

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Dolly Parton, Opposer, v. The Perky Turkey LLC Applicant.	Opposition No. _____ Serial No. 98/403,306 Mark: POLLY DARTON
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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Re: Application Serial No. 98/403,306
Mark: POLLY DARTON
Applicant: The Perky Turkey LLC
Filed: February 13, 2024
Published: August 6, 2024
Class: 043

Dolly Parton (“Opposer”) is an individual, having a place of business c/o Laird & Sobel, LLP, 9255 Sunset Boulevard, Suite 800, Los Angeles, California 90069. Opposer believes they will be damaged by registration of the mark POLLY DARTON covered by U.S. Trademark Application Serial No. 98/403,306 (“Applicant’s Mark”) owned by The Perky Turkey LLC.

The grounds for this Opposition are as follows:

1. Opposer is an internationally well-known singer-songwriter, actress and philanthropist and believes that Applicant is trading on the goodwill of Opposer by switching the first letters of her first and last name in the subject Application.

2. On February 13, 2024 Applicant filed an application to register POLLY DARTON for “providing of food and drink via a mobile truck; restaurant services featuring turkey-based products, in the nature of thanksgiving sandwiches, fresh-cut turkey sandwiches, turkey burgers, breakfast sandwiches featuring turkey bacon and turkey sausages, turkey pot pies, turkey chili, turkey meatloaf, turkey salad sandwiches, grilled turkey sandwiches, cooked whole turkeys, turkey legs, soup containing turkey meat, deep-fried turkey, turkey tacos, battered and fried turkey pieces, bowls containing turkey meat, a starch and a vegetable, and turkey wontons, and side dishes in the nature of stuffing, cornbread stuffing, mashed potatoes, turkey gravy, sweet potato chips and fries, prepared vegetables, ratatouille, and salads except macaroni, rice, and pasta salad, cranberry sauce, cranberry compote, cranberry jam, fruit salads, turkey jerky, and desserts in the nature of seasonal pies, cakes, scones, breads, pudding, ice creams and muffins, and beverages” in International Class 43 (hereinafter “Applicant’s Services”). The subject application was published for opposition on August 6, 2024 in the *Official Gazette* of the United States Patent and Trademark Office.

3. Opposer believes that Applicant purposely filed this application in order to make the public believe that Opposer was somehow affiliated with, endorsed or licensed this service.

4. Opposer is timely filing this Notice of Opposition.

5. Opposer started to perform over sixty years ago and has since become recognized worldwide as Dolly Parton. Opposer has cultivated valuable goodwill and a favorable reputation associated with her name DOLLY PARTON. Opposer’s name, trademarks and common law use have come to be associated with Opposer in the minds of the public and trade. Opposer also enjoys trademark rights in variations of her name, including DOGGY PARTON and DOLLY PURRRTON for use on products for pets.

6. Applicant’s alleged mark POLLY DARTON is confusingly similar to Opposer’s name, applications and registrations for DOLLY PARTON (see Exhibit A). The overall commercial impression conveyed by Applicant’s Mark is confusingly similar to Opposer’s Name and Marks, as Applicant merely switched the first letters of the Opposer’s first and last names.

7. Opposer has not given Applicant permission or approval to use the applied for mark.

FIRST GROUND FOR OPPOSITION – LIKELIHOOD OF CONFUSION

8. As can be seen by comparing the marks DOLLY PARTON and POLLY DARTON, Applicant's Mark and Opposer's Name and Marks are confusingly similar, as the marks look alike.

9. Applicant's use and registration of Applicant's Mark in connection with its services is likely to cause confusion, deception and/or mistake among the relevant public.

10. Applicant's Mark is barred from registration because it consists of or comprises a mark which so resembles Opposer's DOLLY PARTON mark as to be likely, when used in connection with the alleged services of Applicant, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d).

11. Applicant intends to use Applicant's Mark to misrepresent to consumers, including those familiar with Opposer and her Name and Marks that Applicant's services emanate from the same source as Opposer's goods and services.

SECOND GROUND FOR OPPOSITION -- DILUTION

12. Opposer and her Marks are distinctive and "famous marks" within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

13. Opposer's Marks have become distinctive and famous well prior to the filing date of Applicant's application or any other date on which Applicant may seek to rely for purposes of priority.

14. Registration by Applicant of the proposed mark POLLY DARTON for Applicant's proposed goods would be likely to impair the distinctiveness, and cause dilution by blurring Opposer's famous Name and Marks in violation of 15 U.S.C. § 1125(c). Accordingly, pursuant to 15 U.S.C. § 1063, the proposed mark POLLY DARTON is not entitled to registration.

15. Registration by Applicant of the proposed mark POLLY DARTON for Applicant's proposed goods would be likely to tarnish the reputation, and cause dilution by tarnishment, of Opposer's famous Name, Marks and Trademarks in violation of 15 U.S.C. § 1125(c). Accordingly, pursuant to 15 U.S.C. § 1063, the proposed mark is not entitled to registration.

16. Applicant's use and registration of Applicant's Mark is likely to interfere with Opposer's Name and Marks and will damage Opposer, her business and goodwill.

17. Applicant's use and registration of the trademark is likely to dilute Opposer's famous trademark.

WHEREFORE, Opposer respectfully requests registration sought by Applicant be denied and this Opposition be sustained.

Dated: October 4, 2024

Respectfully Submitted,

DOLLY PARTON



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