

NOTE: This order is nonprecedential.

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

KAREN L. WILLIS,
Appellant,

v.

CAN'T STOP PRODUCTIONS, INC.,
Appellee.

2012-1109

(Cancellation Nos. 92051213 & 92051215)

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

ON MOTION

Before BRYSON, *Circuit Judge.*

ORDER

Can't Stop Productions, Inc. (Can't Stop) moves to
"dismiss in part." Karen L. Willis opposes.

Can't Stop owns the registered trademarks for
VILLAGE PEOPLE for pre-recorded phonograph records,
audio cassettes, audio tapes, and compact discs featuring

music and vocals and for entertainment services rendered by a musical group.

Willis, who is the wife and manager of a former member of the Village People, filed petitions seeking to cancel those trademarks on the grounds they were procured by fraud, abandoned, and generic.

In a consolidated opinion, the Trademark Trial and Appeal Board (TTAB) granted summary judgment, and dismissed Cancellation Nos. 92051213 and 92051215 with prejudice. Willis then filed a single notice of appeal stating that she wished to appeal to this court from “the final order granting summary judgment without leave to amend entered in the above action on September 22, 2011.” Her notice of appeal further noted in the caption that she was seeking review from “Cancellation Nos. 92051213 and 92051215 (consolidated).”

Can’t Stop argues that Willis should have filed separate appeals for the two cancellation proceedings because they were not consolidated, and therefore may only appeal one cancellation proceeding. The TTAB, however, issued a consolidated order disposing of both proceedings on appeal, and stated that its decision regarding the two cancellation proceedings at issue was final and appealable.

In any event, there is no merit to Can’t Stop’s argument that Willis’s notice of appeal fails to give this court jurisdiction over the entire dismissal order. Under these circumstances, Can’t Stop was put on notice that Willis was seeking to appeal the order and was seeking review in both cancellation proceedings. *See Becker v. Montgomery*, 532 U.S. 757, 765 (2001) (“[I]mperfections in noticing an appeal should not be fatal where no genuine doubt exists about who is appealing, from what judgment, to which appellate court.”); Fed. R. App. P. 3(c).

Accordingly,

IT IS ORDERED THAT:

The motion is denied. The appellant's initial brief is due within 30 days of the date of filing of this order.

FOR THE COURT

MAR 23 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Karen L. Willis (Informal Brief Form Enclosed)
Jay A. Bondell, Esq.

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

MAR 23 2012

JAN HORBALY
CLERK