

19-5179
pro se
ORIGINAL

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Supreme Court, U.S.
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Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-00011

October 30, 2019

CERTIFICATE OF GOOD FAITH

This petition is presented in good faith and not for delay. The grounds are limited to intervening circumstances of substantial or controlling effect. These grounds are intellectual property cannot in good conscience by the laws of the Constitution of the United States be property under the statute of limitations by the amendments presented within the petition. Only the author of the work discussed in this petition can be the true author. Neither the work of the discussed stolen manuscript nor her contextual education that supports it should be thought transferrable to the defendants. Circumstances of controlling effect are the Plaintiff-Appellant requires her intellectual property returned to her to make her living.

Susan E. Pattishall

Signature

Date

10-30-2019

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SUPREME COURT, U.S.

Case No. 19-5179

IN THE
SUPREME COURT OF THE UNITED STATES

Washington, DC

Susan E. Pattishall — PETITIONER

VS.

Vinton G. Cerf et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
US Court of Appeals, Fourth Circuit

REHEARING FOR PETITION FOR WRIT OF CERTIORARI

Pro se
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QUESTION(S) PRESENTED

QUESTION 1. Plaintiff-Appellant, Susan E. Pattishall, finds the Virginia statute of limitation law Va. Code § 8.01-243(B) doesn't hold true for intellectual property. It needs reinterpretation for intellectual property, which is not physical property. The ruling deprives Plaintiff-Appellant of her unalienable right to her own work, writings that were core substance content and established mentation by the Plaintiff-Appellant. The pursuit of a living by the Declaration of Independence is: "certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness" (*Declaration of Independence, 1776*). Plaintiff-Appellant needed and does need a livelihood.

QUESTION 2. Defendant-Appellees have an unjust time bar over intellectual property, though they perjuriously claim their association with Plaintiff-Appellant never happened and her writings never existed to them. Plaintiff-Appellant states Defendant-Appellees robbed her of thesis science/religious content she had with her. Defendant-Appellees are guilty of perjury and stealing intellectual property.

QUESTION 3. Work is hard to find for Plaintiff-Appellant as she is moderately deaf. On her behalf is she has a M.Ed. and is earning a M.A. in English. Plaintiff-Appellant is a writer and needs her work back. She can be employed as an educator/professor with a hearing aid.

QUESTION 4. Defendant-Appellee Vinton Cerf holds a degree in mathematics. Why did he choose to teach a religion course of Plaintiff-Appellant's content, which he stole from her, over a course in his own field? Why would the computer scientists famous for TCP also need the compilation of written research by a needy student doing wonderful work? These men already had good jobs with secure livings.

QUESTION 5. Plaintiff-Appellant is not trying to exercise a surprise circumstance.

Plaintiff-Appellant only recently found out who they are. Returning Plaintiff-Appellant's intellectual property would not be "grossly unfair" (*US Court of Appeals for the 4th Circuit, 2019*), because Defendant-Appellee's wealth and fame by selling and teaching the content has already been accrued.

QUESTION 6. The theft deprives US education of the philosophic-scientific information by its author. Plaintiff-Appellant is American, and the content works that way. Defendant-Appellees' fraud conversion of intellectual property cannot work that way.

QUESTION 7. The court has the power, regarding nuclear energy, by Code § 67-1402. Purposes; powers of Authority, B(11), to make policy for intellectual property. "[D]evelop a policy regarding any interest in intellectual property that may be acquired or developed"...

QUESTION 8. Intellectual property should not be ignored for its personality and changed into another type of property. Plaintiff-Appellant's writings are in science/religion discussion, and, if the court would view Plaintiff-Appellant's writings as her intellectual property, a case could be heard.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Susan E. Pattishall
2. Vinton G. Cerf
3. Robert E. Kahn

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[x] For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix A to
the petition and is [x] reported at:

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/19-5179.html>; or, [] has been designated for publication but is not
yet reported; or, [] is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is [] reported at __; or, [] has been designated for publication but is not yet reported; or, [x] is unpublished.

[] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is [] reported at __ or, [] has been designated for publication but is not yet reported; or, [] is unpublished.

The opinion of the _____ court appears at Appendix __ to the petition and is [] reported at _____; or, [] has been designated for publication but is not yet reported; or, [] is unpublished.

JURISDICTION

[x] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was April 30, 2019.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix ____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on __ (date) in Application No. _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from state courts:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

TABLE OF AUTHORITIES CITED

<u>CASES</u>	<u>PAGE NUMBERS</u>
Decision of the United States Court of Appeals 4 TH Circuit <i>Case No. 19-1208 Susan E. Pattishall vs Cerf, et al. (2019)</i>	2, 9, Appendix A p. 12
STATUTES AND RULES	PAGE NUMBERS
1. Under Virginia law, the statute of limitations for a claim of conversion is five years from accrual. Va. Code § 8.01-243(B).	1, 5, 7, 8, 10
2. Fourteenth Amendment. 14th Amendment, Section 1 of US Constitution, July 9, 1868.	5, 6, 10
3. The Unanimous Declaration of the Thirteen United States of America. The Declaration of Independence, July 4, 1776.	1, 5, 7, 10

4. First Amendment. 1st Amendment, Constitution of United States of America 1789 (rev. 1992).	6, 7, 9
5. Code § 67-1402. Purposes; powers of Authority, B(11)	2, 6, 7
6. Code § 18.2-434. What deemed perjury;	1, 6, 7

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. “[S]tatutory limitations periods are designed to promote justice by preventing surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared. The theory is that even if one has a just claim it is unjust not to put the adversary on notice to defend within the period of limitation and that the right to be free of stale claims in time comes to prevail over the right to prosecute them” (*Va. Code § 8.01-243(B)*).
2. 14th Amendment, Section 1 of US Constitution. “All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States ...; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws” (*14th Amendment, US Constitution, 1868*).
3. The Unanimous Declaration of the Thirteen United States of America. “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. ... That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, ...when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to

reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security" (*Ibid.*, 1776).

4. First Amendment, Constitution of United States of America. "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or ... to petition the government for a redress of grievances" (*1st Amendment, US Constitution, 1789 (rev. 1992)*).
5. Code § 67-1402. Purposes; powers of Authority, B(11), ...intellectual property. "Develop a policy regarding any interest in intellectual property that may be acquired or developed by the Consortium,"
6. Code § 18.2-434. What deemed perjury; punishment and penalty. ... "if any person in any written declaration, certificate, verification, or statement under penalty of perjury pursuant to § 8.01-4.3 willfully subscribes as true any content matter which he does not believe is true, he is guilty of perjury, punishable as a Class 5 felony. Upon ... holding any office of honor, profit, or trust under the Constitution of Virginia, or of serving as a juror."

STATEMENT OF THE CASE

Plaintiff-Appellant's compilation and research for a dissertation were stolen from Plaintiff-Appellant in 1980. In 2016, Plaintiff-Appellant discovered the identities of the thieves, Dr. Vinton G. Cerf and Dr. Robert E. Kahn, Defendant-Appellees. Defendant-Appellees were allowed a statute of limitations, thereby denying the return of Plaintiff-Appellant's intellectual property, though they denied the existence of Plaintiff-Appellant's drafted academic research (herein known as work, content, writings, essays, or manuscript).

Plaintiff-Appellant argues intellectual property is not kind of property the statute of limitations decrees. Intellectual property is property of the author for 50 years from death. Plaintiff-Appellant was set up by the Defendant-Appellees and robbed by malicious trickery. A description of events by Plaintiff-Appellant follows.

I started to go home. The barmaid called over, "Hey, this guy said he'd run you home."

"Okay, great! Thanks," I replied, thinking she knew him. We got into his car. Vinton Cerf had a full head of hair he wore in a pageboy. Not to laugh, I asked him whether he was in a band. He said no. We discussed where we went to university and our names.

"Give me a kiss," he said.

I said, "What! I'm not even home yet." He insisted but held still with his lips closed. I gave him a peck and wondered why he'd asked then. I noticed him concentrating on staring straight out the windshield like he was nailing with a hex. My work was on the dashboard. Then he pretended he couldn't start the car.

"Go into the bar, so I can get the car started," he said.

I said, "I'm okay with that. I don't have to go into the bar."

He insisted, "No, wait in the bar."

Thinking of a real start the car, I obeyed without taking my work, no thanks to it was raining. Too much time went by. I realized I was tricked. Robert Kahn appeared and asked me what was wrong. He offered to take me home. I asked him to help get my essays and research, but he claimed he did not know Vinton Cerf.

REASONS FOR GRANTING THE PETITION

Plaintiff-Appellant asks the court to grant her petition to give her intellectual property of philosophic theory of relativity, research, and writings back to her, the author.

Reasons for granting the petition are:

- Defendant-Appellees are the thieves who stole her work by a fake offer of a ride home.
- Defendant-Appellee Robert Kahn denied to Plaintiff-Appellant he knew Defendant-Appellee Vinton Cerf, proving he could have helped her but knows they are stealing the writings of Plaintiff-Appellant.
- The content constituted a significant portion of her education and future as an author. Stolen content includes Plaintiff-Appellant's "voice of God" philosophy. Theft interferes with her Constitutional right to the first amendment. When Jewish Vinton Cerf expresses Christian Plaintiff-Appellant Susan Pattishall's religious belief writings, takes the credit for authorship, and is allowed to keep these writings away from her, to teach and sell, the first amendment does not conform with Plaintiff-Appellant's right to her "religion and spirit in exercising thereof" in her right to free speech. "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, ..." (*1st Amendment, US Constitution, 1789 (rev. 1992)*).
- Defendant-Appellees have come a long, respectable way greatly thanks to Plaintiff-Appellant. Plaintiff-Appellant does not see what is "grossly unfair" (*Ibid., 2019*) to the Defendant-Appellees. Why Dr. Cerf would choose her content over his own field to make a living while she was harassed all her life to pay the tuition loans of it is unfair. Defendant-Appellees are getting their Social Security, because of their theft, is unfair to

Plaintiff-Appellant without the return of her intellectual property. It would be grossly unfair to Plaintiff-Appellant who is able to make a living with them at writing.

- Plaintiff-Appellant has cerebral palsy deafness. The essays represent her academic beginning that are a core necessity to make her living as an author.
- Plaintiff-Appellant's US theory of relativity is too helpful to Defendant-Appellees' sales to foreign countries not entirely friendly with the US. Plaintiff-Appellant believes the Defendant-Appellees were informed she was a writer there by her date or 'friend'. Defendant-Appellees decided to steal it to make money, which they likely did by selling to spies there (then John Anthony Walker and Jonathan Jay Pollard) and other patrons of Plaintiff-Appellant's creativity. This means there was treason.
- The court is not caring about the treason behind the theft based on a time bar that is an amendable statute in the face of circumstances and intellectual property.
- Defendant-Appellees are obstructing justice by lying they never did it.
- Plaintiff-Appellant cannot accept being denied due process of law, as premeditated as the Defendant-Appellees' theft was, because Plaintiff-Appellant needs her intellectual property and living to help science and philosophy education where she left off in her design, rather than Defendant-Appellees' sales of it to foreigners (*Ibid., 1868*). Plaintiff-Appellant believes the US needs her doing the work of her own core writings, or intellectual property, more than Defendant-Appellees' treasonable sales. Thus, as well, when a law upholds thievery for treason in conversion, a change is needed to that law to "throw off such Government" evils as cannot be denied are "a long train of abuses and usurpations" (*Ibid., 1776*) and realize the truth.
- Some of the content was about space and the space journey. Plaintiff-Appellant wants the court to grant this petition because the court shouldn't think the Plaintiff-Appellant's

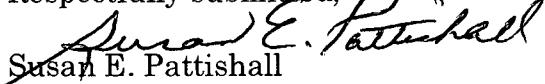
claims are baseless or unfeasible if aircraft are at risk by the Defendant-Appellees' support of Israel.

CONCLUSION

Plaintiff-Appellant's compilation of her written academic and personal work, in draft form, summarily represents a unique condensation whereby the Defendant-Appellees exploit her research once helping spies and now other paying patrons. Although Dr. Cerf taught a course that included the religion-science material authored by the Plaintiff-Appellant, the court needs to see the work has raised concern of piracy between the Defendant-Appellees and hostile countries or parties that know who actually authored this research and the essays. Plaintiff-Appellant will lead us where the work will have honorable and educable value once it is returned. The court should trust the author over the Defendant-Appellees. A copy of her work given back to Plaintiff-Appellant would not be a loss to either Defendant-Appellee, as they are retired. Plaintiff-Appellant is not interested in selling the work to spies or any other party. The work is her philosopher's tone and she cannot relinquish such a valuable work. As well, now she is apparent to customers and purveyors of Defendant-Appellees. Plaintiff-Appellant asks the court to please see how it is the Plaintiff-Appellant to whom it was grossly unfair and not award the Defendant-Appellees her intellectual property writings. She is asking for the return of this stolen intellectual property.

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Susan E. Pattishall

2,670 words s.p.

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 19-1208

SUSAN E. PATTISHALL,

Plaintiff - Appellant,

v.

VINTON G. CERF, computer scientist (retired); ROBERT E. KAHN, computer scientist (retired),

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Liam O'Grady, District Judge. (1:18-cv-01396-LO-MSN)

Submitted: April 25, 2019

Decided: April 30, 2019

Before FLOYD and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Susan E. Pattishall, Appellant Pro Se. James Paul Menzies Miller, ODIN, FELDMAN & PITTELMAN, PC, Reston, Virginia; Jonathan Michael Baker, CROWELL & MORING LLP, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Susan E. Pattishall appeals the district court's order dismissing her conversion action as barred by the statute of limitations. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Pattishall v. Cerf*, No. 1:18-cv-01396-LO-MSN (E.D. Va. filed Feb. 22, 2019 & entered Feb. 25, 2019). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

SUSAN E. PATTISHALL,)
Plaintiff,) Civil No. 1:18-cv-1396
v.) Hon. Liam O'Grady
VINTON G. CERF ET AL.,)
Defendants.)

ORDER

This matter comes before the Court on Defendant Cerf's Motion to Dismiss, Dkt. 9, and Defendant Kahn's Motion to Dismiss, Dkt. 11. Plaintiff has alleged that in 1980 Defendants stole a manuscript she had written. In Virginia, the statute of limitations for conversion is five years and the cause of action accrues at the time of injury, not the time of discovery. *McPike v. Zero-Gravity Holdings, Inc.*, 280 F. Supp. 3d 800, 809 (E.D. Va. 2017). Plaintiff's claim is therefore barred by the statute of limitations.

Defendant Cerf's Motion to Dismiss, Dkt. 9, and Defendant Kahn's Motion to Dismiss, Dkt. 11, are GRANTED. The matter is DISMISSED WITH PREJUDICE. Pursuant to Federal Rule of Appellate Procedure 4(a), if Plaintiff wishes to appeal this Order she must file a notice of appeal within thirty days of the date of this Order.

It is SO ORDERED.

February 22, 2019
Alexandria, Virginia

LoG
Liam O'Grady
United States District Judge