

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

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

Plaintiff,

Civil Action No: 2:12-cv-02832-JPM-tmp

v.

JURY DEMAND

SPARK NETWORKS, INC.

Defendant.

**DEFENDANT SPARK NETWORKS, INC.'S MOTION TO STAY
PROCEEDINGS PENDING RESOLUTION OF ITS
MOTION TO TRANSFER VENUE
(WITH CERTIFICATE OF CONSULTATION)**

Defendant Spark Networks, Inc. respectfully moves this Court to stay all proceedings in this case, including proceedings called for in the Local Patent Rules, pending resolution of Spark's motion to transfer this case to the Central District of California, pursuant to 28 U.S.C. § 1404(a). (Doc. 20) The facts and legal authorities supporting this relief are set forth in the attached memorandum. As set forth in the Certificate of Consultation below, Plaintiff has advised that while it cannot consent to this motion, it will not actively oppose it.

CERTIFICATE OF CONSULTATION

The undersigned attorney hereby certifies that prior to the filing of the foregoing motion, substantive consultation was held between the undersigned and Richard Carter, counsel for plaintiff B.E. Technology, over multiple days culminating in a telephone discussion on February 7, 2013. At that time, B.E. Technology indicated that it would continue to oppose stay motions of the foregoing type in this and related cases. On the next afternoon, the Court granted several virtually identical motions for stay in related cases, and the undersigned re-contacted Mr. Carter

to determine whether plaintiff would reconsider. At of 3:16 p.m. on February 11, Mr. Carter advised that in light of the Court's rulings on the other stay motions, plaintiff cannot consent to, but "will not actively oppose" this stay motion.

/s/ Mark Vorder-Bruegge, Jr.
Mark Vorder-Bruegge, Jr.

Respectfully submitted,

s/Glen G. Reid, Jr.
Glen G. Reid, Jr. (#8184)
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, TN 38120-4367
Phone: 901.537.1000
Facsimile: 901.537.1010
greid@wyattfirm.com

s/Mark Vorder-Bruegge, Jr
Mark Vorder-Bruegge, Jr. (#06389)
WYATT, TARRANT & COMBS, LLP
1715 Aaron Brenner Drive, Suite 800
Memphis, TN 38120-4367
Phone: 901.537.1000
Facsimile: 901.537.1010
mvorder-bruegge@wyattfirm.com

Attorneys for Defendant

OF COUNSEL:

Laurence S. Rogers (*admission pending*)
ROPES & GRAY LLP
1211 Avenue of the Americas
New York, NY 10036
Phone: 212.596.9033
Facsimile: 212-596-9090
Laurence.Rogers@ropesgray.com
Brandon H. Stroy (*admission pending*)
ROPES & GRAY LLP
1900 University Avenue
East Palo Alto, CA 94303
Phone: 650.617.4028
Facsimile: 650.617.4090
Brandon.Stroy@ropesgray.com

CERTIFICATE OF SERVICE

The foregoing document was filed under the Court's CM/ECF system, automatically effecting service on counsel of record for all other parties who have appeared in this action on the date of such service.

/s/ Mark Vorder-Bruegge, Jr.
Mark Vorder-Bruegge, Jr.

60324494.1
2/13/2013 1:05 pm