

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

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

*Plaintiff,*

v.

SPARK NETWORKS, INC.

*Defendant.*

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

**JOINT MOTION (INCLUDING MEMORANDUM)  
FOR DISMISSAL OF ACTION WITH PREJUDICE  
(WITH CERTIFICATE OF CONSULTATION)**

Plaintiff B.E. Technology, L.L.C. ("B.E. TECH") and defendant Spark Networks, Inc. ("SPARK"), by and through their respective counsel of record, jointly move the Court to enter the accompanying proposed Consent Order, dismissing this action with prejudice. In support of such, movants would respectfully show the following:

1. B.E. TECH filed the above-captioned action against SPARK for alleged infringement of U.S. Patent No. 6,628,314 (the '314 Patent).
2. SPARK filed an Answer to the Complaint, which alleged inter alia that the '314 Patent is invalid and not infringed.
3. B.E. TECH and SPARK have entered into a confidential Settlement Agreement that resolves all claims and issues raised in the above pleadings. The Settlement Agreement provides that the parties will take appropriate action to bring about the dismissal of the action, with prejudice, and that each party will bear its own respective fees and costs in this action. It also provides that the parties will request the Court to retain personal

jurisdiction over them, following dismissal of the action, for the limited purpose of any proceeding required to enforce the Settlement Agreement.

4. Rule 41, Fed. R. Civ. P., authorizes dismissal of this action by Court Order.

The parties have agreed and stipulated in the Settlement Agreement that the dismissal of B.E. TECH's claims is to be with prejudice. It is consistent with federal policy supporting settlements for the Court to retain personal jurisdiction over the parties which it acquired at the commencement of the action, for the limited purpose of hearing and deciding any subsequent proceedings initiated to enforce the Settlement Agreement.

Respectfully submitted,

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Spark Networks, Inc.

### **CERTIFICATE OF CONSULTATION**

The undersigned certifies that this motion is being filed in compliance with the Local Rule 7.2, since the motion is filed jointly pursuant to an agreement between the parties resulting from extensive consultation.

s/Richard M. Carter

Richard M. Carter

### **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of this motion will be served on all counsel of record via the Court's CM/ECF system and that the email submitting the accompanying proposed Order will be made on all counsel of record via electronic mail.

s/Richard M. Carter

Richard M. Carter