

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

**B.E. TECHNOLOGY, L.L.C.,**

**Plaintiff,**

v.

**APPLE INC.,**

**Defendant.**

**Civil Action No. 2:12-cv-02831 – JPM–tmp**

**DEFENDANT’S MEMORANDUM IN SUPPORT OF ITS MOTION  
TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

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## I. INTRODUCTION

Defendant Apple Inc. (“Apple”) respectfully moves to transfer this action to the Northern District of California under 28 U.S.C. § 1404(a) for the convenience of the parties and witnesses and in the interests of justice. In September of 2012, Plaintiff B.E Technology, Inc. (“B.E.”) filed nineteen separate complaints in this District, accusing a large number of independent companies—the vast majority of which are located on the West Coast and primarily in northern California—of separately and independently infringing one or both of two B.E.-owned patents relating to targeted internet advertising. The lawsuits accuse a broad range of the defendants’ respective unrelated products and services, including desktop computers, laptops, mobile phones and websites. The patents were prosecuted by non-Tennessee law firms and assigned to a non-Tennessee plaintiff with no known business operations in the State of Tennessee and which filed for authority to do business in this State just one day before filing the first of its nineteen lawsuits.

Not a single named defendant is based in Tennessee. Apple’s headquarters, including its design and development facilities relevant to this litigation, are located in the Northern District of California. The same is true of a large majority of the defendants in the other 18 cases, and the overwhelming majority of defendants are located on the West Coast. Upon information and belief, many and possibly all of the defendants in these 18 cases will be seeking transfer to the Northern District of California either as their jurisdiction of choice or in the alternative. Not a single relevant document is known to be located in this District. Nor are there any known third-party witnesses located here, with the possible exception of the named inventor on the two patents, and there is conflicting evidence regarding his residency.

On these facts, the Northern District of California is plainly the more convenient forum in which to litigate B.E.’s claims against Apple and, to the extent the Court considers the other

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