

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

B.E. TECHNOLOGY, L.L.C.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:12-cv-02833-JPM-tmp
)	
PEOPLE MEDIA, INC.)	
)	
Defendant.)	

**MOTION FOR LEAVE TO FILE REPLY BRIEF, MEMORANDUM,
AND LR 7.2 CERTIFICATION OF CONSULTATION**

Pursuant to LR7.2(c), Defendant People Media, Inc. (“People Media”) hereby moves for leave to file a reply memorandum, not to exceed ten pages in length, in support of People Media’s Motion to Transfer Venue (ECF #35) within seven days from the grant of leave to do so. In support of this motion, People Media respectfully states as follows:

1. On February 5, 2013, People Media moved to transfer the venue of this action to the United States District Court for the Northern District of California or, alternatively, to the United States District Court for the Northern District of Texas.
2. On February 22, 2013, Plaintiff B.E Technologies, L.L.C. (“B.E. Technologies”) filed a 20-page response brief, along with two supporting affidavits (ECF #40).
3. This case is in a very early stage, and is currently stayed pending the determination of the subject Motion to Transfer Venue. See Order (ECF #38). Each of the 18 other patent infringement lawsuits filed by B.E. Technologies against other defendants is also stayed pending the determination of similar motions.

4. The Motion to Transfer Venue raises an issue of great importance in this case. Its resolution will determine which Court's resources will be employed in managing this case, as well as the financial and other resources the parties, and even non-parties, will be required to devote to this litigation. Consequently, it is particularly important that People Media, which bears the burden on the underlying motion, be allowed to fully address the arguments and evidence presented by B.E. in its response brief.

6. B.E.'s response memorandum contains arguments that are contradictory or could not reasonably have been anticipated by People Media. For example, B.E. has argued that this action should be consolidated with its 18 other contemporaneously-filed patent lawsuits (ECF #25), yet in arguing against transfer, B.E. frames the issue in terms of the circumstances and convenience of the two individual parties to the instant action.

7. Like in an analogous Section 1404 motion in a case of this type, briefing must address multiple factors and circumstances. While People Media is committed to its reply being as concise as possible, coverage of the issues meriting a reply appears likely to require more than the 5 pages normally permitted by Local Rule 7.2(e). This motion respectfully requests authorization to use up to 10 pages for such purpose.

CERTIFICATION OF CONSULTATION

Pursuant to LR 7.2(a)(1)(B), the undersigned certifies that counsel for People Media, Jonathan Rose, spoke with counsel for B.E. Technologies, Adam Simpson, by telephone on February 28, 2013, and received follow-up correspondence from Mr. Simpson by e-mail, in which Mr. Simpson conditioned assent to the relief sought in the instant motion on a stipulation that People Media “not introduce new evidentiary matter and does not introduce arguments that could reasonably have been anticipated when it filed its original motion.” People Media believes that such a condition is unduly vague and subjective, and, in any event, inappropriate under the present circumstances. Therefore the parties are at an impasse.

s/ Jonathan D. Rose
Jonathan D. Rose

Respectfully submitted,

s/ Jonathan D. Rose

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CERIFICATE OF SERVICE

I hereby certify that on March 1, 2013, the foregoing is being served the foregoing via the Court's Electronic Filing System, upon the following:

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/s/ Jonathan D. Rose

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