

No: 20-5532

In The
Supreme Court of the United States

.....
LARRY GOLDEN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Defendant

.....
**On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Federal Circuit**

.....
SUPPLEMENTAL BRIEF ON PETITION FOR CERTIORARI
.....

Larry Golden, Petitioner, Pro Se
740 Woodruff Rd., #1102
Greenville, South Carolina 29607
(864) 288-5605
atpg-tech@charter.net

REC
OCT 1
OFFICE OF
SUPRE

ORIGINAL QUESTION PRESENTED

If the Government: on the Executive level accepts a person's intellectual property, passes it on to a government agency to be used with the public without paying just compensation; on the Legislative level accepts a person's intellectual property, passes it on to a government agency to be used with the public without paying just compensation; on the Executive level breaches an implied-in-fact contract to pay just compensation for the use of a person's intellectual property with the public without paying just compensation; on the Legislative level breaches an implied-in-fact contract to pay just compensation for the use of a person's intellectual property with the public without paying just compensation; after inviting the intellectual property owner to several events (i.e. "SBIR Tour" in Colorado where several government agencies discussed and accepted the intellectual property; "TRUST" Industry Day in California where a government agency discussed and accepted the intellectual property; Oakridge National Laboratory (ORNL) in Tennessee where a collaborative agreement was formed for use of the intellectual property; collaborative agreements was formed with Federally Funded Research Laboratories (i.e. Army Research Laboratory (ARL), Navy Research Laboratory (NRL)) for the use of the intellectual property with the public without paying just compensation; and, two trips to the Department of Homeland Security (DHS) where the agency discussed and accepted the intellectual property, etc.) and used the intellectual property with the public in the form of soliciting request for information (RFI), request for proposals (RFP), grant applications, without paying just compensation; agency project managers and contracting officers for at least that of Department of Homeland Security breached implied-in-fact contracts to pay just compensation; government agency (DHS) not authorized to challenged intellectual property rights through a petition for *Intra Partes Review* (IPR) causes a "taking" of the intellectual property without paying just compensation; administrative court initiates a petition for *Intra Partes Review* (IPR) from an unauthorized governmental agency (DHS) that causes a "taking" of the intellectual property without paying just compensation; administrative court initiates a "frivolous" petition for *Intra Partes Review* (IPR) that violates statute and procedure (initiating the review with unauthorized prior art that does not antedate the challenged patent and claims) causes a "taking" of the intellectual property without paying just compensation; frames all of the government "intentional" use with the public (described above) as government "incidental" use with the

public of the intellectual property, causes a “taking” of the intellectual property without paying just compensation; “takes” the intellectual property in any or all the ways described in this question; has the Government “taken” private property under the Fifth Amendment Clause of the U.S. Constitution for the benefit of the public without paying just compensation?

SUPPLEMENTAL QUESTION PRESENTED

Since the abolishment of slavery, Blacks are constantly reminded of their place in the judicial system, and the system's power of depriving them of life, liberty, and the pursuit of happiness. Discrimination in civil justice is perhaps most pervasive and deep rooted where the heritage of slavery and legislated segregation remains a potent factor when founded on Blacks and other minorities stepping outside established constraints.

As a Black Inventor, I've had to do more, be more, have more, and endure more than any of the white inventors I have come to know. I've had to endure racism, prejudice, bias, partiality, favoritism, and discrimination over a nineteen-year span to receive a fair trial and compensation for the three economic stimulus packages I submitted to government that include product grouping strategies, and the technological rational (i.e. specs and diagrams of inventions) needed to stimulate our Nation's economy after the 9/11 terrorist attacks.

This supplemental brief illustrates the simultaneous performance of unjustified opinions and orders, and the utterance of cultural racism, by at least that of the United States Court of Federal Claims (CFC); the Patent Trials and Appeals Board (PTAB); the United States District Court for the District of South Carolina-Greenville Division; and the United States Court of Appeals for the Federal Circuit (CAFC). The denial of remedies to Blacks within a civil justice system or the disparate effect of disenfranchisement of me as a member of the particular group, is evidence of unjustified racial discrimination regardless of the intent of lawmakers, attorneys and judges.

42 U.S. Code § 1981. Equal rights under the law: (a)Statement of equal rights. "All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens..."

Discrimination can arise from practices with racist intent, in which my presumed race is the determining factor in placing me under suspicion, and denying me of certain rights, such as: my right under the Fifth Amendment to be paid just compensation for the "taking" of my property; my right under 28 U.S. Code § 1498 to seek remedy in the Claims Court whenever

my patented inventions are manufactured for or used by the Government; my right under 35 U.S. Code § 271—Patent Infringement against “whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States...”; my right under the Sherman Act which outlaws “every contract, combination, or conspiracy in restraint of trade,” and any “monopolization, attempted monopolization, or conspiracy or combination to monopolize”; my right under the Seventh Amendment of a jury trial; and my right as a Pro Se to have pleadings reviewed on a less stringent basis than that of an attorney.

The discrimination I am experiencing is deliberate, reflecting an unpleasant bias. The decisions in my case flow from seemingly neutral decisions that nonetheless produce an unjustified racially disparate impact. This type of racial discrimination contradicts the principles of justice and fairness that should be the bedrock of any civil justice system. The JUSTICES of this Court (i.e. the Supreme Court of the United States) must take steps to identify and address the racist impact of any element of the justice system.

Is it legal for the members, and/or agencies of any of the branches of Government to work in UNISON, which is the “simultaneous performance of action or utterance of speech” to take private property under the Fifth Amendment clause of the Constitution, without paying just compensation?

PARTIES TO THE PROCEEDING

The parties to the proceeding in the United States Court of Appeals for the Federal Circuit were Petitioner Larry Golden and Respondent United States of America.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED Sought	ii
PARTIES TO THE PROCEEDINGS	vi
TABLE OF AUTHORITIES	vii
STATUTES AND CONSTITUTIONAL PROVISIONS INVOLVED	1
SUPPLEMENTAL BRIEF ON PETITION FOR CERTIORARI	1
I. United States Court of Federal Claims	1
II. United States Court of Appeals for the Federal Circuit	4
III. United States District Court for the District of South Carolina	9

TABLE OF AUTHORITIES

<i>Larry Golden v. United States</i> ; Case No.: 1:13-cv-00307-EGB.....	1
<i>Elektra Enter. Group v. Santangelo</i> , 2005 U.S. Dist. LEXIS 30388	3
<i>Steinbrecher v. Oswego Police Officer Dickey</i> , 138 F. Supp.2d 1103, 1109-1110 (N.D. Ill.2001)	3
<i>Bell Atlantic</i> 127 S.Ct. at 1974	4
<i>Disc Disease Solutions v. VGH Solutions</i>	4
<i>Comcast Corp. v. National Assn. of African American-Owned Media</i> , No. 18-1171 (Mar. 23, 2020)	4, 9, 11
<i>Golden v. Apple Inc.</i> , No. 6:19-cv-02557	5
<i>MetroSpec Technology LLC v. Hubbell Lighting, Inc</i>	5, 7
<i>Corning Optical Communications LLC v. FiberSource Inc</i>	5, 7
<i>Summagraphics Corporation v. U.S.</i>	7
<i>Bell Atlantic Corp. v. Twombly</i> , 550 U.S. 544 (2007)	8, 10
<i>Ashcroft v. Iqbal</i> , 556 U.S. 662 (2009)	8, 10
<i>In re Bill of Lading Transmission & Processing Sys. Pat. Litig.</i> , 681 F.3d 1323, 1341 (Fed. Cir. 2012)	8, 10
<i>Julie Cook v. Nvidia Corporation; ATI Technology, Inc. and Advanced Micro Devices, Inc.</i>	9
<i>Larry Golden v. Apple et al.</i>	9

STATUTES AND CONSTITUTIONAL PROVISIONS INVOLVED

28 U.S.C. § 1491(a): my right under the Fifth Amendment to be paid just compensation for the “taking” of my property; my right under 42 U.S. Code § 1981 to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens...”; my right under 28 U.S. Code § 1498 to seek remedy in the Claims Court whenever my patented inventions are manufactured for or used by the Government; my right under 35 U.S. Code § 271—Patent Infringement against “whoever without authority makes, uses, offers to sell, or sells any patented invention, within the United States or imports into the United States...”; my right under the Sherman Act which outlaws “every contract, combination, or conspiracy in restraint of trade,” and any “monopolization, attempted monopolization, or conspiracy or combination to monopolize”; my right under the Seventh Amendment of a jury trial; and my right under as a Pro Se to have my pleadings admitted on a less stringent basics than that of an attorney”

SUPPLEMENTAL BRIEF ON PETITION FOR CERTIORARI

United States Court of Federal Claims

I have a case pending in the United States Court of Federal Claims (COFC); *Larry Golden v. United States*; Case No.: 1:13-cv-00307-EGB (13-307C). There are ten (10) alleged claims pending in the case. In an effort to expedite the proceedings and to reduce the cost to litigate the case for the Government and myself, I submitted on 7/07/2020 a motion to lift the “stay” and to reduce the ten pending alleged claims down to only one. Too this day, 9/28/2020 my motion has not been entered on the docket. I’ve made several calls of inquiry. I submitted to the presiding Judge and the Chief Judge on August 24, a motion for summary judgement on the amended complaint, but cannot get a response. The Chief judge is complicit with the discriminatory actions of the Judges. The USA was served a copy of all motions.

Susan Gertrude Braden (born November 8, 1948). Former Chief Judge of the United States Court of Federal Claims was appointed to that court in 2003 by President George W. Bush. She was confirmed by the United States Senate, and was sworn into office by Senator Jeff Sessions (who has a long history of prejudice against Blacks), then Chairman of the Senate Subcommittee on Administrative Oversight & the Courts. She was appointed Chief Judge