

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

B.E. TECHNOLOGY L.L.C.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 2:12-CV-02866-JPM-tmp
)	
MOTOROLA MOBILITY)	
HOLDINGS LLC,)	
)	
Defendant.)	

**DEFENDANT’S REPLY MEMORANDUM IN SUPPORT OF ITS MOTION
TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

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B.E. Technology, L.L.C. (“B.E.”) does not dispute that the Northern District of California is the locus of operative fact in this case. Specifically, B.E. does not contest that the Northern District of California is: (i) the location of the vast majority of relevant documents, including the documents relating to the research, design, development, marketing, and sales information for the accused products and services; (ii) the more convenient district for the vast majority of witnesses; (iii) the more convenient district for at least 12 non-party witnesses; (iv) the only district with subpoena power over at least 7 of those non-party witnesses; (v) the more convenient location for 11 of the other defendants B.E. has asserted its patents against in this District;¹ (vi) the location of B.E.’s counsel; (vii) a district whose trial statistics are comparable to those of the Western District of Tennessee; (viii) the district that is home to 10 of the companies B.E. has sued,² who employ thousands of employees in the state of California; and therefore (ix) the district with the more significant interest in this dispute.

Rather, B.E. merely argues that the Western District of Tennessee is: (i) the home of one of its employees (its CEO, Mr. Hoyle); (ii) the location of one of its witnesses (Mr. Hoyle); (iii) the location of documents relating to the two patents B.E. has asserted in this litigation, currently housed in Mr. Hoyle’s family home; and (iv) one of several districts it has registered to do business in (registering in Tennessee only days before initiating this litigation campaign). Additionally, in an apparent attempt to bolster its position that transfer should not be granted, B.E. has requested that the Court adopt a consolidation plan that would require *19 different* defendants, a majority of whom are West Coast based, to travel to Tennessee for discovery

¹ These defendants include including Facebook, Inc., LinkedIn Corp., Groupon, Inc., Pandora Media, Inc., Barnes & Noble, Apple, Inc., Google Inc., Twitter, Inc., Sony Computer Entertainment America LLC, Sony Mobile Communications (USA) Inc., and Sony Electronics Inc. Two additional defendants moved to transfer to the West Coast: Spark Networks (Central District of California) and Microsoft (Western District of Washington).

² While eleven defendants have moved to transfer to the Northern District of California, one of them, Sony Mobile Communications (USA) Inc., is headquartered in Atlanta.

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