



Trademark Office during its reexamination of U.S. Patent No. 5,734,961 (the “’961 Patent”) and final determination of patentability.

The Court, having carefully considered the positions of the parties, is of the opinion that a severance is appropriate in this case. Accordingly, New Frontier’s motion to sever is hereby GRANTED. It is further

ORDERED that Plaintiff’s claims against defendant New Frontier shall be severed into a new case number. Plaintiff’s claims against MacMillan Publishers, Inc., MacMillan Publishers, Ltd., Digital Playground, Inc., MetaCafe, Inc., Google, Inc., YouTube, Inc., Sony Pictures Entertainment, Inc., Sony Electronics, Inc., Sony Computer Entertainment America, Inc., Sony BMG Music Entertainment GP, Sony Corporation, Sony Corporation Of America, Grouper Networks, Inc., Gotuit Media Corp., Discovery Communications, Inc., Pure Video Networks, Inc., SBO Pictures, Inc., Vivid Entertainment, LLC, Sun Microsystems, Inc., MLB Advanced Media, L.P. shall proceed under the above-styled case number. It is therefore

ORDERED that the Clerk of the Court shall assign a new case number for Plaintiff’s claims against New Frontier. The Clerk shall waive payment of a filing fee.

Further, the Court is of the opinion that a Stay should issue in the severed case as to the claims of Plaintiff against New Frontier. Accordingly, New Frontier’s motion to stay the proceedings pending a final determination of patentability from reexamination of the ‘961 Patent is hereby GRANTED subject to the filing of the stipulation by New Frontier that it will not challenge the ‘961 Patent based on any prior art printed publications that were considered in the reexamination process.