ Leeron G. Kalay

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2013, a true and correct copy of the foregoing document was electronically filed with the United States District Court for the Western District of Tennessee, and was served on all counsel by the court's electronic filing notification or via email.

s/ Leeron G. Kalay