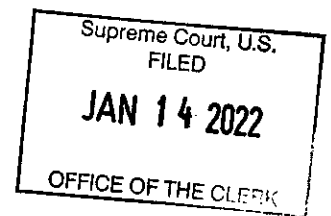


No. 21-1037



In The

Supreme Court of the United States

Steve Wilson Briggs,

Petitioner,

v.

James Cameron, News Corporation, Twentieth Century Fox Film Corporation, Zero Gravity Management LLC, Internet Archive, Lightstorm Entertainment Inc., Michael Pierce, Mark Williams, Robert Mark Kamen,

Respondents,

On Petition for a Writ of Certiorari to the

United States Court of Appeals for the Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

Steve Wilson Briggs
In Propria Persona
4322 Chico Ave.,
Santa Rosa, CA 95407
(510) 200-3763
snc.steve@gmail.com

Petitioner

QUESTIONS PRESENTED

1. Whether, by disregarding properly established U.S. authorities (*Corpus Juris Secundum*, C.J.S.), to surreptitiously create its own copyright law system (based on Melville and David Nimmer's "*Nimmer on Copyright*", which runs counter to the C.J.S.), the 9th Circuit has betrayed the Founders' intents.
2. Whether U.S. judges and justices' ownership of shell corporations subverts faith in the U.S. judicial system, and/or betrays the Founders' intents.
3. Whether a ruling that ignores superseding law, to base itself in subordinate law, can be valid.
4. Whether U.S. federal courts using *Ashcroft v Iqbal* to avoid accountability and hide their improper copyright infringement rulings, has undermined America's national character and global standing.

PARTIES TO THE PROCEEDING:

The Petitioner is Steve Wilson Briggs.

The Respondents are James Cameron, News Corporation, Twentieth Century Fox Film Corporation, Zero Gravity Management LLC, Internet Archive, Lightstorm Entertainment Inc., Michael Pierce, Mark Williams, Robert Mark Kamen.

III. The 9th's Memorandum And Judgment Violate Federal Law, As The 9th Has Improperly Omitted The True And Tested Supplemental Federal Copyright Authorities (<i>Corpus Juris Secundum</i> ; C.J.S.), Which The 9th Has Improperly Supplanted With Improperly Introduced, <i>Homemade</i> Authorities Improperly Introduced Authorities, Which Conflict With The C.J.S.....	12
IV. The Judgment Violates Federal Law, As The Judgment And Memorandum Are Based On Invalid Legal Citation, Improperly Introduced In 1982.....	19
V. The 9th's Judgment And Memorandum Are In Conflict With Federal Law, As It Is Based On The Assertion That "Unprotectable Elements" Must Be Removed And The "Protectable Elements" Compared. But These Terms (<i>Unprotectable, Protectable</i>) Are Meaningless In U.S. Copyright Law.....	20
VI. The 9th's Judgment And Memorandum Are In Conflict With Other Circuit Courts, And In Conflict With Its Own Prior Rulings. The District Judgment Wholly Relied On Overruled Copyright Law, And Ignored The Plaintiff's Citation Of Prevailing Law.....	21
VII. The 9th's Judgment And Memorandum Conflict With Relevant Decisions Of This Court. The Judgment's Improper Mention And Mischaracterization Of The Petitioner's Prior Suits (In The First Sentence) Has Never Been Done To A Corporate Plaintiff In 9th History, And Was Irrelevant; Showing The 9th's Prejudice Toward Actual Person Litigants, And An Intent To	

TABLE OF CONTENTS

QUESTIONS PRESENTED.....	i
PARTIES TO THE PROCEEDINGS.....	ii
TABLE OF CONTENTS.....	iii
TABLE OF AUTHORITIES.....	vi
PETITION FOR A WRIT OF CERTIORARI.....	1
OPINIONS BELOW.....	1
JURISDICTION.....	1
STATUTORY PROVISIONS INVOLVED.....	2
STATEMENT.....	2
A. Proceedings In District Court.....	5
B. Proceedings In Court Of Appeals.....	9
REASONS FOR GRANTING THE PETITION	
I. Is <i>Ashcroft V Iqbal</i> Constitutional, And/Or At Odds With Copyright Law? And Does U.S. Judges/Justices Owning Shell Corporations Erode Faith In US Courts?.....	10
II. The Ninth's Memorandum And Judgement Conflict With Federal Law. The Ninth's Method Of Denying "Compilation Of Preexisting" Claims (Aka "Selection And Arrangement" Claims) Violates Copyright Law, Per The <i>Copyright Act Of 1976</i>	12

Subvert The Petitioner's Right To A Fair Hearing, In Violation Of Procedural Due Process Rules (Requiring <i>A Decision Based Exclusively On The Evidence Presented</i>).....	23
VIII. The 9th's Judgment And Memorandum Violate Federal Procedure And The Petitioner's Due Process Rights. Three Months Into The Case, Hon Judge Orrick Recused; Replaced By Judge Chhabria, Who Preside Over Two Of The Petitioner's Prior Actions. The Petitioner Promptly Moved To Disqualify Chhabria, Under 28 U.S.C. §§ 144 & 455. But Chhabria Would Not Step Down.....	24
IX. The Ninth's Judgment/Memo Conflict With Federal Law And Abridged The Petitioner's Due Process Rights. By Concluding It's Memorandum, "No Further Filings Will Be Entertained In This Closed Case," When The Petitioner Was Entitled To One More Filing (Per FRAP 35, 40), The 9th Subverted The Petitioner's Due Process Rights.....	25
X. The Ninth Engaged In Conduct That Violates Federal Law And The Petitioner's Rights, To Such An Extent That Reversal Is Necessary.....	26
XI. The Impropriety Of The Judgment/Memo Is Proven By Comparing The Petitioner's Creative & Complex Claims To The Simplistic, Generic Claims Of 20th Century-Fox v. MCA.....	26
CONCLUSION.....	34

APPENDIX

Appendix Table.....	0a
A = Memorandum) of the Court of Appeals.....	1a
B = Order (<i>Judgment</i>) of the District Court.....	4a
C = Judgment of the District Court.....	10a

TABLE OF AUTHORITIES

Cases	Pages
<i>Arnstein v Porter</i> (2nd Cir, 1946).....	28
<i>Ashcroft v Iqbal</i>	I, 4, 5, 10, 11, 12, 13
<i>Bell Atlantic v Twombly</i> (2007).....	4, 12
<i>Benny v. Loew's Incorporated</i> (9th Cir., 1956).....	20
<i>Berkic v Crichton</i> (1985).....	23
<i>Briggs v Blomkamp</i> (2013)	27, 28
<i>Briggs v Cameron</i> (2020).....	5
<i>Briggs v Spacey</i> (2018).....	10, 28, 29
<i>Briggs v Universal</i> (2017).....	10, 27, 29
<i>Feist Publications, Inc., v. Rural Telephone</i> <i>Service Company, Inc. U.S.</i> (1991).....	14
<i>Funky Films, Inc. v. Time Warner Entertainment Co., L.P.,</i> 462 F.3d 1072, 1077 9th Cir, 2006).....	23, 26
<i>Jason v Fonda</i> (1982).....	23, 24, 34

<i>Kalem Co. V. Harper Bros</i> (1911).....	19
<i>Kouf v Walt Disney</i> (1994).....	23
<i>L.A. Printex Indus. Inc. v Aeropostale, Inc.</i> , 102 U.S.P.Q.2nd (BNA)(9th Cir 2012).....	25, 27
<i>Litchfield v Spielberg</i> (1984).....	23

PETITION FOR A WRIT OF CERTIORARI

Petitioner Steve Wilson Briggs respectfully petitions for a writ of certiorari to review (to reverse or remand) both the *Memorandum* of the United States Court of Appeals for the Ninth Circuit, and the Judgment (Order To Dismiss), entered by the U.S. District Court, Northern District Of California.

OPINIONS BELOW

The Ninth Circuit's Memorandum is unpublished, but is included in Petitioner's Appendix, at A (pages 1a to 3a); the District Order (Judgment) granting the Defendants'/Respondents' motion to dismiss is included in the Appendix at B (pages 4a to 12a); the District judgment is included at C (page 13a).

JURISDICTION

On October 16, 20120, the District Court granted the Defendants'/Respondents' motion to dismiss, in its central contested *Judgment* (Order to Dismiss). Plaintiff Steve Wilson Briggs (*Petitioner*) filed a timely Notice of Appeal to the Ninth Circuit Court of Appeals on Nov 12, 2020, filed a timely appeal on December 16, 2020, and filed a timely substitute-corrected brief on January 13, 2021. October 12, 2021, a 9th Circuit panel affirmed the dismissal, in the contested *Memorandum*, which was not *filed* until October 20, 2021. This Court has jurisdiction, per 28 U.S.C. § 1254(1).

STATUTORY PROVISIONS INVOLVED

17 U.S.C. (§§ 101 et seq.)

STATEMENT

The U.S. Supreme Court rarely hears copyright infringement cases. In the last 78 years, the Court has only heard 31 substantive copyright cases (although the massive U.S. economy is driven by intellectual property ownership), and only 10 of those 31 cases involved actual persons, while the remaining 21 cases involved corporate litigants. These facts show that, although the Founders enacted and envisioned US Copyright Law to protect the common man from the infringement and theft of the wealthy and corporations, the U.S. Supreme Court, like the 9th Circuit, has abandoned or forgotten the Founders' intent, and has improperly dedicated its efforts to protecting corporations, rather than to protecting America's true creators and America's true economic driver: the common man.

Because of the Supreme Court of the United States' (SCOTUS) inattention to copyright affairs, a dangerous and embarrassing situation has developed in the Ninth Circuit. Worse, concurrent to these problematic developments in the 9th, the U.S. Supreme Court enacted law (on split decision) which has had a disastrous impact on the US's global standing, and may have sowed the seeds of the January 6, 2021 insurrection.

In late 2006, the Petitioner conceived and introduced the concept of *aggregated data*, in a screenplay titled *Butterfly Driver* (originally titled *Uberopolis: City of light*, 2003-06), AND introduced the concept of using aggregated data to predict crime and military outcomes. In this same script, the Petitioner introduced the concepts of creating a massive digital replication of the Earth and the known

Universe, as a stage to run predictive scenarios (by accelerating the replication). Further, the Petitioner introduced the concept of scanning human bodies and brains, to make perfect digital replications, to insert into the Earth/Universe replication, also to run predictive scenarios. These since stolen concepts have since generated trillions in international commerce and have given birth to numerous international industries.

The Petitioner's Complaint shows that almost immediately after the Defendants (Defs) invited the Petitioner to send them his script (January 20, 2006), the Defs began falsifying documents and creating shell companies. In late 2006, after the Petitioner introduced the concept of aggregated data, the Defs' intensified their creation of shell corporations, and partnered with very powerful clientele, including the US government.¹

During this period (late 2006-'07) a person who appears to be the Ninth Circuit *Chief Justice* Sidney R Thomas formed 2 shell companies in Arizona: *Thomas-Hume Holdings, LLC* (Sept 2006), and *Trinity Property Development, LLC* (Jan 2007). Disturbingly, Thomas' business partner appears capable of facilitating the production of some of the disturbing technologies conceived by the Petitioner.

Worse, during this time, 2006 to 2010, three (3) SCOTUS justices seem to have owned multiple shells. A person named John G Roberts Jr owned 5 Maryland companies. A person named Anthony Kennedy owned 3 Maryland companies. A

¹ In 2008. ZGM's (Def/Res) owner, Michael Pierce (who was out of work in Sept 2005), opened an unknown company called *212 Degrees Fahrenheit Corporation*. The US Marines & Def Google (Google LLC, Alphabet) quickly became his clients.

person named Antonin Scalia owned 4 Ohio companies.²

This is worse than it appears, because during this period (2006-10), when 9th judges and SCOTUS justices were owning and creating shells, the SCOTUS made two unConstitutional rulings: *Bell Atlantic v Twombly* (2007) and *Ashcroft v Iqbal* (2009); often referred to, jointly, as “*Twiqbal*.” The fact that 3 SCOTUS justices may have owned shell corporations, at this time, is so troubling because the 3 justices who appear to have owned these corporations all voted in favor of *Iqbal* and *Twombly*.

It is possible that owning these corporations is/was innocuous. It is also possible these shells are/were created to launder payments to the Court.

For 13 and 15 years, respectively, *Iqbal* and *Twombly* have been lambasted as unConstitutional on various bases. Although arguments can be raised for the merits of these questionable laws in some cases, it is unquestionable that *Iqbal* and *Twombly* violate the intent and application of Copyright Law.

U.S. Copyright Law stems from the Constitution’s *Copyright Clause* (contemplated after the UK’s *Statute of Anne*; enacted to protect private citizens from the wealthy and corporate thieves). *Iqbal* violates Copyright Law, in principle and application, because it is used to dismiss actual person’s *actions* against corporations, but NEVER to dismiss corporate *actions* against actual persons. *Iqbal* is so abused that in its first 8 years it became one of the 5 most cited cases ever. By 2017, *Iqbal* had been cited over 85,000 times (now closer to 130,000).

² Details about these shells can be found on OpenCorporates.com, page 33 of the Petitioner’s *Motion To Recall The Mandate* (filed 12/31/21, in the Ninth, and posted on www.DataCaper.com).

Adding to this massive legal injury, Iqbal allows courts to dismiss litigants without providing a basis; wholly against Constitutional *due process* principles.

Compounding these problems, this Court's decades long inattention to copyright caprices in the 9th, has created an embarrassing situation, where the 9th has covertly introduced an invalid, untested "alternative" "authority" (*Nimmer On Copyright*), and has used this false authority to supplant the proper supplemental authority, the *Corpus Juris Secundum* (C.J.S.).³ Worse, because of this inattention, Nimmer has crept into other circuits.

A. PROCEEDINGS IN DISTRICT COURT

On March 4, 2020, the Petitioner filed a Complaint for copyright infringement (and subordinate causes) against the Respondents/Defendants, in the United States District Court for the Northern District of California (*Briggs v Cameron*, et al, assigned to the honorable Judge William Orrick, in the San Francisco Division). Under 28 U.S. Code § 1338 copyright disputes fall under federal jurisdiction.

The Complaint shows Def *Zero Gravity Management* (ZGM), a film company, filed a California business cancellation and went out of business on September 12, 2005. Four months later, January 20, 2006, after finding an online listing that stated ZGM was considering screenplay submissions, the Petitioner emailed ZGM, to see if they would like to read his script. ZGM affirmed and instructed the Petitioner to send his script. Six days later, ZGM filed a new California business

³ The Ninth's use of Nimmer goes diametrically against the C.J.S., which has been almost expunged from Ninth Circuit Copyright Law; so much so, that it took the Petitioner 8 years of 9th Circuit Copyright Law study to discover the C.J.S.

statement, and went back in business. 9 months later (Sept 2006), ZGM's owners formed a new business, *Future Service, Inc* (FSI)⁴, which quickly became a subsidiary of Defs News Corp and 20th Century Fox, the distributors of the infringing films (Avatar and Taken).

Beyond its countless conventional copyrightable expressions, the Complaint explained how the Petitioner's script also contained 6-12 profoundly original ideas and story-telling approaches, such as:

1. The Script is the first to feature a hero whose goal, first act to last, is to go to impossible lengths for the life of his child (or family member).
- This family-centric plot structure, not done before in sci-fi (or any genre), made sci-fi matter to viewers who might not otherwise enjoy sci-fi.
2. The Script is the first sci-fi, adventure or fantasy script to break convention, by (1) imposing a panoply of divisive current political social issues on a sci-fi canvas, (2) amplifying these issues.
- This also made sci-fi matter to non sci-fi fans.
3. The Script featured the conceptual technology of a mind/soul/body scanner, which made digital reproductions of people—with minds and souls.
4. The Script (1) took a panoply of modern religious and spiritual issues, and imposed them on a new sci-fi canvas, then (2) amplified these aspects.
- Prior to the Script, modern religion and God were all but forbidden in sci-fi (and most genres).

⁴ FSI was an unlawful shell company (as were dozens of companies identified in the Complaint), outlawed Jan 1, 2021. In September 2019, as the Plaintiff wrote the Complaint, after 13 years in "business", FSI suddenly closed.

The Complaint, attachments, and filings show:

- a. To unlawfully backdate their infringement, and fraudulently claim credit for the Petitioner's ideas, the Defs created an elaborate false story that James Cameron wrote a *scriptment*, *Project 880* (later claiming the scriptment was originally titled *Avatar*) around 1996.
- b. The Defs supported this "scriptment" scheme by having major publications publish backdated, fake articles about the scriptment (in outlets like Hollywood Reporter, Bloomberg's BusinessWeek, Guardian, MTV.com, Variety.com, and Wikipedia).
- c. The Defs reinforced their fake articles with countless fake Internet Archive (IA) *crawls*. The complaint includes countless fake IA crawls, and explains how to identify the fake URL element. Debunking all of the fraudulent IA crawls and fake articles required attaching over 100 exhibits.
- d. To support their theft and infringement, the Defs created dozens of fraudulent shell corporations.
- e. The Defs continually hacked the Petitioner for roughly 20 years.
- f. January 14, 2020, as the Plaintiff prepared a video attachment for the Complaint, the Plaintiff happened to video-taped the Defs' hacking into his laptop (this video is attached to Complaint).^{5 6}
- g. The Defs hacked into the Petitioner's computer using the hacking companies

⁵ See <https://www.youtube.com/watch?v=5pUX3T37iTY>

⁶ That same day, Jan 14, 2020, the NSA announced a vulnerability in Chrome browsers, which allows hackers to send false URLs to targeted Chrome browsers.

“Liberate Technologies” (1999-2005), and “Motion Pictures Laboratories,” AKA “MovieLabs” (2005 to 2020). These companies employed the same hackers: Steve Weinstein, R Drewry, C Seidel, J Helman.

- h. In 2004, federal prosecutors indicted Liberate Technologies’ (LT) COO, Donald Fitzpatrick, because LT “used its own funds to create the false appearance of legitimate revenue.”
- i. *MovieLabs* was owned and formed by the Motion Picture Association (MPA) in 2005. The Motion Picture Association is jointly owned by the Big 6 film companies (which included Defendant/Respondent 20th Century Fox).⁷ The MPA hired Steve Weinstein as *MovieLabs*’ first CEO. Weinstein had been the Chief Technology Officer (CTO) at Liberate Technologies.⁸
- j. Steve Weinstein teaches/taught “Hacking For Defense” to US intelligence prospects at Stanford University, and at the U.S.’s 16th Air force.⁹
- k. *MovieLabs* patented its hacking technology. The patent features a schematic of how *MovieLabs* hacks a single “local peer” (the Petitioner) and distributes the stolen information to “remote peers” (Big 6 studio infringement coordinators).
- l. In 2007, the Defs erased all of the Petitioner’s outgoing emails, from May 2005 to 2007, by sending an infected email from sefilmclub.com (all in effort

⁷ Around the time that the Petitioner filed his Complaint (2020), 20th Century Fox closed; absorbed by parent company, Disney.

⁸ Given that Liberate Technologies (LT) was investigated and closed for fraud in 2004, it is unlikely and suspicious that the MPA would hire Steve Weinstein (Liberate Technologies’ CTO) as the CEO of *MovieLabs*.

⁹ The Petitioner’s filings and his Appellate Brief actually contained photos of Weinstein teaching U.S. intelligence prospects at the 16th Air Force.

to erase his script).¹⁰

m. The Defs used the US Copyright Office to produce fraudulent and backdated copyright registrations. The US Copyright Office also provided these illegal services to foreign nations.

Surprisingly, June 23, 2020, after sixteen weeks on the case, without explanation, Honorable Judge Orrick suddenly recused, and was immediately replaced by Judge Chhabria, who “happened” to preside over the Petitioner’s prior suits (*Briggs v Universal*; *Briggs v Spacey*). The Petitioner moved to disqualify Chhabria. However, Chhabria would not step down.

Plaintiff moved to default Defs ZGM and Kamen, for failing to respond to service. Judge Chhabria did not default these Defendants.

The District dismissed the case, under Rule 12(b)(6) (*Iqbal*), on October 16, 2020.

B. PROCEEDINGS IN COURT OF APPEALS

The Petitioner submitted his Opening Brief to the Ninth Circuit on December 16, 2020.

In February 2021, the Petitioner learned that 25 of his filings had been surreptitiously removed from the public docket (without informing the Petitioner). The documents had been removed months earlier, when the case was in the district.¹¹

¹⁰ The Complaint also shows the Defs used Corporate Service Company (CSC) to falsify their websites’ WHOIS protocols. As the Plaintiff wrote the Complaint, CSC erased the WHOIS protocol records of sefilmclub.com.

¹¹ The Petitioner learned that the filings had been removed (months earlier) when he happened to scrutinize the docket filings in his appellate *Excerpt of the Record*.

On October 20, 2021, the district clerk's office filed the Ninth Memorandum, which ended with the improper statement: "No further filings will be entertained in this closed case." This statement was improper because, at the time, the Petitioner was still entitled to file a motion for rehearing, under FRAP Rule 35 and 40.

REASONS FOR GRANTING THE PETITION

**THE QUESTIONS PRESENTED ARE OF EXCEPTIONAL IMPORTANCE,
AND THIS CASE IS A SUPERIOR VEHICLE FOR ADDRESSING THESE
QUESTIONS**

I

**IS *ASHCROFT v IQBAL* CONSTITUTIONAL, AND/OR AT ODDS WITH
COPYRIGHT LAW? And Does U.S. Judges/Justices Owning Shell
Corporations Erode Faith In US Courts?**

Ashcroft v Iqbal (2009) commits several unthinkable judicial evils, two of which manifest in this case: (1) *Iqbal* subverts actual persons' Constitutional right to due process; (2) *Iqbal* allows for the corruption of the Court itself.

In 2009, Justice Breyer was so concerned about *Iqbal*'s potential to corrupt that he wrote a separate dissent, in which he expressed concern about interference with "the proper execution of the work of the government."

Iqbal increased the risk of court corruption because it eliminated transparency and accountability, by allowing judges to dismiss cases, for any reason, by simply saying the plaintiff *failed to state a claim*. More disturbingly,

Iqbal has been used, disproportionately, to dismiss intellectual property claims (weakening America's ability to retain its intellectual capital), and to dismiss civil rights claims.¹²

Worse, *Iqbal* allows judges to dismiss these actions without representing the plaintiffs' claims. With this vast power, corporations and the rich would want to influence these unaccountable judges. This new power to dismiss without representing litigants actual claims or the full facts, is unConstitutional, as it violates procedural due process, requiring (1) that the tribunal prepare a record of the evidence presented, and (2) that the tribunal prepare written findings of fact and reasons for its decision.

The fact that *Iqbal* and *Twombly* were formed just after the Petitioner conceived *aggregated data*, and predictive military and policing systems based on *aggregated data*, is concerning, as it is conceivable that *Twombly* and *Iqbal* were created to quietly dismiss the Petitioner, should he ever beseech a US court to protect his intellectual property. Worse still, the coincidental and proximate creation of the Petitioner's work, the formation of business entities owned by the Defs and US judge and justices, and the introduction of 2 unConstitutional federal laws, appears very improper.

Iqbal v Ashcroft is further unConstitutional and diametrically counter to Copyright Law, because *Iqbal* has been exclusively used to advantage corporations against actual persons. Tens of thousands of actual persons' complaints have been dismissed by *Iqbal*, but no actual persons have ever used *Iqbal* to dismiss a

¹² Thus, *Iqbal* take rights away from those who have the fewest rights.

corporation. This shows that *Iqbal* unConstitutionality gives greater rights and powers to corporations. U.S. Copyright Law flows from the Copyright Clause of the Constitution; modeled after the Statute of Anne, created to protect the common man from the wealthy and corporations (who, after the advent of the printing press, began stealing the stories of common people). Thus, Copyright Law (created to protect common actual persons) is diametrical opposed to *Ashcroft v Iqbal*.

The Petitioner's filings provide reason to believe that the Defendants and a small subset of U.S. court and government officials have profiteered from the Petitioner's work.

II

THE NINTH'S MEMORANDUM AND JUDGMENT CONFLICT WITH FEDERAL LAW. THE NINTH'S METHOD OF DENYING "COMPILATION OF PREEXISTING" CLAIMS (AKA "SELECTION AND ARRANGEMENT" CLAIMS) VIOLATES COPYRIGHT LAW, PER THE *COPYRIGHT ACT OF* *1976*.

The Copyright Act of 1976) (17 USC, section 101 (Definitions)), defines and protects compilations of pre-existing material:

A "compilation" is a work formed by the collection and assembly of preexisting materials or of data that are selected, coordinated, or arranged in such a way that the resulting work as a whole constitutes an original work of authorship.

A plaintiff's right to claim compilations of *preexisting* ideas ("unprotectable elements") goes back to the Copyright Act of 1909, and is further protected and

reinforced by the U.S. Supreme Court in *Feist Publications, Inc., v. Rural Telephone Service Company, Inc.* U.S. (1991), and other cases.

The Ninth has distorted and manipulated compilation claims, and re-named them “selection and arrangement of *unprotectable* elements” claims. The Ninth has improperly replaced the word “preexisting” with “unprotectable,” a term that has no meaning in U.S. Copyright Law.

More disturbingly, the Ninth has perverted Copyright Law, so as to deny a plaintiff the ability to to make or protect his/her compilation of pre-existing materials claim, by decreeing that all copyright claims are subject to a “two-part test”. The first test only assesses “protectable” elements of a plaintiff’s claims. A plaintiff cannot advance to the second test (where his/her compilation of pre-existing, or “unprotectable”, elements can be assessed) unless the court discretionarily determines that there is infringement of the “protectable” elements. *That* is unConstitutional. In the Ninth, over 95% of actual person copyright litigants are dismissed in the first round, before they ever get their pre-existing (“unprotectable”) claims assessed. For over 40 years, the Ninth has used this scheme to deny thousands of actual person litigants and *pro se* litigants their right to claim their compilation of pre-existing elements under the Copyright Act of 1976 (17 USC). This is unConstitutional, as it denies litigants a chance to ever get their compilations claims considere; effectively facilitating the theft of their property. Worse, the Petitioner found, in every case involving a corporate plaintiff, the Ninth does not make any “unprotectable” argument, it simply allows the corporate

plaintiff to advance to the second round. This is unfair and counter to the Founders' intent for Copyright Law.

III

**THE 9TH'S MEMORANDUM AND JUDGMENT VIOLATE FEDERAL LAW,
AS THE 9TH HAS IMPROPERLY OMITTED THE CORRECT
SUPPLEMENTAL FEDERAL COPYRIGHT AUTHORITIES (*CORPUS
JURIS SECUNDUM*; C.J.S.), WHICH THE 9TH HAS IMPROPERLY
SUPPLANTED WITH *HOMEMADE*, IMPROPERLY INTRODUCED
AUTHORITIES, WHICH CONFLICT WITH THE C.J.S.**

From 1914 to 1976, the primary supplemental copyright legal authority was the *Corpus Juris Secundum* (C.J.S.). But in 1977, the 9th improperly introduced a new secondary copyright authority, *Nimmer On Copyright* (Nimmer), by Melville Nimmer. However, Nimmer was untested, improperly introduced, invented its own untested standards and methods, and ran wholly counter to the entire body of U.S. Copyright Law (and counter to the C.J.S.). The Ninth appears to introduced Nimmer to favor corporate defendants. And, oddly, in the period that *Nimmer on Copyright* was being introduced (1976 to 1983) in the Ninth, Melville Nimmer and his son David, and a person named James Browning (possibly chief judge Browning of the 9th) formed separate shell corporations.

In improperly supplanting the C.J.S. with Nimmer, it appears that corporations in the 9th sought to persuade the Nimmers to *improperly* instruct the court that:

1. Most story elements/aspects are *unprotectable*;
2. Ideas are to be extracted from works (when, in fact, the *expression* of ideas was to be assessed);
3. Very few story elements/structures are to be assessed by the trier of fact.

The District's misguided assertion that almost all story elements are "unprotectable" (at least if they are owned by a common, non-corporate entity) is seen throughout the Judgment. Page 2 of the Judgment states: "Many, if not all, of the asserted similarities between Butterfly Driver and Avatar or Taken are unprotectable elements..." Although this demonstrably false, if we accept this, for the sake of argument, the District's phrase "Many, if not all..." suggests that copying must be overwhelming to infringe; this is against basic precept that *smaller infringement is still substantial*. In *Universal Pictures Co. v. Harold Lloyd Corporation* (9th Cir. 1947), the Ninth explained:

"The whole picture need not be copied to constitute infringement. The mere copying of a major sequence is sufficient. In *National Institute Incorporated for Improvement of Memory v. Nutt*, D.C., 28 F.2d 132, 135, the court quoted from *West Publishing Co. v. Edward Thompson Co.* C.C., 169 F. 833, 854, as follows: "'To constitute an invasion of copyright it is not necessary that the whole of a work should be copied, nor even a large portion of it in form or substance, but that, if so much is taken that the value of the original is sensibly diminished, or the labors of the original author are substantially, to an injurious extent, appropriated by another, that is sufficient..." ...the unauthorized use, copy or appropriation is not to be neutralized on the plea that "it is such a little one."

"...Slight difference and variations will not serve as a defense. In *Nutt v. National Institute Incorporated for the Improvement of Memory*, 2 Cir., 31 F.2d 236, 238, the court said "Copying is not confined to a literal representation but includes various modes in which the matter of any publication may be adopted, imitated, or transferred with more or less colorable alteration."

Citing the C.J.S., *Universal v. Harold Lloyd Corp* proves every aspect of a story is "protectable":¹³

"...a new treatment of a common subject may be protected by copyright. Dramatization of existing works involves the independent exercise of intellectual powers, and hence the resulting product is copyrightable." And at page 217:"....an infringement is not confined to literal and exact repetition or reproduction; it includes also the various modes in which the matter of any work may be adopted, imitated, transferred, or reproduced, with more or less colorable alterations to disguise the piracy... Copying and infringement may exist, although the work of the pirate is so cleverly done that no identity of language can be found in the two works. In such cases the question of infringement resolves itself into a question of fact on the evidence as to whether or not the copyrighted work was used and paraphrased in the production of the later work.".

Thus, the C.J.S. demands judges look beyond a defendant's clever efforts to disguise infringement.

If, as the Petitioner asserted in argument #1, corporations are improperly influencing the Ninth, this Court might ask, "To what end?" The answer is found in the very broad guidance that the C.J.S. gives courts on where similarity in literary infringement may be found:

"Infringement of copyright of a purely literary work consists of plagiarism, which may take at least three forms: Plagiarism of language, of incident or of plot,..."

This deliberately broad language properly gave U.S. federal courts and plaintiff's almost unlimited scope on where they might find/claim infringement. The U.S. film industry wanted a much narrower focus. Prior to the Ninth and the Nimmers improperly omitting C.J.S. from copyright rulings, many prior US

¹³ Defense attorneys often mislead courts that ideas are not copyrightable, thus they must be extracted. Ideas are not to be extracted; rather, the court is to assess the expression of the litigants ideas, to assess infringement.

Supreme Court and 9th Circuit cases established that analyzing ANY story element was relevant to showing substantial similarity (and many cases did not bother to name story elements, taking a more holistic approach). Consider the following examples:

A. In *Kalem Co. V. Harper Bros* (1911), the Supreme Court simply wrote:

“The defendant employed a man to read *Ben Hur* and to write out such a description or scenario of certain portions that it could be followed in action; these portions giving enough of the story to be identified with ease.”

B. In *Twentieth Century-Fox Film Corp v. Stonesifer* (9th Cir., 1944), the Ninth added to the assessment list: plot, characters (primary, secondary, peripheral) locale (time period), action, dialogue, scene, acts (major story sections), story events, attire and wardrobe, setting (hotel room, apartment, reception room, lobby), vicinity, opening, conclusion, props and set decorations (e.g., maps, “the arrangement of the bedrooms is strikingly similar”).

C. In *Universal v. Harold Lloyd Corp* (1947), the 9th assessed scenes, plot, characters, motivation, characterization, action, structure, sequence of action, incidents, gags, and (1) noted “similarities between the motion picture and plaintiff’s literary work run throughout the story,” and (2) noted any sequence requirement was met by a mere sequence within a single scene: “The sequence, as already illustrated, fulfills this requirement, as found by the trial judge.”

D. In *Benny v. Loew's Incorporated* (9th Cir., 1956), the Ninth focused on such elements as: locale and period (time period), setting, characters, the story

points, the development of the story, incidents, sequences, suspense, points of suspense, 34 climax, dialogue, motive, character objective, method of achieving his objective, climax, plot, scene, machinations. And similar to the Petitioner (who noted that without his elements, the Defendants have nothing left to market), the Court noted: "If the material taken by appellants from "Gas Light" is eliminated, there are left only a few gags, and some disconnected and incoherent dialogue."

As we see, when properly applied, Copyright Law allows plaintiffs to claim dozens and dozens of elements and structures. These broad allowances continued until 1977, when the 9th suddenly stopped citing the C.J.S. and unlawfully started citing the unproven *Nimmer On Copyright*, which ran entirely counter to established law and the C.J.S.

As important as the unlimited list of story elements, established Copyright Law and the C.J.S. provided unpublished works (such as the Petitioner's works) a much higher degree of protection, under common law, in accordance with the Founders' intent. Yet, the 9th has unlawfully abandoned this, and effectively endeavored to bury this truth. Proving actual persons' robust common-law protections, in 1977, in *Zachary v. Western Publishing Co.*, the 9th cited the C.J.S. to explain:

In *Stanley*, our Supreme Court explained this definition and its application, as follows at pages 661 and 662: "... 'Speaking generally, common-law rights are limited to unpublished works, and all common-law property rights therein are lost on a publication... while statutory copyrights relate mainly to published works, ... Again, common law rights in unpublished works are of a wider and more exclusive nature than the rights conferred by statutory copyright in published works. The

common law prohibits any kind of unauthorized interference with, or use of, an unpublished work on the ground of an exclusive property right, and the common-law right is perpetual, existing until lost or terminated by the voluntary act of the owner, ... while a statutory copyright permits a "fair use" of the copyright publication, without deeming it an infringement. ...' (18 C.J.S., Copyright and Literary Property, § 2, p. 138 et seq.; and cases there cited.)"

This means that every structure that the Petitioner did not expressly relinquish to the Defs (and he relinquished nothing to the Defs) is entitled to unyielding protections, which the Ninth failed to provide the Petitioner. This also means that all of petitioner's unpublished ideas are protectable.

But, as we will see in the next section, the Nimmers did not mislead the 9th alone. In 1982, the 9th took unprecedented, independent, surreptitious action, to introduce a reduced, unlawful, non-case-law-based list of just seven story elements (and a poor list at that) for Ninth courts to assess. This grossly improper and truncated list would sabotage actual person plaintiffs for decades.

IV

THE JUDGMENT VIOLATES FEDERAL LAW, AS THE JUDGMENT AND MEMORANDUM ARE BASED ON INVALID LEGAL CITATION, IMPROPERLY INTRODUCED IN 1982.

The District Judgment was largely based on *Funky Films* (overruled by *Skidmore v Led Zeppelin*). But far more interestingly, *Funky Films* has no basis in law, the Ninth clandestinely slipped-in the root law, in 1982 (apparently to improperly supplant the C.J.S., to reduce what story elements can be claimed and assessed in infringement claims). Page 2, para 3 of the Judgment reads:

...The test focuses on “articulable similarities between the plot, themes, dialogue, mood, setting, pace, characters, and sequence of events” in the relevant works. *Funky Films, Inc. v. Time Warner Entertainment Co., L.P.*, 462 F.3d 1072, 1077 (9th Cir. 2006)...

But that passage has no basis in law. *Funky Films* (2006) cites this passage to *Kouf v Walt Disney* (1994); *Kouf* cites the passage to *Berkic v Crichton* (1985); *Berkic* cites the passage to *Litchfield v Spielberg* (1984); *Litchfield* cites the passage to *Jason v Fonda* (1982), but in *Jason v Fonda* the text is NOT in the 9th’s short Opinion, nor is any text of that nature. Rather, in *Jason*, the Court wrote: “We therefore incorporate his memorandum of decision by reference. Judge Kelleher aptly points out:...” The 9th then quoted a few sentences by Judge Kelleher; but not the central passage. Thus, the 9th slipped this passage into “law” by cloaking and burying it in the incorporation of a flawed district memorandum.¹⁴

V

THE 9TH’S JUDGMENT AND MEMORANDUM ARE IN CONFLICT WITH FEDERAL LAW, AS IT IS BASED ON THE ASSERTION THAT “UNPROTECTABLE ELEMENTS” MUST BE REMOVED AND THE “PROTECTABLE ELEMENTS” COMPARED. BUT THESE TERMS (UNPROTECTABLE, PROTECTABLE) ARE MEANINGLESS IN U.S. COPYRIGHT LAW.

The Copyright Act of 1976 (17 USC) governs all U.S. copyright law. 17 USC §

¹⁴ The Court should observe that Sonya Jason (of *Jason v Fonda*) was a gutsy pro se (self-represented) patriot, who bravely relied on herself, against powerful corporate thieves. It is heartbreaking that the 9th initiated this “restricted story elements” scam by exploiting a pro se woman who trusted the 9th to uphold the law; but the Ninth did not.

101 lists all essential copyright terms and definitions. Nowhere in these definitions, and nowhere in the *Copyright Act Of 1976* are the words “protectable” or “unprotectable”. The U.S. Supreme Court has never used “*protectable*” or “*unprotectable*” in a copyright ruling. These terms are also not in the *Copyright Act of 1909*.

It appears that defense attorneys introduced the terms “protectable” and “unprotectable” into the 9th around 1983 (*See v Durang*), to mislead the court that some things are automatically copyrightable, or not. The 9th accepted these false assertions as it built its own branch of copyright law, centering on the improper practice of *removing* “unprotectable” elements. But US copyright law, governed by the Copyright Act of 1976, does not recognize these terms or practices. More, the Copyright Act of 1976 protects compilations (collections, arrangements) of unprotected elements. Thus, unprotected elements are protected, in arrangement. Finally, the terms *protectable* and *unprotectable* have no place in copyright law, because what is “protectable” is always a matter of law, to be determined by the correct application of law.

VI

**THE 9TH'S JUDGMENT AND MEMORANDUM ARE IN CONFLICT WITH
OTHER CIRCUIT COURTS, AND IN CONFLICT WITH ITS OWN PRIOR
RULINGS.**

**The District Judgment Wholly Relied On Overruled Copyright Law, And
Ignored The Plaintiff's Citation Of Prevailing Law.**

For assessing *substantial similarity*, *L.A. Printex v Aeropostale*, 9th Cir (2012) is the prevailing, Ninth Circuit gold-standard case. Its standing was further cemented in 2020, when *Skidmore v Led Zeppelin* overruled almost the entire pantheon of 9th copyright case law, which relied on *Inverse Ratio*. *Skidmore* overruled these prior cases on the issue of *access*, because inverse ratio gave these prior cases an improper, *adjustable* access scale; *Skidmore* invalidated these prior cases on *substantial similarity*, because *inverse ratio* gave these prior cases improper similarity advantages, or disadvantages.

However, although the Petitioner informed the District and 9th of *LA Printex* (in his Oppositions to the Defs' MTDs, and in his Opening to the 9th, Arg #6, #7), the Judgment's only substantial similarity citations are *Rentmeester* (the primary citation, p 2, para 2) and *Funky Films* (p 2, para 2, quoting prior law), and both of these cases are specifically overruled and rejected by *Skidmore* (*Rentmeester* is rejected at pp 26, 29, 30; *Funky Films* is rejected at pp 29). Again, because all cases that rely on *inverse ratio* are now entirely moot, because inverse ratio gave improper *similarity* advantages or disadvantages, based on a flawed and bizarre *inverse ratio access* theory.

The District/9th's refusal to use prevailing law was malicious, and NOT an oversight, as the Petitioner repeatedly advised the District and Ninth of *LA Printex*—in this case, AND in prior action, *Briggs v Blomkamp*. Thus, the Petitioner has tried to get the 9th to properly use and acknowledge *L.A. Printex* in his cases for over 7 years, unsuccessfully. [*L.A. Printex* is centrally cited in most recent major

Ninth Circuit cases; see *Skidmore v Led Zeppelin* (2020), *Zindel v. Fox Searchlight Pictures, Inc*, 9th Cir (2020), etc.]

VII

THE 9TH'S JUDGMENT AND MEMORANDUM CONFLICT WITH RELEVANT DECISIONS OF THIS COURT.

**The Judgment's Improper Mention And Mischaracterization Of The
Petitioner's Prior Suits (In The First Sentence) Has Never Been Done To A
Corporate Plaintiff In 9th History, And Was Irrelevant; Showing The 9th's
Prejudice Toward Actual Person Litigants, And An Intent To Subvert The
Petitioner's Right To A Fair Hearing, In Violation Of Procedural Due
Process Rules (Requiring *A Decision Based Exclusively On The Evidence
Presented*).**

In the first sentence of its Judgment, the District wrote:

This is the latest in a series of lawsuits by pro se plaintiff Steve Wilson Briggs against Hollywood figures, alleging conspiracies relating to the theft of his screenplay, *Butterfly Driver*. See, e.g., *Briggs v. Blomkamp*, 70 F. Supp. 3d 1155 (N.D. Cal. 2014), affirmed as *Briggs v. Sony Pictures Entertainment, Inc.*, 714 F. App'x 712 (9th Cir. 2018); *Briggs v. Universal Pictures, et al.*, No. 3:17-cv-6552-VC (N.D. Cal. Apr. 25, 2017); and *Briggs v. Spacey, et al.*, No. 3:18-cv4952-VC (N.D. Cal. Dec. 22, 2018).....

Copyright holders (particularly corporate copyright holders) are often required to protect their works dozens or hundreds of times. The District would never mention a corporate plaintiff's unrelated prior suits. The District's mention of the Petitioner's prior suits, in the Judgment's first sentence, was a biased effort to

cast the Petitioner as a nuisance; an abridgment of his right to a fair hearing. The Petitioner will continue to act against any theft of his property; in so doing, he is entitled to the same consideration U.S. courts give corporations.

It is a tenet of *procedural due process* that a fair hearing requires a decision based exclusively on the evidence presented. By introducing the unrelated facts of the Petitioner's prior suits, the District violated the Petitioner's right to a decision based exclusively on the facts presented. Also, in introducing these prior suits, the District violated tenets of *Arnstein v Porter*, 1946, and *Southern Pacific Co. v. Bogert*, 1919 (US): "Succumbing to the temptation to consider other defeats suffered by a party may lead a court astray."

VIII

THE 9TH'S JUDGMENT AND MEMORANDUM VIOLATE FEDERAL PROCEDURE AND THE PETITIONER'S DUE PROCESS RIGHTS.

**Three Months Into The Case, Hon Judge Orrick Recused; Replaced By
Judge Chhabria, Who Preside Over Two Of The Petitioner's Prior Actions.
The Petitioner Promptly Moved To Disqualify Chhabria, Under 28 U.S.C. §§
144 & 455. But Chhabria Would Not Step Down.**

Once Hon Judge Orrick recused and was replaced by Judge Chhabria, the Petitioner promptly moved to disqualify Chhabria, under 28 U.S. Code §§ 144 and 45, due to Chhabria's improper rulings in *Briggs v Universal* and *Briggs v Spacey*.

28 U.S. Code § 144. Bias or prejudice of judge
Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is

pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

28 U.S. Code § 455 states: "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."

The Petitioner's motion was timely filed, and proper in all respects. Judge Chhabria's refusal to step down violated the Petitioner's rights under 28 U.S. Code §§ 144 and 455.

IX

THE NINTH'S JUDGMENT/MEMO CONFLICT WITH FEDERAL LAW AND

ABRIDGED THE PETITIONER'S DUE PROCESS RIGHTS. By

Concluding It's Memorandum, "No Further Filings Will Be Entertained In This Closed Case," When The Petitioner Was Entitled To One More Filing (Per Frap 35, 40), The 9th Subverted The Petitioner's Due Process Rights.

The final sentence of the Ninth's Memorandum reads: "No further filings will be entertained in this closed case." This was an overt and unConstitutional

violation of the Petitioner's right to due process, because under *Federal Rules of Appellate Procedures*, Rules 40 and 35 the Petitioner still had the right to file a Petition For A Panel Rehearing and/or a Petition For An En Banc Rehearing. The Ninth Circuit's effort to subvert the Petitioner's due process rights was malicious and deliberate.

X

**THE NINTH ENGAGED IN CONDUCT THAT VIOLATES FEDERAL LAW
AND THE PETITIONER'S RIGHTS, TO SUCH AN EXTENT THAT
REVERSAL IS NECESSARY. As This Matter Moved To Appeals, Without
Notifying The Petitioner, The 9th/District Surreptitiously And Unlawfully
Removed 25 Of The Petitioner's Filings From The Docket.**

Two months after this matter moved to the appellate court, the District/9th removed 25 of the Petitioner's filings from the public district docket, without notifying the Petitioner. This was not discovered until 7 weeks after the Petitioner submitted his Opening to the 9th; leaving the Petitioner unable to publicly verify his claims, forcing him to write the district and the 9th, for an explanation. The removal of these filings showed prejudice, violated the Petitioner's due process right to have his filings available for public inspection (*Nixon v. Warner Communications, US, 1978*), and undermined the integrity of the judicial process.

XI

The Impropriety Of The Judgment/Memo Is Proven By Comparing The

**Petitioner's Creative & Complex Claims To The Simplistic, Generic Claims
Of 20th Century-Fox v. MCA**

The Petitioner's script was unprecedented, in creativity and scale. Yet, the District made no effort to protect his claims. This is proven by simply comparing the Petitioner's complex and creative claims to the following absurdly simple, generic claims cited in *Twentieth Century-Fox Film Corp. v. MCA, Inc.*, 9th Cir. 1983 (the case in which Twentieth Century Fox claimed *Battlestar Galactica* infringed *Star Wars*; which is the ONLY film industry infringement lawsuit in which the 9th provided a list of infringement claims that it found sufficient to sustain a reversal):

1. "The central conflict of each story is a war between the galaxy's democratic and totalitarian forces.
2. In *Star Wars* the young hero's father had been a leader of the democratic forces, and the present leader of the democratic forces is a father figure to the young hero. In *Battlestar* the young hero's father is a leader of the democratic forces.
3. The leader of the democratic forces is an older man, displaying great wisdom, and symbolizing goodness and leadership, with a mysterious mystical ability to dominate a leader of the totalitarian forces.
4. An entire planet, central to the existence of the democratic forces, is destroyed.
5. The heroine is imprisoned by the totalitarian forces.
6. A leading character returns to the family home to find it destroyed.
7. The search by the totalitarians and the liberation attempt by the democratic forces are depicted in alternating sequences between the totalitarian and democratic camps.
8. There is a romance between the hero's friend (the cynical fighter pilot) and the daughter of one of the leaders of the democratic forces.
9. A friendly robot, who aids the democratic forces is severely injured (*Star Wars*) or destroyed (*Battlestar*) by the totalitarian forces.
10. There is a scene in a cantina (*Star Wars*) or casino (*Battlestar*), in which musical entertainment is offered by bizarre, non-human creatures.
11. Space vehicles, although futuristic, are made to look used and old, contrary to the stereotypical sleek, new appearance of space age equipment.

12.The climax consists of an attack by the democratic fighter pilots on the totalitarian headquarters.

13.Each work ends with an awards ceremony in honor of the democratic heros."

This Court should notice that most of the 13 claims above are outside of the 7 elements improperly propounded in *Jason v. Fonda* (9th, 1982), and notice that 20th Century Fox made no plot claims, just generic elemental claims.

Now compare 20th Century-Fox's 13 simplistic claims to the Petitioner's complex and creative claims. [The Petitioner's claims run from page 34 to 44. NOTE: The following claims are from the Petitioner's Complaint. However, because of word limitations, the Petitioner can only share a small fraction, perhaps one-seventh (or 15%) of his claims.]:

PLAINTIFF'S INFRINGEMENT CLAIMS AGAINST TAKEN: PLOT

Basic PLOT of Butterfly Driver

456. Butterfly Driver is about the impossible lengths and desperate measures a poor former US soldier and patriot will take to save his daughter, with only one week to do it.

Basic PLOT of Taken

457. Taken is about the impossible lengths and desperate measures that a poor former US soldier will take to save his daughter, with only 96 hours to do it.

HERO

458. Plaintiff created a very unique hero (especially at the time, 2005). Unlike the typical action adventure hero, who, at the time, were childless, had unlimited money, womanized, lived in expensive apartments or houses, and never seem to work; Arlo was the opposite: a devoted father, poor, working all the time, living below his family in a small sparsely decorated studio in a garage. Taken infringes on all of these unique attributes, and more:

Butterfly Driver /

Uberopolis

- Arlo Grainer is a former U.S. soldier & war hero.
- Arlo's age is 45.

Taken

- Brian Mills is a former U.S. military special forces hero; possibly ex-CIA.
- Brian appears 45-50.

- Arlo is a devoted father.
- Arlo is a poor man.
- Arlo lives alone.
- Arlo is separated.
- Although separated, because Arlo is committed to his kids, he lives downstairs in a converted garage.
- Although very masculine, Arlo does not have a girlfriend, as he is focused on his kids and being a good father.
- Arlo thinks clearly under pressure, is a great fighter, but avoids combat unless necessary.
- Arlo has military connections that help him repeatedly (1. Dr. Laney Schuler treats Franny; 2. Arlo's military and ZR friends get him into Uberopolis).

- Brian is a devoted father.
- Brian is a poor man.
- Brian lives alone.
- Brian is divorced.
- Although divorced, because Brian is committed to his daughter, he lives nearby, in a small apartment.
- Although very masculine, Brian does not have a girlfriend, as he is focused on his daughter and being a good father.
- Brian thinks clearly under pressure, is a great fighter who fights whenever possible.
- Brian has military connections that help him repeatedly (1. military connections gets Brian to Paris in a private jet; 2. said connections help find bad guys).

POOR HERO

Butterfly Driver / Uberopolis

459. Plaintiff chose to make his hero poor, which, at the time, was very uncommon. Plaintiff did so because he wanted to promulgate new, accurate and nobel portrayals of the poor.

Taken

460. The Defendants infringed on Plaintiff's "poor hero" concept. The Defendants show (and say) that their hero is poor in a several ways, including:

1. In the beginning of the film Brian buys his daughter an inexpensive karaoke machine for her birthday. The owner of the store comments that Brian has come to the shop many times to see that machine (suggesting that Brian lacks the resources to make purchases that most middle-class Americans can make....
2. In a phone conversation with his daughter Kim's kidnappers, Brian tells the kidnappers that he does not have any money, but if they do not let Kim go immediately, he will kill all of them.

HERO IS ALWAYS WORKING & JOB DESTROYS MARRIAGE

Butterfly Driver / Uberopolis

461. The Plaintiff created a hero, Arlo, who was always working. From the beginning of the script to the end. In Uberopolis: City of Light..., a warrior woman is attracted to Arlo and asks if Arlo is happily married, and Arlo succinctly explains his dangerous job (line riding) hurt his marriage.

TINA

I guess your wife must be very happy.

ARLO

Maybe a long time ago -before I started
line riding.

Taken

462. Taken borrows this structure. Near the end of the film, Brian's ex-wife explains she worried for years about Brian's long absences and worried if he would make it home alive.

HERO LIVES NEAR HIS SEPARATED FAMILY

Butterfly Driver / Uberopolis

463. The Plaintiff's hero is separated from his wife, but lives nearby in a small converted studio, in one half of the downstairs garage.

Taken

464. Taken borrows this, in the first act, at a barbeque, Brian's friend asks of Brian's ex-wife, "Does she appreciate the fact that you've given up your life to be closer to her?"

HERO USES HIS PHONE AND GPS

TO OUTSMART & MISLEAD PURSUING STATE FORCES, AND USES
A SECOND PHONE TO MONITOR THEM

Butterfly Driver / Uberopolis

465. When Arlo learns that State bounty hunters are in his zone looking for him, he races home to gather his family, but before leaving, Arlo booby-traps the house. Then, knowing that State bounty hunters are following the GPS (Global Positioning System) signal in his phone (omni-com), Arlo places his phone, with the video recorder "on," in the pocket of a jacket on a coat-rack, then places the coat-rack in front of a window in the house—so that in the silhouette of the streetlight, the coat-rack appears like a man hiding behind the window. Arlo flees with his family. A bit later, Arlo calls his phone from his wife's phone, and watches the video feed from his phone, and sees his booby trap kill the bounty hunters...

Taken

466. Taken borrows Plaintiff's screenplay's exact structure.

467. Wary about a meeting with his old friend, Jean-Claude Pitrel, and knowing that when he calls Pitrel, the French special police will be able to track his position (using GPS), Brian places his phone on top a building near a park, with a walkie-talkie attached, then calls Pitrel from another roof-top. When Brian calls Pitrel, Pitrel's men descend on Brian's

phone, only to find his phone connected to a walkie-talkie, and Brian gone, as Brian watches from afar...

HERO INFILTRATES BY DRESSING UP AND PRETENDING TO BE A COP

Butterfly Driver / Uberopolis

470. On the satellite city Uberopolis, Arlo steals a police uniform from an unconscious police officer, then infiltrates Uberopolis' hospital by pretending to be a police officer.

Taken

471. Brian dresses in a police officer's uniform, and pretends to be a police officer, to infiltrate the lair of the bad gang...

HERO TRICKS HIS OLD FRIEND (AN EXPERIENCED STATE INVESTIGATOR) TO BELIEVE THAT HIS GUN IS UNLOADED

Butterfly Driver / Uberopolis

472. Jerry, Arlo's old friend from the military, now works for the government as a special investigator, but hates his job. Midway through the story, Jerry agrees to apprehend Arlo. When Arlo and Jerry finally come into direct contact, Arlo pulls a gun on Jerry and orders Jerry to give him his gun. Jerry complies, then suddenly punches Arlo, and a fight ensues. The fight culminates with Jerry and Arlo mixing up their guns, and Jerry holding a gun on Arlo, and Arlo holding a gun on Jerry. Arlo gets the upperhand by informing Jerry that Jerry is holding Arlo's gun and it is not loaded, then points Jerry's gun at Jerry and instructs Jerry to give him the gun, and get in the back of the sky-car trunk. Jerry complies.

Taken

473. Jean-Claude Pitrel, Brian's old friend from the military, now works for the French government as a special investigator, but hates his job. Midway through the film, Pitrel agrees to apprehend Brian, to stop him from wreaking further havoc on Paris. When Pitrel gets home from work, he finds his wife has already allowed Brian into Pitrel's house. Pitrel excuses himself to the bathroom, where he gets his gun. When Pitrel returns to the table, he pulls his gun on Brian. Brian informs Pitrel that his gun is unloaded, and drops Pitrel's bullets on the table. (Brian craftily went to the bathroom, earlier, and unloaded Pitrel's gun.)

PARANOID HERO

Butterfly Driver / Uberopolis

475. Arlo is always on guard, from years of living in a war zone. When unexpectedly startled, he puts his gun in a peaceful guru's face... The guru explains:

GURU

Surviving the war and fourteen years underground requires some healthy paranoia. But you're safe here.

476. Benni is very bothered that Arlo could put a gun in a peaceful Guru's

face. As this dialogue progresses... Arlo explains that his fears keep him aware, saying:

ARLO

Fearless? I got fears. They keep me smart...
on my toes.

Taken

477. Taken infringes on this same paranoid characteristic, as Brian drives his daughter Kim to the airport, they have the following exchange:

KIM

"Mom says your job makes you paranoid."

BRIAN

My job makes me aware.

HERO RIDES IN CAR (VEHICLE) WITH HIS CHILD, WHILE HIS
CHILD INQUIRES ABOUT THE HERO'S DANGEROUS JOB

Butterfly Driver / Uberopolis

484. In the first act of Uberopolis, as Arlo rides with his teenage son, John Carl, his son asks Arlo about his dangerous job...

JOHN CARL:

Why do they call it line-riding, anyway?

ARLO:

The U.W.N.'s radar shield is 200 feet above ground level. To avoid being
shot down we have to ride below that line.

JOHN CARL:

Hmm. So, when are you gonna take me on a run with you?

ARLO:

Never. I wish you'd get that idea out of your head. We...

Taken

485. Taken infringes this story/character structure: As Brian drives his daughter Kim to the airport, Kim explains that when she was younger, she asked her mother about Brian's job, but her mother told Kim to ask her father (Brian). Kim explains she was always too afraid to ask. Brian explains that he's a preventer; he prevents bad things from happening.

Unhappy Government Worker Who:

- (1) Complains About Job,
- (2) Is An Old Military Friend Of The Hero,
- (3) Tracks The Hero,
- (4) Loses An Empty Gun To The Hero,
- (5) Tries To Talk The Hero Into

Surrendering...

496. Butterfly Driver features a unique central character, who knows the hero from their past in the military. This character's collective characteristics are:

- 1. Jerry is an old friend of the hero;
- 2. Jerry served in the military with the hero;

3. Jerry is very unhappy in his government job and complains about his job;
4. Jerry has a son that he is very close to;
5. Jerry is seen reading to his son in his son's room;
6. Jerry is happily married;
7. Jerry negotiates with his superiors before agreeing to apprehend the hero;
8. Jerry tries to get the hero to surrender and turn himself in;
9. Jerry gives significant assistance to the hero at one point in the story (the ending);
10. Jerry pulls a gun on the hero, but hero gets away by telling Jerry his gun is unloaded.
11. Jerry refers to the government as "The State".

Taken

1. Pitrel is an old friend of the hero;
2. Pitrel served in the military with the hero;
3. Pitrel is very unhappy in his government job and complains about his job;
4. Pitrel has children that he is very close to;
5. Pitrel is seen reading to his children in their room;
6. Pitrel is happily married;
7. Pitrel negotiates with his superiors before agreeing to apprehend the hero.
8. Pitrel tries to get the hero to surrender and turn himself in;
9. Pitrel gives significant assistance to the hero at one point in the story (the beginning);
10. Pitrel pulls a gun on the hero but the hero has already unloaded Pitrel's gun;
11. Pitrel refers to the government as "The State".

Before closing, the Petitioner must express his dismay that the District consistently includes the Petitioner's middle name (Kenyatta, of African origin) in its dismissals—when the Petitioner has not used his middle name on his Complaint or other filings. This is a transparently bigoted way of using the Petitioner's African ancestry to "otherize" the Petitioner to the Ninth. These primitive, hateful practices hasten American decline.

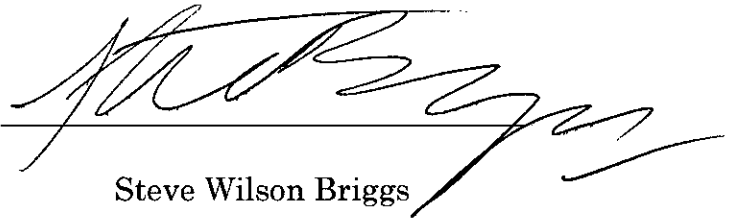
IN SUM, the Petitioner's filings provide overwhelming evidence of the Defendants' infringement of his work(s), and show they engaged in corrupt activities. The Petitioner believes the corruption of U.S. institutions laterally undermined American values, paving the way for an insurrection on our Capitol. To restore faith in these systems, U.S. institutions must strictly adhere to, and apply, the law. Our actions, and inactions, resound.

CONCLUSION

The petition for a writ of certiorari should be granted.

DATED: January, 2022

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steve Wilson Briggs', written over a horizontal line.

Steve Wilson Briggs

Petitioner