

**North-Eastern Band
of Cherokee Indians**



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31 May 2007

United States Patent and Trademark Office
Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA. 22313-1451

ATT: ANDREW P. BAXLEY, INTERLOCUTORY ATTORNEY

RE: OPPOSITION NUMBER 91177190

78/831,782

OPPOSER: CHEROKEE NATION



Dear Andrew P. Baxley, Esq:

06-04-2007

U.S. Patent & TMO/TM Mail Rcpt Dt. #30

We **North-Eastern Band of Cherokee Indians** thank you for
allowing us to respond to this matter.

We North-Eastern Band of Cherokee Indians cannot understand how
the "Cherokee Nation, a federally recognized Indian Tribe" could think
that anyone will confuse or mistake the North-Eastern Band of
Cherokee Indians mark with the unregistered mark of the "Cherokee
Nation, a federally recognized Indian Tribe." However, to avoid any
alleged confusion we will add the following disclaimer:

*"The North-Eastern Band of Cherokee Indians cannot claim any
benefits afforded state or federally recognized Indian Tribes.*

Furthermore, the North-Eastern Band of Cherokee Indians is not in any way a satellite of, or in any way affiliated with the Cherokee Nation, Cherokee Nation Enterprises, L.L.C., Cherokee Casino Resort, Cherokee Hills Golf Club."

Furthermore, we cannot understand how registration of our mark will cause "Priority and likelihood of confusion," or "deceptiveness" that may cause the "Cherokee Nation, a federally recognized Indian Tribe...irreparable damage and injury."

The registration of our mark will not in any way cause the disrepute or cheapening of the mark of the "Cherokee Nation, a federally recognized Indian Tribe," who is beyond reproach. It also was stated that the North-Eastern Band of Cherokee Indians "will falsely suggest a connection with Opposer and its citizens." **This is not true.** We never have and never will as **we are not** "immoral, scandalous," and we take strong offense to being labeled as such.

On point 11 of the Opposer's submission, they state "Applicant will receive benefits to which it is not entitled, to the damage and detriment of Opposer, and its Cherokee Nation mark." **This is not true.** In order to receive state or federal benefits a Tribe must go through the lengthy federal recognition process; if they become federally recognized they are then placed on the Federal Roster.

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Before a Tribe can receive any federal benefits their **federal status must be verified**. Anyone familiar with the federal recognition process will tell you this; certainly the "Cherokee Nation, a federally recognized Indian Tribe" and their lawyers should also be aware of this. **We are shocked that the "Cherokee Nation, a federally recognized Indian Tribe" would state a point that is not true.** All Cherokee descendants are not in Oklahoma or North Carolina. There are Cherokee Indians **here in the northeast** who are descendants of Cherokee who left Cherokee lands to seek better economic opportunities. We are not "misrepresentative of citizenship (membership)," or "deceptive" of our Tribal enrollees. **All of us are Cherokee descendants.** Anyone—even our Opposer—can see our mark is not "confusingly similar" to *any* of the Opposer's mark's. Since 1971 our distinctive mark has stood alone, and separate, to represent **we** northeastern Cherokee descendants.

Sincerely,

HANK ODAAGW

UAF ODAAGW, DLGW JHBO

OB&-OAE JHOM.OAY JGWY

GreyWolf Richards, Wolf Clan

North-Eastern Band of Cherokee Indians

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