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

Proceeding	91177190
Party	Plaintiff Cherokee Nation Enterprises, L.L.C.
Correspondence Address	Anthony J. Jorgenson Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., 320 S. Boston Avenue, Suite 400 Tulsa, OK 74103 UNITED STATES ajorgenson@hallestill.com
Submission	Motion for Summary Judgment
Filer's Name	Anthony J. Jorgenson
Filer's e-mail	ajorgenson@hallestill.com
Signature	/s/Anthony J. Jorgenson
Date	11/26/2007
Attachments	doc117.PDF (9 pages)(351651 bytes)

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

**CHEROKEE NATION AND CHEROKEE
NATION ENTERPRISES, L.L.C.,**

Opposers,

v.

**THE NORTH-EASTERN BAND OF
CHEROKEE INDIANS,**

Applicant.

**Consolidated Opposition Nos.
91177190 and 91177191**

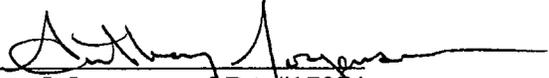
**OPPOSERS' NOTICE OF OMITTED EXHIBIT
TO MOTION FOR SUMMARY JUDGMENT**

COME NOW Opposers and hereby provides notice to the Board and Applicant that Opposer inadvertently omitted to include the attached Declaration of Anthony J. Jorgenson with Opposers' Brief in Support of Motion for Summary Judgment which was filed with the Electronic System for Trademark Trial and Appeals ("ET TSA") of the U.S. Patent and Trademark Office on November 26, 2007. The omitted Declaration is attached to this Notice in its entirety.

WHEREFORE, Opposers respectfully request that the Board accept this filing and consider the attached Declaration in its deliberations regarding Opposers' Motion for Summary Judgment.

DATED this 26th day of November, 2007.

Respectfully submitted,



Anthony J. Jorgenson, OBA #17074
**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**
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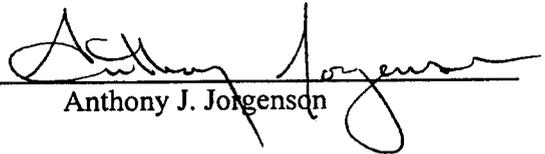
**ATTORNEYS FOR OPPOSERS,
CHEROKEE NATION AND CHEROKEE
NATION ENTERPRISES, LLC**
and

A. Diane Hammons OBA #10835
Attorney General
Cherokee Nation
PO Box 948
Tahlequah, OK, 74465-0948
Telephone (918) 453-5282
Facsimile (918) 458-5099

**ATTORNEYS FOR OPPOSER,
CHEROKEE NATION, A FEDERALLY
RECOGNIZED INDIAN TRIBE.**

CERTIFICATE OF FILING

I, Anthony J. Jorgenson, hereby certify that a copy of the foregoing Opposers' Notice of Omitted Exhibit to Motion for Summary Judgment is being filed with the Electronic System for Trademark Trial and Appeals ("ETTSa") of the U.S. Patent and Trademark Office on this 26th day of November, 2007.



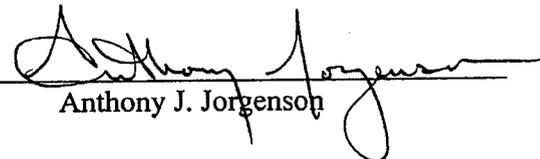
Anthony J. Jorgenson

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 26th day of November, 2007, a true and correct copy of the above and foregoing OPPOSERS' NOTICE OF OMITTED EXHIBIT TO MOTION FOR SUMMARY JUDGMENT was served upon Applicant at the following address:

Grey Wolf Richards
#23 388-90 Grand Concourse
The Bronx, NY 10451

by first class mail, proper postage prepaid, on this 26th day of November, 2007.



Anthony J. Jorgenson

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

**CHEROKEE NATION AND CHEROKEE
NATION ENTERPRISES, L.L.C.,**

Opposers,

v.

**Consolidated Opposition Nos.
91177190 and 91177191**

**THE NORTH-EASTERN BAND OF
CHEROKEE INDIANS,**

Applicant.

DECLARATION OF ANTHONY J. JORGENSON

1. I am an attorney with the law firm of Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C., counsel for the Opposers in this proceeding, I submit this Declaration in support of Opposers' Motion for Summary Judgment.

2. I have personal knowledge of the matters asserted in this Declaration by virtue of my role as counsel for Applicant.

3. Annexed as Exhibit 1 to Opposers' Brief in Support of Motion for Summary Judgment (the "Brief") is a true and correct copy of an Order issued by the Trademark Trial and Appeal Board ("T.T.A.B.") on June 28, 2007, consolidating the above-referenced Oppositions.

4. Annexed as Exhibit 2 to the Brief is a true and correct copy of the Notice of Opposition filed by Opposer, Cherokee Nation, on May 9, 2007.

5. Annexed as Exhibit 3 to the Brief is a true and correct copy of the Answer filed by Applicant on June 15, 2007.

6. Annexed as Exhibit 4 to the Brief is a true and correct copy of a printout from www.dictionary.reference.com reflecting the results of a search performed for the definition of

the word, "Cherokee." The search was performed and the printout generated, on November 20, 2007.

7. Annexed as Exhibit 5 to the Brief is a true and correct copy of a printout from www.doi.gov entitled Indian Ancestry - Cherokee Indian Ancestry, and published on the United States Department of the Interior website. The printout was generated on November 21, 2007.

8. Annexed as Exhibit 6 to the Brief is a true and correct copy of a printout from www.doi.gov entitled Indian Ancestry - Locating the Dawes Rolls, and published on the United States Department of the Interior website. The printout was generated on November 21, 2007.

9. Annexed as Exhibit 7 to the Brief is a true and correct copy of the Cherokee Nation Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2006 published by the Cherokee Nation on March 28, 2007.

10. Annexed as Exhibit 8 to the Brief is a true and correct copy of the Financial Report, an excerpt of the Cherokee Nation's 2006 Report to the Cherokee People, which was published on August 24, 2006.

11. Annexed as Exhibit 9 to the Brief is a true and correct copy of a printout from www.cherokee.org entitled, Clinics and Hospitals. The printout was generated on November 23, 2007.

12. Annexed as Exhibit 10 to the Brief is a true and correct copy of a printout from www.cherokee.org entitled, Community Development Listing. The printout was generated on November 23, 2007.

13. Annexed as Exhibit 11 to the Brief is a true and correct copy of a printout from www.cherokee.org entitled, Roads Program. The printout was generated on November 23, 2007.

14. Annexed as Exhibit 12 to the Brief is a true and correct copy of a printout from www.cherokee.org entitled, Education. The printout was generated on November 23, 2007.

15. Annexed as Exhibit 13 to the Brief is a true and correct copy of a printout from www.cherokee.org entitled, Cherokee Nation Cultural Site. The printout was generated on November 20, 2007.

16. Annexed as Exhibit 14 to the Brief is a true and correct copy of a printout from <http://en.wikipedia.org> reflecting the results of a search performed for the term, "Cherokee." The search was performed and the printout generated, on November 20, 2007.

17. Annexed as Exhibit 15 to the Brief is a true and correct copy of a printout from www.cherokeegiftshop.com entitled , Cherokee Nation Gift Shop - Nation Seal Items. The printout was generated on November 20, 2007.

18. Annexed as Exhibit 16 to the Brief is a true and correct copy of a printout from www.cherokee.org entitled, Site Map. The printout was generated on November 23, 2007.

19. Annexed as Exhibit 17 to the Brief is a true and correct copy of a printout from www.tahlequahdaily.com entitled, A league of nations?, and authored by Eddie Glenn. The printout was generated on November 21, 2007.

20. Annexed as Exhibit 18 to the Brief is a true and correct copy of a printout from www.indiancountry.com entitled, Unrecognized Cherokee claims cause problems for nation, and authored by Mary Pierpoint on August 16, 2000. The printout was generated on November 21, 2007.

21. Annexed as Exhibit 19 to the Brief is a true and correct copy of a printout from www.thepeoplespaths.net entitled, Buyer Beware, Only Three Cherokee Groups Recognized.

This Official Statement of the Cherokee Nation was published on November 13, 2000. The printout was generated on November 21, 2007.

22. Annexed as Exhibit 20 to the Brief is a true and correct copy of the Office Action filed in U.S. Department of Commerce Patent and Trademark Office Action, Serial No. 75/506359 on February 11, 1999 concerning the mark, Cherokee Proud.

23. Annexed as Exhibit 21 to the Brief is a true and correct copy of the Office Action filed in the U.S. Patent and Trademark Office, Serial No. 77122071 on June 4, 2007, concerning the mark, Cherokee Stoneworks.

24. Annexed as Exhibit 22 to the Brief is a true and correct copy of the Notice of Opposition filed by Opposer, Cherokee Nation Enterprises, LLC, on May 9, 2007.

25. Annexed as Exhibit 23 to the Brief is a true and correct copy of a printout from www.cherokeemationbusinseses.com entitled, Cherokee Nation Enterprises. The printout was generated on November 23, 2007.

26. Annexed as Exhibit 24 to the Brief is a true and correct copy of a printout from www.cherokeecasino.com entitled, Cherokee Casino Resort at Tulsa. The printout was generated on November 23, 2007.

27. Annexed as Exhibit 25 to the Brief is a true and correct copy of the record of the application filed by Applicant from the TESS databases of the United States Patent and Trademark Office.

28. Annexed as Exhibit 26 to the Brief is a true and correct copy of a printout from www.mysite.verizon.net entitled, Welcome from the Aniyvwiya -- A Brief History of Our Ancient Native People. The printout was generated on November 20, 2007.

29. Annexed as Exhibit 27 to the Brief is a true and correct copy of a printout from www.mysite.verizon.net entitled, North-Eastern Band of Cherokee Indians Donor List. The printout was generated on November 20, 2007.

30. Annexed as Exhibit 28 to the Brief is a true and correct copy of a printout from www.mysite.verizon.net entitled, North-Eastern Band of Cherokee Indians -- Corporate Donors. The printout was generated on November 20, 2007.

31. Annexed as Exhibit 29 to the Brief is a true and correct copy of a printout from www.mysite.verizon.net entitled, North-Eastern Band of Cherokee Indians -- Business Relationships. The printout was generated on November 20, 2007.

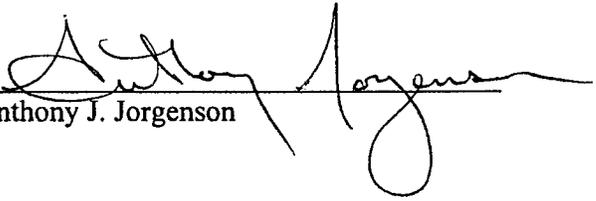
32. Annexed as Exhibit 30 to the Brief is a true and correct copy of a printout from www.mysite.verizon.net entitled, North-Eastern Band of Cherokee Indians -- Dates in Cherokee History. The printout was generated on November 20, 2007.

33. Annexed as Exhibit 31 to the Brief is a true and correct copy of a printout from www.mysite.verizon.net entitled, North-Eastern Band of Cherokee Indians -- Support Items. The printout was generated on November 20, 2007.

34. Annexed as Exhibit 32 to the Brief is a true and correct copy of a printout from www.mysite.verizon.net entitled, North-Eastern Band of Cherokee Indians -- Home Page. The printout was generated on November 20, 2007.

35. Annexed as Exhibit 33 to the Brief is a true and correct copy of a printout from www.mysite.verizon.net entitled, Other NDN Sites. The printout was generated on November 20, 2007.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.


Anthony J. Jorgenson

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