

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

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

**PLAINTIFF,**

**v.**

**MATCH.COM L.L.C.**

**DEFENDANT.**

**CIV. A. NO. 2:12-cv-02834-JPM**

**DEFENDANT MATCH.COM L.L.C.'S MOTION TO TRANSFER VENUE**

Pursuant to 28 U.S.C. § 1404(a), Defendant Match.com L.L.C. respectfully moves this Court for an order transferring this case to the United States District Court for the Northern District of California, or in the alternative, for an order transferring this case to the United States District Court for the Northern District of Texas. This Motion is based upon the accompanying Memorandum, the supporting declarations of Jennifer Klein Ayers (Ex. A) and Clark Rothrock (Ex. B),<sup>1</sup> the exhibits outlined in the table below, the pleadings and records on file in this action, and upon such additional evidence and argument as may be presented.

<b>Exhibit No.</b>	<b>Description</b>
A-1	May 2000 Business Plan for B.E. Technology, Inc. ("B.E.")
A-2	Patent Assignment Details for U.S. Patent No. 6,628,314 ("314 Patent")
A-3	Application Data Sheet and Oath filed with the USPTO U.S. Patent Pub. No. 2012/0158512
A-4	B.E.'s Application for Certificate of Authority filed with the Tennessee Secretary of State
A-5	B.E.'s 2012 Annual Statement filed with the Michigan Secretary of State
A-6	McKinley Technology, Inc.'s 2012 Annual Statement filed with the Michigan Secretary of State
A-7	B.E.'s Application for Certificate of Authority to Transact Business in Michigan filed with the Michigan Secretary of State

<sup>1</sup> Pursuant to Paragraph 7.6 of the Court's ECF Policies and Procedures, the original signed versions of these Declarations are in the filer's possession and shall be maintained for at least five years after this case has concluded.

<b>Exhibit No.</b>	<b>Description</b>
A-8	B.E.'s 2009 Annual Statement filed with the Michigan Secretary of State
A-9	U.S. Patent No. 5,528,314 Patent's Attorney/Agent Correspondence Information
A-10	Executive Biographies for Nick Grouf and David Waxman
A-11	Contact information for Spot Runner, Inc.
A-12	Patent Assignment Details for U.S. Patent No. 5,933,811
A-13	LinkedIn Profile for Paul Angles
A-14	Patent Assignment Details for U.S. Patent Publication No. 20030041107
A-15	Profile Information for Charles Douglass Thomas appearing on the State Bar of California website
A-16	Bibliographic Data for U.S. Patent No. 6,285,987
A-17	LinkedIn Profile for Dylan Salisbury
A-18	Wikipedia entry for Nat Goldhaber
A-19	Contact information for Claremont Creek Ventures
A-20	Contact information for Gary Fitts at Berkeley Lab
A-21	PricewaterhouseCoopers LLP's 2012 Patent Litigation Study
A-22	March 2012 Federal Court Management Statistics for the Western District of Tennessee
A-23	March 2012 Federal Court Management Statistics for the Northern District of California
A-24	March 2012 Federal Court Management Statistics for the Northern District of Texas
A-25	Memorandum Opinion and Order issued by the Eastern District of Texas on January 14, 2013, in the case styled <i>GeoTag, Inc. v. Zoosk, Inc.</i> , Civ. A. No. 2:11-cv-403 (E.D. Tex.).

WHEREFORE, Defendant Match.com respectfully requests that this Court transfer this case to the United States District Court for the Northern District of California, or in the alternative, to the United States District Court for the Northern District of Texas.

Dated: February 5, 2013

Respectfully submitted,

By: /s/ Steven G. Schortgen

Steven G. Schortgen, *pro hac vice*

Texas Bar No. 00794603

[steve.schortgen@klgates.com](mailto:steve.schortgen@klgates.com)

Jennifer Klein Ayers, *pro hac vice*

Texas Bar No. 24069322

[jennifer.ayers@klgates.com](mailto:jennifer.ayers@klgates.com)

**K&L Gates LLP**

1717 Main Street, Suite 2800

Dallas, TX 75201

(214) 939-5500

(214) 939-5849 *Facsimile*

Sanjay K. Murthy, *pro hac vice*

Illinois Bar No. 6279314

[sanjay.murthy@klgates.com](mailto:sanjay.murthy@klgates.com)

Christopher E. Hanba, *pro hac vice*

Illinois Bar No. 6298424

[christopher.hanba@klgates.com](mailto:christopher.hanba@klgates.com)

**K&L Gates LLP**

70 W. Madison Street

Suite 3100

Chicago, Illinois 60602-4207

(312) 372-1121

(312) 827-8000 *Facsimile*

Jonathan D. Rose (No. 20967)

[jrose@babco.com](mailto:jrose@babco.com)

**BRADLEY ARANT BOULT**

**CUMMINGS LLP**

1600 Division Street, Suite 700

Nashville, Tennessee 37203

(615) 252-2308

(615) 252-6308 *Facsimile*

**ATTORNEYS FOR DEFENDANT  
MATCH.COM L.L.C.**

**CERTIFICATE OF CONSULTATION**

Pursuant to Local Rule 7.2, I certify that counsel for Defendant, Jon Rose, discussed the relief requested in this Motion with counsel for Plaintiff, Adam Simpson, on February 5, 2013. The consultation was not successful, as Mr. Rose and Mr. Simpson were not able to reach agreement on the issues presented in the Motion. Adam Simpson advised that the Plaintiff does not consent to the relief sought in the Motion.

/s/ Steven G. Schortgen

Steven G. Schortgen

**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/ Steven G. Schortgen

Steven G. Schortgen