

NOTE: This order is nonprecedential.

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

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**WENTWORTH E. MILLER,**  
*Appellant,*

v.

**ALTADIS U.S.A. INC.,**  
*Appellee.*

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2011-1051  
(Cancellation No. 92050296)

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Appeal from the United States Patent and Trademark  
Office, Trademark Trial and Appeal Board.

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**ON MOTION**

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Before GAJARSA, MAYER, and PROST, *Circuit Judges.*  
GAJARSA, *Circuit Judge.*

**O R D E R**

The parties jointly move to remand this case to the  
Trademark Trial and Appeal Board, due to settlement.

The parties state that they have settled the case and  
move to remand so that the Board can consider a motion  
to vacate its judgment and take other actions. We grant

the motion to the extent that we remand for the limited purpose of the Board's consideration of the parties' motions. *Ohio Willow Wood Co. v. Thermo-Ply, Inc.*, 629 F.3d 1374, 1375 (Fed. Cir. 2011). We retain jurisdiction so that any of the parties may seek appellate review by notifying the clerk of the court within thirty days of entry of the Board's decision on remand. The appeal is held in abeyance pending the resolution of the motions by the Board. The parties should promptly inform this court of the Board's ruling on the motion and should propose how they believe the appeals should proceed in light of the Board's ruling.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion to remand is granted to the limited extent explained above. The court retains jurisdiction over the appeal at this time.

FOR THE COURT

MAY 26 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Wentworth E. Miller  
Charles W. Grimes, Esq.

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

MAY 26 2011

**JAN HORBALY**  
**CLERK**