USA: Parks, LLC v. Tyson Foods, Inc, United States Court of Appeals, Third Circuit, No. 16-2768, 06 July 2017

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Lanham Act claims for false advertising and trademark infringement brought by Sausage company Parks, asserting its PARKS mark for sausage against Tyson Foods and Hillshire Brands Company (collectively, Tyson), were without merit, the U.S. Court of Appeals in Philadelphia has decided, affirming a ruling by a federal district court. Parks did not state a valid claim for false advertising because it made no valid allegations concerning the "nature, characteristic, qualities, or geographic origin" of PARK'S FINEST, the accused mark adopted and used by the defendants. Moreover, Parks failed to prove its false association claim because no reasonable jury could have concluded that the PARKS mark had secondary meaning (Parks, LLC v. Tyson Foods, Inc., July 6, 2017, Jordan, K.).
A full summary of this case has been published on Kluwer IP Law.