NOTE: This order is nonprecedential.

United States Court of Appeals
for the Federal Circuit

DISNEY ENTERPRISES, INC.,
Plaintiff-Appellant,

v.

**TERESA STANEK REA, ACTING DIRECTOR,
UNITED STATES PATENT AND TRADEMARK
OFFICE,**
Defendant-Appellee.

2013-1540

Appeal from the United States District Court for the Eastern District of Virginia in No. 12-CV-0687, Judge Leonie M. Brinkema.

ON MOTION

Before MOORE, LINN, and O'MALLEY, *Circuit Judges.*

LINN, *Circuit Judge.*

O R D E R

The parties jointly move to remand this case to the United States District Court for the Eastern District of Virginia due to settlement.

Pursuant to the settlement agreement, the parties move to remand the appeal to the district court. The parties also ask that we instruct the district court to remand U.S. application no. 09/970,772 ("the '772 application") to the United States Patent and Trademark Office to enable Disney Enterprises, Inc. to file a request for continued examination of the '772 application and to consider amended claims and new evidence consistent with the April 11, 2013 and June 3, 2013 decisions of the district court. The parties state that the proposed remand leaves intact the district court's determination that Disney is not entitled to a reissue patent for claims 1-22, 90-119, 123-130, 132-143, and 145-146 in the '772 application.

We grant the motion to the extent that we remand to permit the parties to file a motion with the district court to remand to the Patent Office.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion to remand is granted to the extent explained above.

(2) Pursuant to the parties' agreement, Disney shall pay the expenses of the proceeding, totaling $91,609. Of that $91,609, Disney shall pay $84,928.20 to the United States Patent and Trademark Office and $6,680.80 to the Department of Justice.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

s25

ISSUED AS A MANDATE: December 20, 2013