

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

MBA/mc

Mailed: August 22, 2011

Cancellation No. 92050296

Altadis U.S.A. Inc.

v.

Wentworth E. Miller

On July 11, 2011, respondent complied with the requirements in the Board's order of June 21, 2011 (the "Prior Order"), by filing the required declaration and fee. Accordingly, pursuant to the Prior Order, the stipulated motion for vacatur, filed June 6, 2011, is **GRANTED**.

In addition, by his proposed, consented amendment to his involved Registration No. 3233835, respondent seeks to change the identification of goods **from** "cylindrical tube with removable caps at one or both ends for enclosing and extinguishing by oxygen deprivation a lighted cigarette, cigar, or similar smokable product" **to** "cylindrical tube with removable caps at one or both ends for enclosing and extinguishing by oxygen deprivation a lighted cigarette or similar smokable product."

Inasmuch as the amendment complies with all of the procedural requirements of Trademark Rule 2.173, it is clearly

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limiting in nature, and petitioner consents thereto, it is approved. See Trademark Rule 2.133(a). The amendment will be forwarded to the Post Registration Branch of this Office for appropriate action in accordance with Section 7(e) of the Trademark Act.

The contingency in petitioner's withdrawal having now been met, the petition to cancel is dismissed in accordance with the agreement between the parties.

***By the Trademark Trial
and Appeal Board***