

NOTE: This order is nonprecedential.

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

WENTWORTH E. MILLER,
Appellant,

v.

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

2011-1051

Appeal from the United States Patent and Trademark
Office, Trademark Trial and Appeal Board in Cancellation
No. 92050296.

ON MOTION

Before LOURIE, BRYSON, and MOORE, *Circuit Judges.*
LOURIE, *Circuit Judge.*

ORDER

The court construes Altadis U.S.A. Inc.'s April 22,
2013 response as a motion to dismiss.

On May 26, 2011, this court granted the parties' joint
motion for a limited remand to the Trademark Trial and

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Appeal Board for the Board to consider a motion to vacate its judgment in light of settlement.

On August 22, 2013, the Board granted the parties' joint motion to vacate the underlying decision on appeal, and dismissing the petition to cancel in accordance with the parties' settlement agreement.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk