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Filed by: Trial Section Merits Panel
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United States Patent and Trademark Office
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Paper No. 176
Entered June 8, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KARL L. **GINTER**, VICTOR H. SHEAR,
FRANCES J. SPAHN and DAVID M. VAN WIE

Junior Party
(Patents 5,920,861; 5,982,891; 6,138,119 and 6,253,193)¹

v.

GREG **BENSON**, GREGORY H. URICH
and CHRISTOPHER L. KNAUFT

Senior Party
(Applications 09/164,606 and 09/321,286)²

Patent Interference No. 105,193

Before LEE, MOORE and POTEATE, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment – Bd. Rule 127

On April 11, 2005, the Board issued a decision on priority in this case. (Paper No. 173)
Thereafter, each party was authorized to file a motion, by May 12, 2005, to designate certain
claims as corresponding to the count or to designate certain claims as not corresponding to the

¹ Based on applications 08/805,804, 08/964,333, 09/300,778, and 09/208,017, respectively. The earliest accorded benefit date is February 13, 1995, the filing date of application 08/388,107. The real party in interest is InterTrust Technologies Corp.

² Benson's earliest accorded benefit date is February 1, 1995, the filing date of Swedish priority application 9500355-4. The real party in interest is Macrovision Corporation.

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count. Neither party filed any such motion. It is now time appropriate to enter judgment according to the priority decision of April 11, 2005.

In a telephone conference call on June 8, 2005, between Judge Lee and respective counsel for the parties, the parties jointly requested a stay of entry of judgment in this case until judgment is entered in a related interference (Interference No. 105,142) that also involves the two Benson applications involved in this interference and even the same claims of the two Benson applications that are involved in this case, among other claims. The parties would like judicial review of the decisions in these two related interferences to proceed jointly and not in a staggered manner. We understand the parties' desire and concerns. However, it appears to us that the appropriate course of action for the parties is to seek a stay of the first judicial proceeding, rather than a delay of entry of judgment by the Board in this case. Accordingly, the request for a stay of entry of judgment is **denied**, and it is

ORDERED that judgment as to the subject matter of Count 1, the sole count in this interference, is herein entered against senior party GREG BENSON, GREGORY H. URICH and CHRISTOPHER L. KNAUFT;

FURTHER ORDERED that the senior party GREG BENSON, GREGORY H. URICH and CHRISTOPHER L. KNAUFT is not entitled to claims 30-32, 34-41, 44-46, 48, 51, 56, 58-66, 68 and 69 of its involved application 09/164,606, which correspond to Count 1;

FURTHER ORDERED that the senior party GREG BENSON, GREGORY H. URICH and CHRISTOPHER L. KNAUFT is not entitled to claims 1-3, 5-12, 15-17, 19, 22, 27, 29-37, and 39-53 of its involved application 09/321,386, which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205;

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FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.

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