

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**IN RE GERALD M. BENSON AND KENNETH L.  
SMITH**

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2011-1311  
(Serial No. 11/061,327)

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Appeal from the United States Patent and Trademark  
Office, Board of Patent Appeals and Interferences.

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**IN RE GERALD M. BENSON AND KENNETH L.  
SMITH**

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2011-1312  
(Serial No. 09/515,978)

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Appeal from the United States Patent and Trademark  
Office, Board of Patent Appeals and Interferences.

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**ON MOTION**

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**ORDER**

The appellants move without opposition to consolidate these two cases for briefing and oral argument.

Because separate opening briefs were filed by the appellants, we deem the better course is to treat the cases as companion cases.

Accordingly,

IT IS ORDERED THAT:

The motion to consolidate is denied. The cases will be treated as companion cases, i.e., they will be argued consecutively before the same merits panel.

FOR THE COURT

JUL 29 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Sandra K. Nowak, Esq.  
Raymond T. Chen, Esq.

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**FILED**  
**U.S. COURT OF APPEALS FOR**  
**THE FEDERAL CIRCUIT**

JUL 29 2011

JAN HORBALY  
CLERK