

**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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**CERTIFICATE OF SERVICE**

Opposer Dolly Parton hereby certifies that a copy of this NOTICE OF OPPOSITION has been served upon Applicant's counsel, Alan F. Feeney via email on this 4th day of October 2024 using the email address of record at the following addresses:


Alan@FeeneyLawGroup.com  
Connie@FeeneyLawGroup.com  
Donald@FeeneyLawGroup.com  
TM@FeeneyLawGroup.com


A handwritten signature in blue ink, reading "Willmore F. Holbrow III", is written over a horizontal line.

Willmore F. Holbrow III

# **EXHIBIT A**

**DOLLY PARTON  
APPLICATIONS AND REGISTRATIONS**

MARK	APPLICATION/ REGISTRATION	GOODS/SERVICES
<b>DOLLY PARTON</b>	<b>Reg. No.</b> 4017967 <b>Reg. Date</b> 08/30/2011	Musical sound recordings; prerecorded compact discs, audio cassettes, videotapes, digital video discs, audio/visual discs, and other recording media, all featuring music in <b>International Class 9.</b>
<b>DOLLY PARTON</b>	<b>Serial No.</b> 88951126 <b>Filing Date</b> 06/05/2020	Skillets in <b>International Class 16.</b>
<b>DOLLY PARTON</b>	<b>Reg. No.</b> 3972948 <b>Reg. Date</b> 6/7/2011	Clothing, namely, shirts and jackets in <b>International Class 25.</b>
<b>DOLLY PARTON</b>	<b>Reg. No.</b> 7507891 <b>Reg. Date</b> 09/17/2024	Cookie mix, bread mixes, bakery goods and dessert items, namely, cakes, cookies, pastries, candies, and frozen confections for retail and wholesale distribution and consumption on or off the premises, cake mixes, cake frosting in <b>International Class 30.</b>
<b>DOLLY PARTON</b>	<b>Reg. No.</b> 1367078 <b>Reg. Date</b> 10/22/1985	Entertainment services, namely live musical performances rendered by a female vocalist in <b>International Class 41.</b>
<b>DOGGY PARTON</b>	<b>Serial No.</b> 97042892 <b>Filing Date</b> 09/23/2021	Pet dishes, Pet bowls, pet drinking bowls, pet treat jars in <b>International Class 21</b> ; and pet toys in <b>International Class 28.</b>
<b>DOGGY PARTON</b>	<b>Serial No.</b> 97042894 <b>Filing Date</b> 09/23/2021	Pet clothing, namely, shirts, skirts, scarves, vests, raincoats, hats, pet hair bows and hair ornaments, pet restraining devices consisting of leashes, collars, harnesses, restraining straps, and leashes with locking devices, bags for carrying pets in <b>International Class 18</b> ; and pet furniture, pet beds for household pets, pet cushions, inflatable pet beds, pet crates in <b>International Class 20.</b>
	<b>Serial No.</b> 97121015 <b>Filing Date</b> 11/11/2021	Pet dishes, Pet bowls, pet drinking bowls, pet treat jars in <b>International Class 21</b> ; and pet toys in <b>International Class 28.</b>

	<p><b>Serial No.</b> 97120629 <b>Filing Date</b> 11/11/2021</p>	<p>Pet clothing, namely, shirts, skirts, scarves, vests, raincoats, hats, pet hair bows and hair ornaments, pet restraining devices consisting of leashes, collars, harnesses, restraining straps, and leashes with locking devices, bags for carrying pets <b>in International Class 18</b>; and pet furniture, pet beds for household pets, pet cushions, inflatable pet beds, pet crates <b>in International Class 20</b>.</p>
<p><b>DOLLY PURRRTON</b></p>	<p><b>Serial No.</b> 98129563 <b>Filing Date</b> 08/11/2023</p>	<p>Pet dishes, pet bowls, pet drinking bowls, pet treat jars <b>in International Class 21</b>; and pet toys <b>in International Class 28</b>.</p>
<p><b>DOLLY PURRRTON</b></p>	<p><b>Serial No.</b> 98129564 <b>Filing Date</b> 08/11/2023</p>	<p>Pet clothing, namely, shirts, skirts, scarves, vests, raincoats, hats, pet hair bows and hair ornaments, pet restraining devices consisting of leashes, collars, harnesses, restraining straps, and leashes with locking devices, bags for carrying pets <b>in International Class 18</b>; and pet furniture, pet beds for household pets, pet cushions, inflatable pet beds, pet crates <b>in International Class 20</b>.</p>