

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

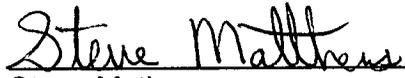
Southern Cherokee Nation	}	
	}	
v.	}	Opposition No. <u>91173635</u>
	}	
The Southern Cherokee Nation	}	Serial No. 78758494

JOINT MOTION TO DISMISS

Comes now the Plaintiff, Southern Cherokee Nation, *pro se*, and the Defendant, The Southern Cherokee Nation, by counsel, and jointly move to dismiss this matter without prejudice.

This Motion is based upon the Affidavit of Steve Mathews, Chairperson of Plaintiff, Southern Cherokee Nation, attached hereto.

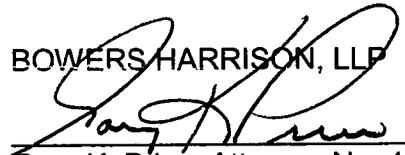
Respectfully submitted,



 Steve Mathews
 Chairperson, Southern Cherokee Nation
 P.O. Box 278
 Newburgh, MO 65550

BOWERS HARRISON, LLP

By:



 Gary K. Price, Attorney No. 15051-82
 25 N.W. Riverside Dr.
 P.O. Box 1287
 Evansville, IN 47706-1287
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gkp@bowersharrison.com

Attorneys for Defendant,
The Southern Cherokee Nation



 Michael R. Buley
 Principal Chief of The
 Southern Cherokee Nation
 in Kentucky
 7919 Pleasant Hill Road
 Henderson, KY 42420

 Defendant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL ABOARD

Southern Cherokee Nation	}	
	}	
v.	}	Opposition No. <u>91173635</u>
	}	
The Southern Cherokee Nation	}	Serial No. 78758494

AFFIDAVIT OF STEVE MATTHEWS

Steve Matthews, being duly sworn upon his oath, states as follows:

1. I am the Chairperson for Southern Cherokee Nation (“SCN”), having an address at P. O. Box 278, Newburg, Missouri, 65550.
2. I am authorized to execute this document on behalf of SCN.
3. I am familiar with and have knowledge of the Opposition Proceedings (the “Opposition”) filed by Andrew D. Light, allegedly on behalf of SCN.
4. I know Andrew D. Light, and I can state that Andrew D. Light does not at this time represent the position of the Southern Cherokee Nation as set by Resolution of the tribal Council.
5. SCN does not oppose the trademark application filed by Michael R. Buley on behalf of the Southern Cherokee Nation for the mark SOUTHERN CHEROKEE NATION, so long as the Southern Cherokee Nation does not oppose our use of the name and/or mark of the Southern Cherokee Indian Tribe, (of the Canadian District of Oklahoma).
6. Plaintiff, SCN, does not wish to oppose the application filed by the Southern Cherokee Nation, nor do we wish to prosecute the Opposition entitled “Southern

Cherokee Nation v. The Southern Cherokee Nation”, Opposition No. 91173635.

7. Plaintiff, SCN, prays the Opposition be dismissed without prejudice.

FURTHER AFFIANT SAYETH NOT.

Steve Mathews

Steve Mathews
Chairperson, Southern Cherokee Nation
P.O. Box 278
Newburgh, MO 65550

STATE OF MISSOURI)
COUNTY OF Phelps)

SS:

Before me, a Notary Public in and for said county and state, personally appeared the within named who acknowledged the foregoing as his free and voluntary act and deed.

WITNESS my hand and Notarial Seal this 20th day of Jan, 2007.

My County of Residence is:

Pulaski
My Commission Expires:
6/05/2010

Ramona L. Bollinger
Notary Public
Ramona L. Bollinger
(Printed Name)



RAMONA L. BOLLINGER
Notary Public - Notary Seal
STATE OF MISSOURI
Pulaski County
Commission # 06417899
My Commission Expires: June 5, 2010

**SOUTHERN CHEROKEE NATION
TRIBAL MEETING
OCTOBER 28, 2006
EUGENE E. NORTHERN COMMUNITY HALL
8:00 AM**

**RESOLUTIONS ARE NUMBERED STARTING FROM THE
OCTOBER 28 MEETING**

RESOLUTION 2006-1

Be it resolved that Council erroneously appointed Andrew Light to the Peacemaker position and it does not comply according to the United States Constitution "Separation of Powers". Therefore, the position appointed to Andrew Light as Peacemaker has been rescinded.

**Approved by: Gilda Tyler, Steve Matthews, Delilah Gray, Johnny Gray,
William Tyler**

Wm E. Tyler
Gilda Tyler
Delilah Gray
John Gray
Steve A. Math

**SOUTHERN CHEROKEE NATION
TRIBAL MEETING
OCTOBER 28, 2006
EUGENE E. NORTHERN COMMUNITY HALL
8:00 AM**

**RESOLUTIONS ARE NUMBERED STARTING FROM THE
OCTOBER 28 MEETING**

RESOLUTION 2006-2

Be it resolved that a registered letter is to be sent ordering Andrew Light to come before council to answer charges for unethical conduct of behavior unbecoming to a Tribal Officer.

**Approved by: Gilda Tyler, Steve Matthews, Delilah Gray, Johnny Gray,
William Tyler**

Wm E. Tyler II
Gilda Tyler
Delilah Gray
Johnny Gray
Steve Matthews

**SOUTHERN CHEROKEE NATION
TRIBAL MEETING
NOVEMBER 18, 2006
EUGENE E. NORTHERN COMMUNITY HALL
8:00 AM**

RESOLUTION 2006-15

Be it resolved that as of this date, November 18, 2006, Andrew Dolan Light is being removed from his position as Tribal Council member due to missing two meetings and Ethical charges, misconduct unbecoming a Tribal Officer and In-Competency.

Approved by:

Gilda Tyler

Signed Signature: Gilda Tyler

Steve Matthews

Signed Signature: Steve Matthews

Delilah Gray

Signed Signature: Delilah Gray

Johnnie Gray

Signed Signature: Johnnie Gray

William Tyler

Signed Signature: William Tyler II

**SOUTHERN CHEROKEE NATION
TRIBAL MEETING
NOVEMBER 18, 2006
EUGENE E. NORTHERN COMMUNITY HALL
8:00 AM**

RESOLUTION 2006-18

Be it resolved that the Indian group called the Southern Cherokee Nation, the Southern Cherokee Nation of Oklahoma, and the Southern Cherokee Nation-A Treaty Tribe, from this day forth, shall be call the **Southern Cherokee Indian Tribe.**

Approved by:

Gilda Tyler

Signed Signature: Gilda Tyler

Steve Matthews

Signed Signature: Steve Matthews

Delilah Gray

Signed Signature: Delilah Gray

Johnnie Gray

Signed Signature: Johnnie Gray

William Tyler

Signed Signature: William Tyler

Harold Hussey

Signed Signature: Harold Hussey

Donna Christensen

Signed Signature: Donna Christensen

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited by Express Mail, No. ED 126529977 US, addressed to: Mail Stop TTAB NO FEE, Assistant Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on January 31, 2007.

Date of Mailing Document: January 31, 2007

Name of applicant, attorney or representative certifying mailing: Gary K. Price (#45,024)

Signature: _____

Date of Signing: January 31, 2007

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Joint Motion to Dismiss has been served upon the Opposer on January 31, 2007, by depositing same in the United States Mail, first class postage prepaid, in an envelope addressed as follows:

Southern Cherokee Nation
P.O. Box 278
Newburg, Missouri 65550



Gary K. Price (#45,024)