

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

B.E. TECHNOLOGY, L.L.C.,)
)
 Plaintiff/Counter-Defendant,)
)
 v.)
)
 APPLE INC.,)
)
 Defendant/Counterclaimant.)
)
 _____)

Case No. No. 2:12-cv-02831-JPM tmp

JURY DEMAND

**PLAINTIFF’S MOTION FOR ORAL ARGUMENT, MEMORANDUM IN SUPPORT,
AND CERTIFICATE OF CONSULTATION**

MOTION

Plaintiff B.E. Technology L.L.C. (“B.E.”) moves this Honorable Court to allow oral argument at a hearing on defendant Apple Inc.’s (“Apple”) Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a). Concurrently herewith, B.E. requests that the Court also permit oral argument on the nearly identical transfer motions filed by Google, Inc. (“Google”), Amazon Digital Services, Inc. (“Amazon”), LinkedIn, Inc. (“LinkedIn”), Groupon, Inc. (“Groupon”), Pandora Media, Inc. (“Pandora”), Twitter, Inc. (“Twitter”), Barnes & Noble, Inc. (“Barnes & Noble”), Samsung Telecommunications America, LLC (“STA”), Samsung Electronics America, Inc. (“SEA”), Sony Computer Entertainment America LLC (“SCEA”), Sony Mobile Communications (USA) Inc. (“SMC”), Sony Electronics, Inc. (“SEI”), Microsoft Corp. (“Microsoft”), Facebook, Inc. (“Facebook”), Spark Networks, Inc. (“Spark”), People Media, Inc. (“People Media”), Match.com L.L.C. (“Match”), and Motorola Mobility Holdings LLC (“Motorola”) (collectively with Apple, the “B.E. defendants”). A hearing on these motions will

(a) enable B.E. adequately to respond to the arguments and evidence presented by the B.E. defendants' reply memoranda, and (b) provide the Court a forum to ask any questions it may have before deciding these important motions.

MEMORANDUM

The arguments in favor of conducting a hearing on the B.E. defendant's motions to transfer are set forth in the memorandum supporting the motion for oral argument filed in *B.E. Technology L.L.C. v. Google, Inc.*, Case No. 2:12-cv-02830 JPM tmp. B.E. hereby incorporates by reference that document to avoid repeating duplicative information.

CERTIFICATE OF CONSULATION

Richard M. Carter, counsel for B.E., consulted telephonically with counsel for Apple, Mark Vorder-Bruegge, who stated that Apple did not consent but would not oppose this motion for oral argument so long as B.E.'s motion does not seek a hearing at which testimony would be taken or exhibits would be offered and provided that B.E. did not ask for specific allocations or limitations of time per party. B.E. makes no request as to the format and structure of any hearing.

Dated: March 18, 2013

Respectfully submitted,

s/Daniel J. Weinberg

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 18, 2013 a true and correct copy of the foregoing was electronically filed with the United States District Court for the Western District of Tennessee and was served on counsel by the Court's electronic filing notification.

s/Daniel J. Weinberg

Daniel J. Weinberg