

NOTE: This order is nonprecedential.

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

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**MARIN PARTNERS, dba marin partners,**  
*Appellant*

v.

**HEAVEN HILL DISTILLERIES, INC., dba The Wine  
Group,**  
*Appellee*

**KATHERINE K. VIDAL, Under Secretary of Com-  
merce for Intellectual Property and Director of the  
United States Patent and Trademark Office,**  
*Intervenor*

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2023-1624

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Appeal from the United States Patent and Trademark  
Office, Trademark Trial and Appeal Board in No.  
92077885.

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**ON MOTION**

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Before CHEN, MAYER, and STOLL, *Circuit Judges*.

PER CURIAM.

**O R D E R**

The Director of the United States Patent and Trademark Office (PTO) moves for leave to intervene in this appeal and to remand to permit further proceedings before the PTO Trademark Trial and Appeal Board. Marin Partners opposes those requests. The Director replies.

Remand “is usually appropriate” to allow an agency to reconsider its previous position. *SKF USA Inc. v. United States*, 254 F.3d 1022, 1029 (Fed. Cir. 2001). We agree that remand is appropriate under the circumstances here, which may facilitate this court’s review and preserve judicial resources.

Accordingly,

IT IS ORDERED THAT:

(1) The Director’s motion is granted. The revised official caption is reflected in this order, and the case is remanded to the Board for further proceedings consistent with the motion and this order.

(2) Each side shall bear its own costs.

FOR THE COURT

August 17, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow

Clerk of Court