

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 STAY PROCEEDINGS  
PENDING RESOLUTION OF ITS MOTION TO TRANSFER VENUE**

For all the reasons set forth in the Court's February 8, 2013 Order Granting Defendant Facebook, Inc.'s Motion to Stay in the case styled *B.E. Technology, LLC v. Facebook, Inc.* (Dkt. 43), Defendant Match.com L.L.C. respectfully requests that the Court stay all proceedings in this case—including Local Patent Rule disclosures and fact discovery—pending resolution of Match.com L.L.C.'s Motion to Transfer Venue (Dkt. 32). This Motion is based on the accompanying Memorandum, and the Federal Circuit's recent decision in *In Re Fusion-IO, Inc.* In that case, the Federal Circuit indicated that a court should decide a timely-filed motion to transfer a patent case under Section 1404(a) before proceeding to the merits of an action. *In re Fusion-IO, Inc.*, No. 12-139, 2012 WL 6634939 (Fed. Cir. Dec. 21, 2012).

WHEREFORE, Defendant Match.com L.L.C. respectfully requests that this Court grant its Motion to Stay pending resolution of Match.com L.L.C.'s Motion to Transfer Venue.

Dated: February 11, 2013

Respectfully submitted,

By: /s/ Steven G. Schortgen

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### CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.2(a)(1)(B), I certify that counsel for Defendant, Jon Rose, discussed the relief requested in this Motion with counsel for Plaintiff, Adam Simpson, on February 11, 2013. The consultation was not successful, as Mr. Rose and Mr. Simpson were not able to reach an 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 on 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  
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