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

In the matter of Application Serial No.: 78/517136  
For the mark: DIXIE FIXINS

_____	)
Georgia-Pacific Corporation	)
	)
and Fort James Operating Company	)
	)
Opposers,	)
	)
v.	)
	)
Dolly Parton	)
	)
Applicant.	)
_____	)

Opposition No.: 91172071



09-11-2006

U.S. Patent & TMO/TM Mail Rcpt Dt. #

ANSWER TO NOTICE OF OPPOSITION

Applicant, Dolly Parton, by and through her undersigned attorneys of record, answers the Notice of Opposition as follows:

1. In answering the initial unnumbered paragraphs of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truth of the allegations about Opposers, and thus denies the same. Applicant denies any and all allegations and inferences that Opposers would be harmed or damaged by Applicant's registration of the mark DIXIE FIXINS.

2. In answering Paragraph 1 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truth of the allegations contained therein, and thus denies the same.
3. In answering Paragraph 2 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truth of the allegations contained therein, and thus denies the same.
4. In answering Paragraph 3 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, and thus denies the same.
5. In answering Paragraph 4 of the Notice of Opposition, Applicant admits that she filed an application with the U.S. Patent & Trademark Office to register the mark DIXIE FIXINS, which was assigned Application Serial No. 78/517136.
6. In answering Paragraph 5 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, and thus denies the same.
7. In answering Paragraph 6 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, and thus denies the same.
8. In answering Paragraph 7 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the

truthfulness of the allegations contained therein, and thus denies the same.

9. In answering Paragraph 8 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, and thus denies the same.
10. In answering Paragraph 9 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, and thus denies the same.
11. In answering Paragraph 10 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, and thus denies the same.
12. In answering Paragraph 11 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, and thus denies the same.
13. In answering Paragraph 12 of the Notice of Opposition, Applicant admits that she filed Application Serial No. 78/517136 on November 15, 2004 to register the mark DIXIE FIXINS on an intent-to-use basis for "pre-recorded video tapes, phonographic records, video discs, audio tapes, compact discs, dvds, laser discs, CD-Roms; sound recordings computer software; electronic publications, namely, magazines, newsletters and books recorded on computer media all featuring cooking instructions and

techniques, food preparation, recipes, dietary and health information; and food storage and preservation instructions and techniques" in International Class 9 and "Educational and entertainment services in the nature of a series of cooking shows, and single cooking shows, broadcast over television, satellite, radio and by means of other audio and video media" in International Class 41. Applicant denies any and all remaining allegations and inferences contained within this Paragraph.

15. In answering Paragraph 13 of the Notice of Opposition, Applicant admits that the mark DIXIE FIXINS was published for opposition in the Official Gazette on March 7, 2006. Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the remaining allegations contained within this paragraph, and thus denies the same.
16. In answering Paragraph 14 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations relating to Opposer's goods or the class of purchasers of Opposer's goods, and thus denies the same.
17. In answering Paragraph 16 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a response due to the vague and ambiguous nature of the statement contained therein, and thus denies the same.
18. In answering Paragraph 17 of the Notice of Opposition, Applicant denies any and all allegations and inferences contained therein.
19. In answering Paragraph 18 of the Notice of Opposition, Applicant denies any and all allegations and inferences contained therein.

20. In answering Paragraph 19 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, and thus denies the same.

### AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition without waiver of any objection or an admission of sufficiency of the Notice of Opposition, Applicant asserts upon information and belief that:

1. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.
2. The term DIXIE is highly diluted as a trademark formative, and hence weak, and Opposer's purported rights extend no further than to the specific marks which Opposer alleges it owns, which is not the same or confusingly similar to Applicant's mark.
3. Applicant's use of its mark will not mistakenly be thought by the public to derive from the same source as Opposer's goods, nor will such use be thought by the public to be a use by Opposer or with Opposer's authorization or approval.
4. Applicant's mark in its entirety is sufficiently distinctively different from Opposer's mark to avoid confusion, deception or mistake as to the source or sponsorship or association of Applicant's goods.

5. Applicant's mark, when used on Applicant's goods, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods by Opposer.


**RELIEF REQUESTED**

WHEREFORE, Applicant prays that the Opposition be dismissed and the mark be allowed to mature to registration.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: September 5, 2006

By:   
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PROOF OF SERVICE

I, Amie Park, hereby declare that I am employed by the law firm of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, 12400 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90025-1026; that I am over 18 years of age and not a party to the within action; and that I served the following document: ANSWER TO NOTICE OF OPPOSITION, relating to OPPOSITION NO. 91172071 this 5<sup>th</sup> day of September, 2006, by causing a true copy to be deposited in the United States Mail, first class postage prepaid to Opposer's attorneys as follows:

Emily K. Breslin  
Christine M. Cason  
Georgia-Pacific Corporation  
133 Peachtree Street  
Atlanta, Georgia 30303

Date: 9/5/06

Amie Park  
Amie Park

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on 9/5/06

Amie Park 9/5/06  
Signature LLS