

ESTTA Tracking number: **ESTTA310409**

Filing date: **10/08/2009**

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

Proceeding	91190299
Party	Plaintiff Cherokee Nation Enterprises, L.L.C.
Correspondence Address	Anthony J. Jorgenson 320 South Boston Avenue Suite 200 Tulsa, OK 74013 UNITED STATES ajorgenson@hallestill.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Anthony J. Jorgenson
Filer's e-mail	ajorgenson@hallestill.com, wjones@hallestill.com
Signature	/Anthony J. Jorgenson/
Date	10/08/2009
Attachments	DOC037[1].pdf (6 pages)(337158 bytes)

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

CHEROKEE NATION ENTERPRISES, L.L.C.,

Opposers,

Opposition No. 91190299

v.

**LOST CHEROKEE OF ARKANSAS AND
MISSOURI, INC.,**

Applicant.

**OPPOSER'S MOTION TO AMEND CAPTION
WITH BRIEF IN SUPPORT**

Opposer, Cherokee Nation Enterprises, L.L.C. moves the Board pursuant to T.B.M.P. § 512.02 for an order amending the caption of the above-referenced proceeding to reflect that Opposer has changed its name to Cherokee Nation Entertainment, L.L.C.

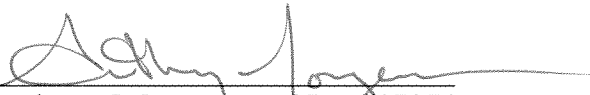
ARGUMENT AND AUTHORITIES

Pursuant to T.B.M.P. § 512.02, “[i]f the name of a party to an inter partes proceeding before the Board is changed, the title of the Board proceeding may be changed, upon a motion or upon the Board’s own initiative, to reflect the change of name, provided that appropriate evidence thereof is made of record in the proceeding.” In accordance with Section 512.02, Opposer has attached hereto as Exhibit 1 true and correct copies of the Amended Certificate of Limited Liability Company and the Amended and Restated Articles of Organization of a Cherokee Nation Limited Liability Company evidencing the Opposer’s change of name from Cherokee Nation Enterprises, L.L.C. to Cherokee Nation Entertainment, L.L.C.

CONCLUSION

For the foregoing reasons, Opposer respectfully requests that the Board enter an order amending the caption of the above-referenced proceeding to reflect that Opposer has changed its name to Cherokee Nation Entertainment, L.L.C.

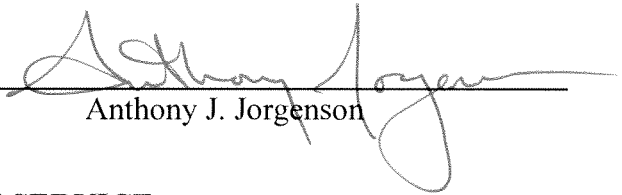
Respectfully submitted,


Anthony J. Jorgenson, OBA #17074
**HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.**
320 South Boston Avenue, Suite 200
Tulsa, OK 74103-3706
Telephone (918) 594-0631
Facsimile (918) 594-0505

**ATTORNEYS FOR OPPOSER,
CHEROKEE NATION ENTERPRISES,
L.L.C.**

CERTIFICATE OF FILING

I, Anthony J. Jorgenson, hereby certify that a copy of the foregoing **OPPOSER'S MOTION TO AMEND CAPTION WITH BRIEF IN SUPPORT** is being filed with the Electronic System for Trademark Trial and Appeals ("ETTSa") of the U.S. Patent and Trademark Office on this 8th day of October, 2009.



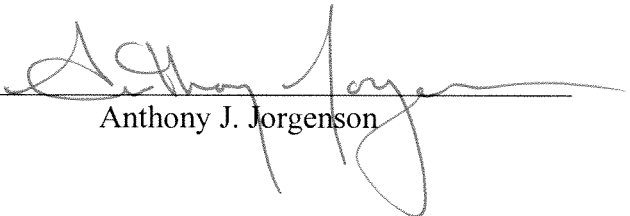
Anthony J. Jorgenson

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 8th day of October, 2009, a true and correct copy of the above and foregoing **OPPOSER'S MOTION TO AMEND CAPTION WITH BRIEF IN SUPPORT** was served upon Applicant at the following address:

Gary N. Speed
Speed Law Firm
111 Center Street, Suite 1200
Little Rock, AR 72201

by first class mail, proper postage prepaid, on this 8th day of October, 2009.



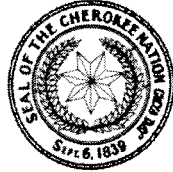
Anthony J. Jorgenson

1043036.1:231629:02060

Exhibit 1

OFFICE OF THE PRINCIPAL CHIEF

CHEROKEE NATION



**AMENDED CERTIFICATE
OF
LIMITED LIABILITY COMPANY**

WHEREAS, the Articles of Organization of CHEROKEE NATION ENTERPRISES, L.L.C., a Cherokee Nation limited liability company, have been filed in the Office of the Principal Chief, as provided by the laws of the Cherokee Nation, on April 25, 2006.

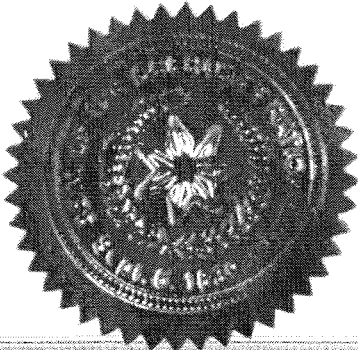
WHEREAS, the Amended and Restated Articles of Organization have been filed in the Office of the Secretary of State, as provided by the laws of the Cherokee Nation, changing the name from CHEROKEE NATION ENTERPRISES, L.L.C. to

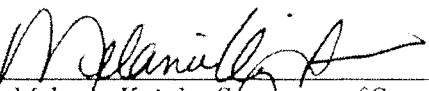
CHEROKEE NATION ENTERTAINMENT, L.L.C.

NOW THEREFORE, I, the undersigned, Secretary of State of the Cherokee Nation, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.

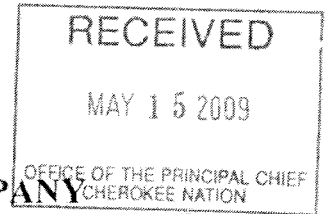
IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the Cherokee Nation.

*Filed in the City of Tahlequah this
Fifteenth Day of May, 2009.*




Melanie Knight, Secretary of State

**AMENDED AND RESTATED
ARTICLES OF ORGANIZATION
OF A
CHEROKEE NATION LIMITED LIABILITY COMPANY**



TO: PRINCIPAL CHIEF, CHEROKEE NATION
17675 S. Muskogee
Tahlequah, Oklahoma 74464

FILED
MAY 15 2009

OFFICE OF THE
SECRETARY OF STATE
CHEROKEE NATION

Pursuant to Title 18 of the Cherokee Nation Code § 204, Cherokee Nation Enterprises, LLC (the "Limited Liability Company") does hereby amend and restate its original Articles of Organization (the "Original Articles") in the manner and extent set forth in these Amended and Restated Articles of Organization.

1. Prior to the effective date of the amendment set forth herein, **the name of the Limited Liability Company was Cherokee Nation Enterprises, LLC.** Pursuant to a resolution of the Board of Directors of Cherokee Nation Enterprises (the "Manager"), **the name of the Limited Liability Company has been changed to:**

Cherokee Nation Entertainment, L.L.C.

2. The date of filing of the Original Articles was **April 25, 2006.**
3. The street address of the principal place of business is: **777 West Cherokee, Catoosa, Oklahoma 74015.**
4. The name and street address of the resident agent in Indian Country: **Robert A. Huffman, Jr., 777 West Cherokee Street, Catoosa, Oklahoma 74015.**
5. The term of existence: **Perpetual**
6. Other amendments to the Articles of Organization:

Cherokee Nation Businesses, LLC, a limited liability company formed and existing under the laws of the Cherokee Nation, and wholly-owned by the Cherokee Nation, is the sole member of the limited liability company.

The undersigned, Robert A. Huffman, Jr., being first duly sworn, states that he is the Secretary of the Limited Liability Company, that he has read the foregoing Amended and Restated Articles of Organization, and that said Articles accurately state the amendments to the Original Articles adopted and approved by the Manager as set forth above.

Subscribed and sworn to before me this 7th day of May, 2009.

Notary Public

My Commission Expires: 7/13/11