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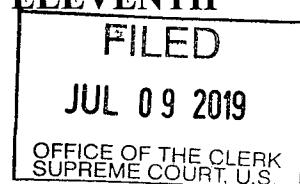
IN THE
SUPREME COURT OF THE UNITED STATES

SAMUEL RIVERA ROSADO - PLAINTIFF/APPELLANT,

vs.

LUCID ENERGY, INC. - DEFENDANT/APPELLEE

ON PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH
CIRCUIT, ATLANTA, GEORGIA
CASE NO. 18-10551-E

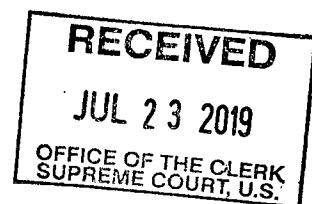


PETITION FOR WRIT OF CERTIORARI

ORIGINAL

SAMUEL RIVERA ROSADO

SOUTH FLORIDA RECEPTION CENTER, SOUTH UNIT
13910 NW 41ST STREET
DORAL, FLORIDA 33178-3014



QUESTIONS PRESENTED

FIRST QUESTION

Whether in respect of the Court Justices, the U.S. Supreme Court cannot allow a company to steal a person's copyright ownership, design, drawing and blueprints and secure a patent for the designs and drawings with the same specifications that belong to the Plaintiff and build the project for monetary gain without paying the Plaintiff compensation for the stolen copyright designs and literary works project according to Amendment V of the U.S. Constitution.

SECOND QUESTION

Whether in respect of the Court Justices, the U.S. Supreme Court shall review the Plaintiff's copyright registration of the Water Turbine Energy System Pipeline design, drawings, blueprints and literary works that were registered with the copyright office on May 21, 2001 and March 10, 2003 under Title 17, U.S.C. §410(a)(c), §411, and §106(3). The Defendant, Lucid Energy Inc., filed for copyright and patent registration in 2007 and 2016 with the same design, drawings, blueprints and literary works of the Water Turbine Energy System Pipeline with the specifications that belong to the Plaintiff that were filed by the Plaintiff in the copyright office in 2001 and 2003 by the Plaintiff. There cannot be two different owners of the same copyrighted project according to Amendment V of the U.S. Constitution and Title 35 U.S.C. §154(a)(4).

THIRD QUESTION

Whether in respect of the Court Justices, the U.S. Supreme Court shall or must make a decision regarding the statutory provisions of Article I, §VIII of the U.S. Constitution and the statutory provision of the United States Congress. The Plaintiff's Water Turbine Energy System Pipeline design is protected by the Certificate of Registration of Copyright under Title 17 U.S.C. §411, §410(a) and §106(3) which were filed on May 21, 2001 and March 10, 2003. The Defendant's Water Turbine Energy System Pipeline design was filed in 2007 and 2016 in direct conflict with Title 17 U.S.C. §411, §410(a) and §106(3) and Title 35 U.S.C. §154(a)(4), "Patent Registration and Copyrights." The Plaintiff's drawings cannot be part of the Defendant's, Lucid Energy Inc., patent drawings which are annexed to the patent and are a part of such patent. The fact is the Plaintiff's original copyright-protected drawings cannot be part of the Defendant's, Lucid Energy, Inc., patent.

FOURTH QUESTION

Whether in respect of the Court Justices, the U.S. Supreme Court shall hear this case because there cannot be but one Water Turbine Energy System Pipeline design with the same literary works with two different copyright owners with the same drawings, design, blueprints and literary works. Here there are two projects with different registrations in different years and different protections by different

statutory provisions from the same Article I, §VIII of the U.S. Constitution. The Laws are clear that the first registration for copyright protection filed with the U.S. Department of Energy and the California Energy Commission shall constitute *prima facie* evidence of the validity of the copyright and the facts stated in the certificate; the evidentiary weight being accorded to the Certificate of Registration made thereafter shall be within the discretion of the Court. (See Appendix “4” pgs. 78 to 102).

LIST OF PARTIES

S. C. Rule 12.3, Rule 14.1(b), Rule 29.2, and Rule 39.1

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

[✓] All parties to the proceedings in the court whose judgment is the subject of Plaintiff's Petition are as follows: All persons served are deemed Defendants for all purposes in the proceedings in this Court.

All parties to the proceedings in the Court whose judgment is sought to be reviewed are deemed parties entitled to file documents in the Court after the case is placed on the docket. Counsel for Defendants shall ensure that Counsel of Record for all parties receive notice of its intention to file a brief in support within 30 days after the case is placed on the docket.

The names and addresses of those served are as follows:

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Doral, Florida 33178-3014

United States Court of Appeal
Eleventh Circuit
Office of the Clerk
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

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

Executed on July 17, 2019.



Samuel Rivera Rosado
Samuel Rivera Rosado, Petitioner

TABLE OF CONTENTS

QUESTIONS PRESENTED.....	ii
LIST OF PARTIES.....	v
TABLE OF CONTENTS.....	vii
INDEX TO APPENDICES.....	vii
INTRODUCTION.....	viii
TABLE OF AUTHORITIES CITED.....	ix
STATUTES AND RULES.....	x
OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	4
STATEMENT OF THE CASE.....	6
REASONS FOR GRANTING THE PETITION.....	13
CONCLUSION.....	21

INDEX TO APPENDICES

APPENDIX “1” Decision of the United States District Court of Florida.....	24
APPENDIX “2” Copyright Registration of the Water Turbine Energy System Pipeline with the U.S. Copyright Office belonging to the Plaintiff.....	25
APPENDIX “3” Lucid Energy’s Water Turbine Energy System Pipeline Design Stolen form the Plaintiff.....	26
APPENDIX “4” Decision regarding Plaintiff’s Water Turbine Energy System Pipeline Belonging to Plaintiff and not Lucid Energy, Inc.	27
APPENDIX “5” Decision of the United States District Court of Appeal for the Eleventh Circuit.....	28
APPENDIX “6” Decision on Appeal from the United States Court of Appeals to the United States Supreme Court with Affidavit accompanying Motion for Leave to Proceed in Forma Pauperis.....	29

INTRODUCTION

In this Petition for Writ of Certiorari, the Plaintiff is the Appellant below and the Defendant, Lucid Energy, Inc., is the Appellee. The parties will be referred to as they appear before this Court. All emphasis has been supplied unless otherwise indicated.

The symbol “App.” will be used to refer to an Appendix.

The symbol “pg.” or “pgs.” will be used to refer to pages.

Numbers from “1” through “173” will be used to refer to Appendix page numbers for the Court record.

TABLE OF AUTHORITIES CITED

<u>Case</u>	<u>Page</u>
Bateman v. Mnemonic, Inc., 79 F. 3d 1523, 1541 (11th Cir. 1996).....	21
Constant v. Advances Microdevices, Inc., 848 F. 2d 1560, 1564 N. 4 (Fed. Cir. 1988).....	17
Cosmetic Ideas, Inc. v. IAC Interactive Corp., 606 F. 3d 612, 612 (CA 9, 2010).....	3
Eldred. v. Ashcroft, 537 U.S. 186, 123 S Ct. 769, 154 L.Ed.2d 683 (2003).....	14
Fourth Estate Public Benefit Corporation v. Wall Street Com. LLC, et al, S.U. Supreme Court January 8, 2019 – decided March 4, 2019.....	2, 18
Fox Film Corp. v. Doyle, 286 U.S. 123, 127, 52 S.Ct. 546, 76 L.Ed. 1010 (1932)	15
Freeman v. 3M, 697 F. Supp. 134 (3rd Cir. 1988).....	16
Ganz Bros. Toys v. Midwest Importers of Cannon Falls, Inc., 834 F. Supp. 896, 899-901 (E. D. Va. 1993).....	15
Grave Tank, et Mfg. Co. v. Kinde Air Products, Co., 339 U.S. 605, 608 (1950)....	16
Kaseberg v. Conaco, LLC., 260 F. Supp. 3d 1229, 1243 (D.D. Cal. 2017).....	15
Kirtsaeng v. John Wiley & Son, Inc., 568 U.S. 519, 557, 133 S.Ct. 1350(2012)....	19
Lyons Partnership v. Morris Costumes, Inc., 243 F. 3d 789, 801 (4th Cir. 2001)...	16
Roberts v. Lord, 877 F. 3d 1024, 1025 (11th Cir. 2015).....	21
Satellite Board of Commons Assn. v. FCC, 275 F. 3d 336, 367 (4th Cir. 2001)....	17

STATUTES AND RULES

Copyright Act of 1876, Pub. L. No. 94-553, 90 Stat. 2541.....	17
Supreme Court Rule 12.3.....	5
Supreme Court Rule 14.1.....	5
Supreme Court Rule 29.....	5, 23
Supreme Court Rule 39.1.....	5
Title 17 U.S.C. §102.....	8, 9
Title 17 U.S.C. §106.....	ii, iii, 10, 17, 19
Title 17 U.S.C. §410.....	ii, iii
Title 17 U.S.C. §411.....	ii, iii, 3, 17
Title 17 U.S.C. §501.....	17
Title 17 U.S.C.A. §506.....	14, 17
Title 18 U.S.C.A. §1344.....	8, 18
Title 18 U.S.C.A. §1365.....	8, 18
Title 18 U.S.C.A. §1962.....	8
Title 18 U.S.C.A. §2319.....	14, 17
Title 28 U.S.C. §1746.....	24, 25, 26, 27, 28, 29
Title 28 U.S.C. §1915.....	7
Title 35 U.S.C. §154.....	ii, iii
United States Constitution Amendment V.....	ii, 4, 7, 11, 13, 21
United States Constitution Amendment VII.....	4, 14
United States Constitution Amendment XI.....	4, 7, 14
United States Constitution Amendment XIV.....	2, 21
United States Constitution Article I, §8.....	iii, 13, 17
United States Constitution Article III, §2.....	4, 13

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

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

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix “5” 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 United States district court appears at Appendix “1”,
pages 13 to 18, to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] 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 Florida Fifth District Court of Appeals 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

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was February 19, 2019 a copy of that decision appears at _____.

[] 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: April 24, 2019, and a copy of the order denying rehearing appears at Appendix 5, pgs. 109 to 113, and pg. 131.

[] 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. § 1254(1) and Part III of the Rules of the Supreme Court of the United States to review the decisions of the federal court that were entered. The Plaintiff seeks remedies by the United States Supreme Court from the denial of due process of laws according to the United States Constitution Amendments 5 and 14(1). “No person shall be deprived of any public right or property or take for public use, without just compensation or deprived from copyright protection without due process of law. Under similarly situated person are equal under the law and must be treated alike” In the Florida Law Weekly, Federal Vol 27, Number 47, pages 686-690. Fourth Estate Public Benefit Corporation v. Wall Street Com. LLC, et al, S.U. Supreme Court January 8, 2019 – decided March 4, 2019, the Court granted Fourth Estate's Petition for

Certiorari to resolve a division among U.S. Courts of Appeal on which registration occurs in accordance with Title 17 U.S.C. §411(a), 585 U.S. 120.18). Compare e.g., 858 f. 3d at 1341 (case below) (registration has been made under 17 U.S.C. §411(a), when the registrar of copyrights registers a copyright, with, e.g. *Cosmetic Ideas, Inc. v. IAC Interactive Corp.*, 606 F. 3d 612, 612 (CA 9, 2010) (Registration has been made §411(a) when the copyright claimant's complete application for registration is received by the copyright office).

Held; The United States Supreme Court delivered the opinion of the Court, copyright infringement - registration occurs, and a copyright claimant may commence an infringement suit when the copyright office registers a copyright - upon registration of a copyright, a copyright owner can recover for infringement that occurred both before and after registration. [See Appendix “2”, pages 27 to 30 and pages 51 to 57]. The Plaintiff Samuel Rivera Rosado's copyright registration was received by the copyright office on May 21, 2001 and March 10, 2003.

“. . . The Federal Courts will not allow a company to steal a person's property such as copyright ownership design, drawings and blueprints and put patent on such property for monetary gain in violation of The United States Constitution Amendment V. No person shall deprive any person's property to be taken for public use without just compensation!”

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

“The United States Constitution, Amendment V.” Holding no persons shall be deprived of life, liberty, property without due process of law, nor shall private property be taken for public use without just compensation. Amendment XI. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state. Amendment VII. Suits at Common Law. The Plaintiff Copyright Infringement Complaint Lawsuit shall be otherwise re-examined in any court of the United States. Then according to the rules of the common law. And The United States Constitution, Article III. Section 2. The judicial power shall extend to all cases in law and equity arising under this constitution, the law of the United States.

Provisions of The United States Constitution allow for the courts to grant a Plaintiff's motion for leave to proceed in *forma pauperis* when the Plaintiff is indigent and he cannot prepay the court cost to proceed in court action to recover his stolen property from Defendant Lucid Energy, Inc.

The facts in this case show that the Plaintiff is the victim because it is obvious that Lucid Energy, Inc. stole the Plaintiff's property, the Water Turbine Energy System Pipeline and the literary work from the book for monetary gain without paying any compensation. The point of law is that the Plaintiff's copyright

shows the Plaintiff is the owner of the Water Turbine Energy System Pipeline and not Lucid Energy, Inc.

Infringement on and stolen property occurred against the Plaintiff when Lucid Energy, Inc. in 2012, delivered the same project for patent registration of the Water Turbine Energy System Pipeline, which the Plaintiff designed in 2001 and in fact registered with the patent office which delivers clean, safe drinking water and generates clean electricity by using the city water utility main pipe. The same project that in 2004 disappeared from the office of the executive secretary of the U.S. Department of Energy in Washington D.C. and the California Energy Commission in 2007. [See Appendix "2" pgs. 27 to 50 and Appendix "3" pgs. 61 to 77]. "Now the court stated the Plaintiff's complaint is frivolous because Lucid Energy Inc. has a patent and the Plaintiff has a copyright when Lucid Energy Inc. put patent in stolen property how can the court state the Plaintiff's complaint failed to state a claim of copyright infringement when the Plaintiff's is the victim in this case? That it is legal to steal a person's copyright design, drawings and literary work and register a patent for them and the court protects the person that has the patent."

STATEMENT OF THE CASE

The Plaintiff's appeal from the denial of due process of laws from the United States District Court, Southern District of Florida, on November 22, 2017. The Honorable Donald L. Graham referred to the Plaintiff's lawsuit seeking \$250 million dollars prepayment from Lucid Energy Inc. for the stolen Water Turbine Energy System Pipeline for monetary gain for which Lucid Energy Inc. is not immune from paying compensation to the Plaintiff for violation of copyright infringement in which the project actually and legally belongs to the Plaintiff and not to Lucid Energy.

The Court Judge overlooked the appendices and the Plaintiff's motion to proceed in *forma pauperis* showing the Plaintiff's claims are not frivolous or malicious because the Plaintiff is the victim in this case. Lucid Energy stole the Water Turbine Energy System Pipeline design from the Plaintiff and built the project for monetary gain. Now Lucid Energy, Inc. has not paid Plaintiff over Plaintiff's protest. Thus since the Plaintiff does not have any money to pay the court cost, the judge dismissed the Plaintiff's complaint because the Plaintiff is currently a prisoner in the South Florida Reception Center. [See Appendix "1" pgs. 13 to 26 and Appendix "5" pgs 104 to 108].

The Magistrate Judge never looked into this issue! Also, the Magistrate Judge's recommendation that was made without the court first receiving the U.S.

Copyright Office reply to prove the Water Turbine Energy System Pipeline belongs to the Plaintiff not Lucid Energy Inc., that would have been the right action by the court in this claim regarding a copyright infringement that was committed by Lucid Energy, Inc. for stealing the Plaintiff's property. The court's denial and dismissal without properly reviewing the U.S. Copyright Office's reply is a denial of due process under Amendment V of the U.S. Constitution. [See Appendix "1" pgs. 3 to 12].

Plaintiff filed direct appeal to the United States District Court, Southern District of Florida and to the United States Court of Appeal for the Eleventh Circuit looking for justice. However, justice and due process of laws failed and the legal process was defective and broke down when the court held that the Plaintiff sought monetary relief from a Defendant, Lucid Energy, Inc., who is immune from such relief, 28 U.S.C. §1915(e)(2).

The court erred when it misapplied the controlling laws holding that Lucid Energy, Inc. has the protection of immunity from prosecution under The United States Constitution, Amendment XI. Here, will take notice that the only departments that have this immunity protection in this case are the California Energy Commission and the U.S. Department of Energy and Washington D.C., not Lucid Energy, Inc.

The United States Court of Appeal for the Eleventh Circuit stated the scope

of copyright protection for designs and literary work is limited, however, in that it does not “extend to any idea, procedure, process, system, method of operation, concept, principle, or discovery regardless of the form in which it is described, explained, illustrated, or embodied in such work.” “If the designs, technical drawings, and blueprints that are not stolen property, there is no problem,” but since the project is stolen property, there is a crime because the copyright registration by the United States Copyright Office is under the seal of the Copyright Office and is protected in accordance with Title 17, United States Code.

In 17 U.S.C. §102(b), §106 A(a)(3), unlike a patent, which protects duplication of an invention if the invention is not stolen property, if the copyright designs, technical drawings, blueprints and literary works are stolen from the Plaintiff, the patent is invalid and Lucid Energy, Inc. committed a crime for tampering with illegally obtained designs, technical drawings and literary works of the Plaintiff's Water Turbine Energy System Pipeline that was stolen property from the Plaintiff. This is a crime, an offense in violation of Title 18 U.S.C.A. §1365(4), § 1962(a)(b) or (c) and §1344(1)(2) (2018). [See Appendix “5” pgs. 114 to 129].

The Plaintiff's complaint, the allegations of which must be taken as true, establishes these elements. Plaintiff files this action against Lucid Energy, Inc., Defendant in the United States District Court, Southern District of Florida, for copyright infringement, 17 U.S.C. 101 *et seq.* resulting from the illegal use and

distribution of Plaintiff's literary work of the copyright-protected Water Turbine Energy System Pipeline, registered with the United States Copyright Office, Registration Numbers VAU-529-047 and TXU1-097-049.

Plaintiff's allegation that Defendant's infringement was willful and substantial is also taken as true. Plaintiff has valid and enforceable rights in his original copyrighted work registered with the United States Copyright Office, Registration Numbers VAU-529-047 and TXU1-097-049.

Defendant has directly, indirectly and/or contributorily infringed on Plaintiff's exclusive rights under the Copyright Act by copying and distributing material showing technical drawings and blueprints of Plaintiff's invention, contributing to the infringement of Plaintiff's exclusive right under the Copyright Act causing Plaintiff economic harm. This infringement has been willful.

In the form of conclusory allegations and legal conclusions, the evidence presented must be viewed in the light most favorable to the Plaintiff's record and appendices between the the conflict in the Plaintiff's and the Defendant's.

The Plaintiff's claims as deemed fully admitted are not frivolous. Plaintiff's motivation is to enforce its rights as it is action in the industry. Copyright protection inures "original work of authorship fixed in any tangible medium of expression," including designs, 17 U.S.C. 102(a)(1)(8) and 102(a)(5). Generally, the owner of a copyright has the exclusive right to distribute or display the

copyrighted work to the public the designs of the Water Turbine Energy System Pipeline projects 17 U.S.C. 106(A)(a)(2)(3) and 106(5). The initial ownership of a copyrighted work vests in the author of the work.

The law establishes copyright infringement. Two elements must be shown: “(1) ownership of a valid copyright, and (2) copying of constituent elements of the work that are original.” [See Appendix “2” pgs. 27 to 30 and pg. 51]. (“Once the Plaintiff produces a Certificate of Copyright, the burden shifts to the Defendant to demonstrate why the claim of copyright of technical drawings and blueprints is invalid of the Water Turbine Energy System Pipeline that was built by Lucid Energy, Inc.

The United States Court of Appeals for the Eleventh Circuit overlooked and misapprehended the complaint and Appendices Records.

On June 10, 2004, the Plaintiff sent a package to the Secretary of the U.S. Department of Energy in Washington, D.C. that contained 151 pages and 44 technical drawings that deal with new technology to produce clean electricity by using only water. That package was sent via Certified Mail and was received on June 17, 2004. The Office of the Executive Secretary extensively searched their files and could not find the 151 pages and 44 technical drawings with blueprints that were received by the U.S. Department of Energy because the package was stolen by someone. [See Appendix “4” pgs. 81 to 86].

On May 24, 2007, the Plaintiff sent a copy of the same portfolio via Certified Mail to the Department of Energy in Washington D.C. and to the California Energy Commission with 151 pages and 44 technical drawings along with blueprints of six different clean and renewable energy sources. The package was received by the California Energy Commission on May 24, 2007. On October 3, 2007, the Plaintiff requested that the Director of the California Energy Commission advise the Plaintiff regarding the status of the portfolio for the Water Turbine Energy System Pipeline but never received a reply. [See Appendix "4" pgs. 92 to 97]. Now the fact is that there is evidence that supports the Plaintiff's copyright of the Water Turbine Energy System Pipeline that was stolen from the Plaintiff and built by other person in violation of Amendment V of the U.S. Constitution.

Lucid Energy, Inc.'s copyright and patent that were filed in 2007 and 2015 contain the same literary work as the Plaintiff's book with the same specifications, drawings and designs as the Plaintiff's, Samuel Rivera Rosado, architectural work and designs that are contained in the Plaintiff's copyright. Now, Lucid Energy, Inc.'s project contains the same literary language, facts, theory, topics and detail that are found in the Plaintiff's manual book, "*The New Super-Power Square Pipeline that Produces Electricity from Fresh or Seawater*" that was registered by the Plaintiff in 2001 and 2003 with the U.S. Copyright Office [See Appendix "2"]

pgs. 27-60 and Appendix "3" pgs. 61-77]. The Court cannot allow Lucid Energy, Inc. to operate with stolen property relating to racketeering.

REASONS FOR GRANTING THE PETITION

The court cannot allow the company to steal or take a person's copyright design, drawings or literary work and then patent and copyright the original owner's property because The Fifth Amendment to the United States Constitution holds that no person shall be deprived of private property to be taken for public use without just compensation.

Article I, Section 8 of the United States Constitution holding that: to promote the progress of science and useful arts by securing for limited to authors and inventors the exclusive right of copyright to their respective writing and discoveries. This approach is consistent with the Copyright Act. A patent owner, a copyright holder possesses the right to exclude others from using his property. "Copyright and patent is at once the equivalent given by the public for benefits." (Internal quotation mark omitted). The Patent Act, the Copyright Act, provide that courts "may" grant injunctive relief on such terms as it may deem reasonable to prevent or restrain infringement of copyright.

The Plaintiff's complaint against Lucid Energy, Inc. for stolen property, designs and drawings, should be otherwise re-examined by the United States Supreme Court on the merits according to Article III, §2 of the United States Constitution. The judicial power shall extend to all cases in laws and equity arising under this constitution. The laws of the United States, the Plaintiff's civil

complaint in violation of Copyright Act by Lucid Energy, Inc., that shall be re-examined by the United States Supreme Court under Amendments VII and XI of the United States Constitution. The Judicial power of the United States shall not be construed to extend to any suit.

The United States Supreme Court shall, and must, protect any person, like the Plaintiff's property from being stolen or taken or infringed upon from a company like Lucid Energy, Inc. The Plaintiff's stolen copyright design, technical drawings and blueprints of the Water Turbine Energy System Pipeline that was built by Lucid Energy, Inc. for commercial advantage and private monetary gain makes millions of dollars for Lucid Energy, Inc. for years to come in violation of Title 17 U.S.C.A. §506(a)(1)(A) and Title 18 U.S.C.A., §2319. [See Appendix "5" pgs. 123 to 125].

Here, the District Court dismissed the complaint and the Eleventh Circuit affirmed the dismissal holding that Plaintiff Samuel Rivera Rosado would not be entitled to relief even after accepting as true that Mr. Samuel Rivera Rosado has a valid copyright and his technical drawings had been used to create a water turbine energy system pipeline without his permission. *Id.* To properly seek relief for Lucid Energy, Inc's. Alleged reliance on his copyright infringement because Lucid Energy, Inc. filed for patent and the Plaintiff has a copyright. The court overlooked and misapprehended laws and the constitution. In *Eldred. v. Ashcroft*, 537 U.S.

186, 123 S Ct. 769, 154 L.Ed.2d 683 (2003), the United States Supreme Court dissent by Stevens Breyer. 4. “The copyright law, like the patent statutes, makes reward to the owner a secondary consideration.” In *Fox Film Corp. v. Doyle*, 286 U.S. 123, 127, 52 S.Ct. 546, 76 L.Ed. 1010 (1932); see also id. at 127, 128 52 S.Ct. 546. (Copyright at Patent is at once the equivalent given by the public for benefits bestowed by the incentive to further efforts for the same important objects.” (Internal quotation marks omitted). The Patent Act, the Copy-right Act, provides that courts “may” grant injunctive relief on such terms as it may deem reasonable to prevent or restrain infringement of copyright.

The Plaintiff has “exclusive rights” ownership under the copyright registration by the copyright office of the Water Turbine Energy System Pipeline that produces clean electricity by using the city water utility main pipe, the same system that was built by Lucid Energy, Inc. without the Plaintiff’s permission or any agreement in violation of copyright infringement. There cannot be two water turbine energy system pipelines by two different owners or two different systems that do the same work. In *Kaseberg v. Conaco, LLC.*, 260 F. Supp. 3d 1229, 1243 (D.D. Cal. 2017), the District Court held: “To determine whether two works are substantially similar in copyright infringement action, a two-part analysis and extrinsic test is applied for summary judgment, only the extrinsic test is important.” (Internal quotation marks are omitted). *Ganz Bros. Toys v. Midwest*

Importers of Cannon Falls, Inc., 834 F. Supp. 896, 899-901 (E. D. Va. 1993). The two works are extrinsically and intrinsically similar. Lyons Partnership v. Morris Costumes, Inc., 243 F. 3d 789, 801 (4th Cir. 2001). The two Water Turbine Energy System Pipelines in the Plaintiff's and Lucid Energy, Inc.'s copyright are the same as stated in the Plaintiff's book "*The New Super Power Square Pipeline That Produces Electricity by Using Fresh Water or Seawater.*" The Plaintiff's design and technical drawings consist of "unique original expression based on similarities of design, theory and invention ideas on which it is founded."

In both the Plaintiff's and Lucid Energy, Inc.'s Water Turbine Energy System Pipeline [See Appendix "2" pgs. 27 to 60 and Appendix "3" pgs. 61 to 77], these two devices do the exact same work with substantially the same result. They are the same even though they differ in name, form or shape." The doctrine of operates not only in favor of the patentee, see in Freeman v. 3M, 697 F. Supp. 134 (3rd Cir. 1988). The court held that: to prove this infringement claim, he would have to prove that they performed substantially the same function in substantially the same way to achieve the same result. Grave Tank, et Mfg. Co. v. Kinde Air Products, Co., 339 U.S. 605, 608 (1950).

The Plaintiff's copyright infringement complaint against Lucid Energy, Inc. must be reviewed on the merit because the Water Turbine Energy System Pipeline works are substantially similar.

The Lucid Energy, Inc. Water Turbine Energy System Pipeline design does not work without the Plaintiff's design, ideas, and invention under the Plaintiff's property copyright protection. Lucid Energy, Inc. operated with stolen property in violation of Title 17 U.S.C.A. §506(a)(1), Title 18 §2319, Title 17, U.S.C. §106 through §122 and Title 17, U.S.C. §501. Infringement copyright section (b) the legal or beneficial owner of an exclusive right under a copyright is entitled subject to the requirements of Title 17 U.S.C. §411(a). In the language of the day, "science" includes work of authorship of the Plaintiff Water Turbine Energy System Pipeline in Constant v. Advances Microdevices, Inc., 848 F. 2d 1560, 1564 N. 4 (Fed. Cir. 1988). Article I §8 of The United States Constitution has consistently construed the patent and copyright clause to permit judicial review of patents can be challenged in court. In Satellite Board of Commons Assn. v. FCC, 275 F. 3d 336, 367 (4th Cir. 2001), the court held that: copyright law that congress passed the Copyright Act of 1876, Pub. L. No. 94-553, 90 Stat. 2541, which provides that owners of copyrights have the exclusive right to authorize public performances of those works. Title 17 U.S.C. §106(4). Although the Copyright Act of 1909 had granted copyright holders a similar right to control public performances. Supra id. at 275 F. 3d 363-367. The United States Supreme Court has recognized congress act to grant permanent copyright protection to an author and designer.

The United States Supreme Court delivered the opinion of the court held in Florida Law Weekly, Federal Vol. 27, Number 47. Fourth Estate Public Benefit Corporation v. Wall Street Com. LLC, et al, S.U. Supreme Court, January 8, 2019 – decided March 4, 2019. The opinion of the court holding: Copyright infringement registration occurs and a copyright claimant may commence an infringement suit when the copyright office registers a copyright, a copyright owner can recover for infringement that occurred both before and after registration. The District Court dismissed the complaint and the Eleventh Circuit affirmed holding the scope of copyright protection is limited, unlike a patent, which protects the duplication of an invention. The court overlooked and misapprehended that Lucid Energy, Inc.'s Water Turbine Energy System Pipeline is stolen property which makes the patent invalid for tampering with the stolen copyright design, drawings and blueprints in violation of Title 18 U.S.C.A. §1365(2) and §1344 (1)(2)(2018). When copyright infringement occurs from stolen property by Lucid Energy, Inc. with the Plaintiff's Water Turbine Energy System Pipeline for commercial advantage and private financial gain, that is fraud for tampering with the stolen copyright design, drawings and blueprints. Lucid Energy, Inc. is doing illegal transactions with the U.S. Department of Energy, the U.S. Copyright Office, the U.S. Patent Office and the U.S. Securities and Exchange Commission. Lucid is guilty of copyright infringement, mail fraud and racketeering in violation of the RICO Act and for

being guilty of aiding and abetting with Mr. Gregg Semler. Lucid faces serious criminal charges. The record is clear. [See Appendix “5” pg. 112] [See Appendix “1” pg. 16] [See Appendix “1” pg. 23] [See Appendix “2” pgs. 27 to 60] [See Appendix “3”” pgs. 63 to 75] The Plaintiff’s Water Turbine Energy System Pipeline existed and was designed before Lucid Energy, Inc. became a company in 2007 and built their Water Turbine Energy System Pipeline in 2011. [See Appendix “4” pgs. 78 to 102].

The Plaintiff’s copyrighted technical drawings and copyrighted new book, “*The New Super-Power Square Pipeline That Produces Electricity by Using Fresh or Seawater*” are protected by the copyright office registration. The Water Turbine Energy System Pipeline cannot be built or used for monetary gain without the Plaintiff’s permission. See *Kirtsaeng v. John Wiley & Son, Inc.*, 568 U.S. 519, 557, 133 S.Ct. 1350(2012). The United States Supreme Court held that: Title 17 U.S.C.A. §106 of the Copyright Act grants the owner of a copyright under this Title “certain” exclusive rights, “including the right to distribute copies. . . of the copyrighted work to the public by sale or other transfer of ownership.”

Title 17 U.S.C. §106(3):

“No Part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form by any means. . . except as permitted under section 107 or 108.”

The Court in this case should direct an award for the Plaintiff for the Water

Turbine Energy System Pipeline that Lucid Energy, Inc. built from the Plaintiff's copyright ownership for violation of copyright infringement. The record and evidence shows the Water Turbine Energy System Pipeline belongs to the Plaintiff and not to Lucid Energy, Inc. according to Appendix "2" and "4" or as an alternative, this Court should let this case go to trial to make a verdict according to Amendment VII of The United States Constitution which must be upheld in this civil case.

CONCLUSION

The Plaintiff's Petition for a Writ of Certiorari should be granted. The law is clear in this civil case according to *Bateman v. Mnemonic, Inc.*, 79 F. 3d 1523, 1541 (11th Cir. 1996). (Once the Plaintiff produces a certificate of copyright registration by the copyright office, the burden shifts to the Defendant Lucid Energy, Inc. to demonstrate why the Plaintiff's claim of copyright protection is invalid.) Supra in *Roberts v. Lord*, 877 F. 3d 1024, 1025 (11th Cir. 2015). . . The issue is that there cannot be two water turbine energy system pipelines that do essentially the same work and one system is protected with a copyright and the other with a patent, but the one protected by the patent is a stolen project from the owner's copyright by Lucid Energy, Inc. The work and design of the two Water Turbine Energy System Pipelines are essentially the same. [See Appendix "2" and "3"].

"Now the Court needs to determine the true owner of the Water Turbine Energy System Pipeline by identifying who was first to design the system.

The requirement of the law and Amendment V of The United States Constitution require no less under due process of law and the equal protection of these laws, that no person shall be deprived of any right or property under similar case law or constitutions situated persons are equal under the law and must be treated as like one, according to Amendment XIV(1) of The United States

Constitution. The United States Supreme Court shall remand this case back to the U.S. Court of Appeal for the Eleventh Circuit to address this case on its merits and make Lucid Energy, Inc. show cause on the merits.

This Petition for Writ of Certiorari should be granted.

Respectfully Submitted,



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