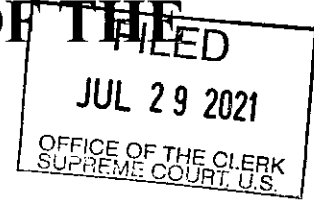


ORIGINAL

No. -----

21-153

**IN THE SUPREME COURT OF THE
UNITED STATES**



NAGUI MANKARUSE
Plaintiff and Petitioner

v.

INTEL CORPORATION, ET AL,
Defendants and Respondents,

PETITION FOR WRIT OF CERTIORARI

After Final Decision of the United States Court of Appeals for the Federal
Circuit Denial of the Petition of the Panel Rehearing and Rehearing En Banc,
Docket Case Number 2020-2297, July 8, 2021

After Order of The Unites States Court of the Central District of California,
Southern Division, The Honorable David O. Carter Presiding
Docket Case Number 8:19-cv-01902-DOC-JDEx

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QUESTIONS PRESENTED

- I. Whether the Honorable United States Supreme Court must defend our Great United States Constitution?
- II. Whether the Honorable United States Supreme Court must defend American Citizens rights to equally live under the United States Constitution of all its provisions?
- III. Whether the Honorable United States Supreme Court will allow the serious violations and the following direct attack on the Bill of Rights and the First, Fifth, Eighth, and Fourteenth Amendments all in the same time to one American Citizen in the two related Patent cases Petitioned for Review here by this Honorable Highest Court of the land, and not to be strong precedence to all following Actions of any American "Individual or Entity" and Ignore Our Great American Constitution?

1. Whether the United States Supreme Court must defend the Bill of Rights of our Great United States Constitution?

"...It guarantees civil rights and liberties to the individual-like freedom of speech, press, and religion. It sets the rules for due process of the law and serves all powers not delegated to the Federal Government to the people of the States..."

2. Whether the United States Supreme Court must defend the First Amendment of our Great United States Constitution?

"...Or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

3. Whether the United States Supreme Court must defend the Fifth Amendment of our Great United States Constitution?

"...when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; ... nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation...."

4. Whether the United States Supreme Court must defend the Eighth Amendment nor our Great United States Constitution?

"...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; ... nor be deprived of life, liberty, or property, without

due process of law; nor shall private property be taken for public use, without just compensation. [The United States Constitution prohibits the federal government from imposing excessive bail, excessive fines, or cruel and unusual punishments.]

5. Whether the United States Supreme Court must defend the Fourteenth Amendment of Our Great United States Constitution?
“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

6. Whether the United States must respect the Great State of California Declaration of Rights defend its California State Constitution; Article One?
“Article I is part of the Great United States Constitution of the Fourteenth Amendment.”

“...defending life and liberty. Acquiring, possessing, and protecting property, and pursuing happiness and privacy.”

The above are important questions of law where it appears necessary to secure uniformity of decisions and or the settlement and seriously the important issues that all Americans must be treated EQUALLY “individuals or entities” under the United States Constitution are presented here in this ACTION for the review by the Honorable Supreme Court Justices of the United States of America.

This Petitioner is crying for JUSTICE in the land of law and justice, please rescue. This Honorable Court is the last Resort on Earth.

LIST OF PARTIES

PETITIONER:

Nagui Mankaruse, In Pro Se

RESPONDERS are represented by MUNGER, TOLLS & OLSON, LLP;

“Peter E. Gratzinger, Council”

The Respondents are:

Intel Corporation, a Delaware Corporation,

Acer America Corporation, a Delaware Corporation,

Daniel Patrick Doctor, an Individual,

Andy D. Bryant, an individual,

Matthew Robert Hulse, an individual

RELATED CASES

Nagui Mankaruse v. Intel Corporation, et al, United States Supreme Court, Petition Writ of Certiorari

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TABLE OF AUTHORITIES
THE UNITED STATES CONSTITUTION

1.The Bill of Rights

The United States Bill of Rights comprises the first ten amendments (I) through (X) to the United States Constitution. “It guarantees civil rights and liberties to the individual-like freedom of speech, press, and religion. It sets the rules for due process of the law and serves all powers not delegated to the Federal Government to the people of the States.”

2.The First Amendment

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

3.The Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. [On March 19, 2001, the United States Supreme Court handed down a per curiam opinion in *Ohio v. Reiner*, holding that the Fifth Amendment right against self-incrimination protects the innocent as well as the guilty.]

4.The Eight Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. [The United States Constitution prohibits the federal government from imposing excessive bail, excessive fines, or cruel

and unusual punishments. This amendment was adopted on December 15, 1791, along with the rest of the United States Bill of Rights.]

5.The Fourteenth Amendment

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FEDERAL CASE LAW

- 1.Anderson Nat'l Bank v. Lockett,
321 U.S. 233, 244 (1944)
2. Cf. Bankers Life & Casualty Co. v. Crenshaw
486 U.S. (1988)
3. Be & K Constr. Co. v. NLRB
(2002) 536 U.S. 516, 53
5. Bill Johnson's Restaurants, Inc. v. NLRB,
461 U.S. 731, 743 (1983)
6. Boddie v. Connecticut
401 U.S. 371 (1971)
7. Brockett v. Spokane Arcades, Inc.,
472 U.S. 491, 105 S. Ct. 2794, 86 L. Ed. 2d 394 (1985)
8. California Motor Transport v. Trucking Unlimited,
404 U.S.508, 612 (1972).
9. Chicago, B. & Q. R.R. v. Chicago,
166 U.S. 226 (1897)
10. Coates v. City of Cincinnati,
402 U.S. 611, 616 (1971)
11. Cohen v. Beneficial Industrial Loan Corp.,
337 U.S. 541 [69 S. Ct. 1221, 93 L. Ed. 1528]
12. Crandall v. Nevada,
73 U.S. (6 Wall.) 35 (1867),
13. Eastern R. Conference u. Noor Motors:
365 us 127 (1961)
14. Jordan v. Massachusetts,

225 U.S. 167, 176(1912)

15. **Mine Workers v. Illinois Bar Assn.**,
389 u. s. 217, 222 (1967)

16. **NAACP v. Button**, 371 U.S.
415, 432-33 (1963);

17. **Professional Real Estate Investors**,
508 U.S., at 58--61.

18. **Snyder v. Massachusetts**,
291 U.S. 97, 105 (1934)

19. **Twining v. New Jersey**,
211 U.S. 78, 101 (1908)

20. **West v. Louisiana**,
194 U.S. 258, 263 (1904)

21. **United States v. Cruikshank**,
92 U. s. 542, 552 (1876)

22. **United States v. Harris**,
106 U.S. 629

FEDERAL STATUES

42 U.S.C. § 1983 (1994)
461 U.S. at 743
404 U.S. 508,612 (1972)

Direct & Indirect Infringement 35 USC, 27(a), 271 USC (b), 271 USC (c)

CALIFORNIA STATE CONSTITUTION "1879"

ARTICLE 1 DECLARATION OF RIGHTS [SECTION 1-SEC. 32
(Article 1 adapted 1879.)

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty. Acquiring, possessing, and protecting property, and pursuing happiness and privacy.

(Sec. 1 added Nov. 5, 1974, by Proposition 7. Resolution Chapter 90, 1974.)

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any

person within its jurisdiction the equal protection of the laws.

SECTION 2. (a) Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

CALIFORNIA STATE CASE LAW

23. Nagui Mankaruse v. Raytheon Company
30-2017-00934796-CU-IP-CJC, Volume I, Pages I-1 through 6
24. Auto Equity Sales, Inc. v. Superior Court
(1962) 57 Cal.2d 450
25. Beyerbach v. Juno Oil Co.,
[236 Cal. App. 2d 528]
26. Bilyeu v. State Employees' Retirement System,
58 Cal. 2d 618 /24 Cal. Rptr. 562, 375 P.2d 4421)
27. Camerado Ins. Agency, Inc. v. Superior Court (Stolz),
16 Cal. Rptr. 2d 42 (Ct. App. 1993)
28. Gray v. Zurich Insurance Co. 31
(1966) 65 Cal. 2d 263, 276 [54 Cal.Rptr. 104, 419 P.2d168])
29. Los Angeles County Bar Ass'n v. Eu,
979 F.2d 697, 705-06 (9th Cir. 1992)
30. Muller v. Tanner,
82 Cal. Rptr. 738, 741 n.2 (Ct. App. 1970)
31. Parish v. Parish, 30
988 A.2d 1180, 412 N.J.2010. Super. 39, 54
32. Professional Fire Fighters, Inc. v. City of Los Angeles,
60 Cal. 2d 276 [32 Cal. Rptr. 830, 384 P.2d 158}
33. Shalant v. Girardi
(2011) 51 Cal.4th 1164, 545, 554, 1176
34. Shari Lynn Pollak F/K/A Sharon Lynn Pollak Kalen V. David 30
Kalen,
App. Div., A 4185-0913, July 5, 2012.
35. Taliaferro v. Hoogs
46 Cal. Rptr. 147 (Ct. App. 1965), at[5]
36. Wolfgram v. Wells Fargo Bank,
61 Cal. Rptr. 2d 694, 704 (Cal. App. 1997)
37. Funding v. Chicago Pneumatic Tool Co., 152 Cal.App.3d 951,955 (1984)

38. *Dell E. Webb Corp. v. Structural Materials Co.*, 123 Cal.App.3d 593,604 (1981)
39. *Lambert v. Carnegie* (2008) 156 Cal App 4th 1120, 1126.
40. *C.A. v. William S. Hart Union High School Dist.* (2012) 53 Cal 4th 861, 872.
41. *Applied Equip. Corp. v. Litton Saudi Arabia Ltd.*, 7 Cal. 4th 503, 510-11 (1994)
42. *See id.*; *Glue-Fold, Inc. v. Slautterback Corp.*, 82 Cal.App.4th 1018, 1024-26 (Cal. Ct. App. 2000).
43. *Green Foothills v. Santa Clara County Board of Supervisors* (2010) 48 Cal.4th 32, 42
44. *May v. City of Milpitas* (2013) 217 Cal.App.4th 1307, 1324.”

CALIFORNIA STATUTE & LOCAL RULES

California Code of Civil Procedure - CCP § [391–~~391~~]

391 (b)(2) After a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate, in propria persona, either *(i) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined.*

(3) In any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay.

Trade Secrets Law in California

*The California Uniform Trade Secrets Act (“CUTSA”
California Code of Civil Procedure (CCCP 3426 – 3426.11)*

The California Uniform Trade Secrets Act (“CUTSA”) is located at sections 3426 to 3426.11 of the California Civil Code. CUTSA prohibits “misappropriation” of trade secrets and provides certain remedies. In addition, California law may impose criminal penalties for stealing trade secrets. See Cal. Penal Code §§ 499c, 502.

CALIFORNIA STATE STATUTES

The Vexatious law California Civil law of Procedure CCP 391

California Code of Civil Procedure § 452

California Unified Trade Secret Act, CUTSA law (CCP 3426-3426.11),
CCP 430.41(b), CCP 430.41(c)

Added by Stats. 1984, Ch. 1724, Sec. 1

Government Code, § 68630, 686633

California State Cases of Authorities

OTHER OPINIONS WORK

1. Robert G. Bone,
Modeling Frivolous Suits, 145 U. PA. L.
REV. 519, 520 (1997)

2. Jacobs, Arnold S,
Cornell Law Review, supra note 96, at 293 n.52
(1973)

3. Andrews, Carol Rice
A Right of Access to Court Under the Petition Clause of the First
Amendment: Defining the Right, 60 Ohio St. L. J. 557, 656 (1999)

4. supra, note 38, at 1059. supra note 4, at 968
Waldman, First Amendment Right of Access

5. "Supreme Court on May 31, 2011 ruled on Indirect Infringement
"Global Tech Appliances, Inc. et al. v. SEB. S.A."

6. *Underwater Storage Inc. v. U.S. Rubber Co., 371 F.2d 950, 955 (D.C. Cir.*
1966)

7. *Cochise Consultancy, Inc. v. United States ex rel. Hunt, No. 18-315, 2019 WL*
2078086 (U.S. May 13, 2019),

Graham Cty. Soil Water Con. v. U.S. ex Rel. Wilson, 545 U.S. 409 (2005)

8. *Graham County Soil & Water Conservation District v. United States,*

9. *Monolith Portland Midwest Co. v. Kaiser Aluminum & Chern. Corp., 407 F.2d*
288, 292-93 (9th Cir. 1969)

10. Supreme Court Addresses False Claims Act Statute of Limitations. ... As
when the Court granted certiorari, the FCA has two statute of limitations.
Normally, a case must be brought within 6 years of "the date on which the
violation of [the False Claims Act] is committed." 31 U.S.C. § 3731(b)

11. JEFFREY J. HEFFERNAN, PETITIONER v. CITY OF PATERSON, NEW JERSEY, ET AL. ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT [April 26, 2016]

12. (Slip Opinion) OCTOBER TERM, 2015

13. Syllabus NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337. SUPREME COURT OF THE UNITED STATES

14. Syllabus HEFFERNAN v. CITY OF PATERSON, NEW JERSEY, ET AL.

15. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT No. 14–1280. Argued January 19, 2016—Decided April 26, 2016. “civil action under section 3730.

NAGUI MANKARUSE v. INTEL CORPORATION APENDECES

1.0 INTEL Corporate Non-Disclosure Agreement (“CNDA”) on 06/08/ 2004

2.0 INTEL Confidential Document

3.0 The Federal Circuit Final Order Denied Nagui Mankaruse v. Intel Corporation Panel Rehearing and Rehearing En Banc on July 8, 2021

4.0 The Federal Circuit Order Affirmed District Court Order to Transfer Nagui Mankaruse v. Intel Corporation Case to the Federal Court Judgement

5.0 Ruling of the United States Court for the Central District of California, Southern Division of Nagui Mankaruse v. Intel Corporation

6.0 Ruling California State Court of Appeal Case # G056143

7.0 Ruling California State Court on Nagui Mankaruse v. Intel Corporation, Case # 30-2016-00884058-CU-IP-CJC

8.0 Docket the Federal Circuit Nagui Mankaruse v. Intel Corporation

9.0 Docket of the United States Court for the Ninth Circuit Order Transfer Nagui Mankaruse v. Intel Corporation Case to the Federal Circuit based on Intel Unilateral request on 09/21/2021

10.0 Docket United States Court for the Central District of California, Southern Division of Nagui Mankaruse v. Intel Corporation

11.0 Docket State Court of California Nagui Mankaruse v. Intel Corporation Case #30-2016-00884058-CU-IP-CJC

12.0 Intel Memorandum Declaration of Nagui Mankaruse, Appellant and Plaintiff; Submitted to the Federal Circuit on 4/14/2021.

13.0 State Court Order DENIED Raytheon Motion to Declare Nagui Mankaruse Vexatious Litigant Dated 8/1/2019.

14.0 Raytheon Memorandum Declaration of Nagui Mankaruse, Appellant and Plaintiff, Summery Analysis of State Court Order DENIED Raytheon Motion to Declare Nagui Mankaruse; Submitted to the Federal Circuit submitted to the Federal Circuit on 4/14/2021.

15.0 United States Patent # 6,411,512 Cover Sheet

16.0 Canada Patent # 2,389,458 Cover Sheet

**IN THE SUPREME COURT OF THE
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INTRODUCTION

1. Nagui Mankaruse plaintiff and petitioner in the United States Supreme Court petition for Writ of Certiorari respectfully asking the review of the whole matter De Novo by our Honorable Highest Court of the Land as the last resort to get Justice in our Great Nation. This petitioner has exhausted all efforts for settlements communications with Mr. Paul Otilini and Mr. Andy Bryant “current defendant” Intel Chairman/CEO in the prior two executive management teams without any kind of response except defense Councils Ms. Carolyn Hoecker Ludtke and Mr. Peter Gratzinger who have acknowledged that Intel have started using the patented CPU Cooler in 2010 and offered one sided settlement with Mankaruse, is to dismiss the Case while the Claim is pending in the State Court case of 2016 and In the District Court case of 2019 “this case”.

2. No other appeal in or from the same civil action or proceeding in the district court was previously before this or any other appellate court except current Intel & Raytheon cases which can be precedence (“Appendix 9”) as a beginning of endless series of violations to the United States Constitution in many directions.

OPINIONS OF THE FEDERAL CIRCUIT COURT OF APPEALS BELOW

3.The Federal Circuit Court in its judgment on May 7, 2021, has affirmed the District Court’s Dismissed of (Appendix 13-20) Mankaruse case against Intel and the parties shall bear their own costs. The Federal Circuit Court has also noted that the disposition is “nonprecedential” (“Appendix 13”)

4.The petition for Panel Rehearing and Rehearing En Bank in July 8, 2021 have Ordered the following.

Upon consideration thereof,

The petition for panel rehearing is denied

The petition for rehearing en bank is denied

The mandates of the court will issue on July 15, 2021.

JURISDICTION

5.The petitioner respectfully ask the Honorable United States Supreme Court to Grant the writ of certiorari as a matter of urgent and compelling reasons. The following, although nor controlling nor fully measuring the Courts direction indicate the character of the reasons the Court considers:

6.The United States Court of Appeals for the Federal Circuit has entered a decision in conflict with the United States Constitution Bill of Rights and multiple Amendment (“First, Fifth, Eight, and Fourteenth”) on this important matter; has decided an important federal question in way that also

conflicts with a decision by the California State Court (“Appendix 100-105”) and has so far departed from the accepted and usual course of judicial proceedings. And departure by the District Court as to call for an exercise the court supervisory power (“discretion of the Court”) violating the Bill of Rights” ... It guarantees civil rights and liberties to the individual-like freedom of speech,...”, the First Amendment (“... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances...”) and the Fifth Amendment (“...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; ...nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation”) and the Eighth Amendment (“...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; ,nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation...”). [The United States Constitution prohibits the federal government from imposing excessive bail, excessive fines, or cruel and unusual punishments, and the Fourteenth Amendment (“...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life,

liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws...”)

7.The United States District Court and the United States Federal Circuit Court of appeals has decided an important question of federal law that has not been, but should be settled by this Court, and also decided an important federal question in a way that conflicts with relevant decisions of this Court.

8.This case has asserted error consists of enormous factual findings and misapplication of properly stated in the United States Constitution in the Bill of Rights and 1st, 5th, 8th, and 14th amendments.

9.A Timely petition for re-hearing was therefore denied, entered on the following date of July 8, 2021 and a copy of the re-hearing petition and the Order Denial in the Appellant Court Case Information are in (“Appendix 9-10”)

10.On the Petition for a Writ of Certiorari is filed by US next day mail within the time limit as set by law.

NECESSITY FOR REVIEW

11. The United States Court of Appeal's for the Federal Circuit opinions in this case breaks sharply with this Court's proud history of protecting Our Great United States Constitution and every American Constitutional Rights.

12. When faced with "extensive evidence" INTEL for years have diverted the attention of the Trial Courts to side issues departing out from the merits of the case like frivolous motions including motion to declare Nagui Mankaruse a vexatious Litigant that consumed time from the filing of the amended Compliant until this time now "about 20 months" and still more to come if we are ever going to see a trial in this Action.

13. The District Court Have Erred granting this motion to the defendants in January 21, 2020 ("Appendix 24-25") which completely ended the entire case before we even come to any merits. INTEL is a major multinational corporation, with influence and unlimited resources acting in bad faith to get away with deliberate intention violating their signed CNDA and associated documents ("Appendix 3-8") to get away with the high-profile infringement without meeting any of its obligations.

REASONS FOR GRANTING THE WRIT

14. This ruling by the District Court Errors Affirmed by the Opinion of the Federal Circuit Appeals Court is making a precedence however even is not to be published ("because it is misstated legal definitions or Errored") can

be precedence for many future cases and many grievances and complaints in the Courts of Law of our Great Nation the United States of America and the State of California and other Great States as well can abort many cases and many innocent plaintiff's will lose many valuable Constitutional Rights as a result will be lost forever because of this precedence and Justice will suffer.

15. The legitimate rights of the Petitioner Plaintiff in this high-profile Action can be lost and Justice is the loser to every American and every Californian, however allowing the plaintiff to have his day in Court is preserved and his United States Constitutional Rights, Federal legal rights and Justice can prevail.

16. Many Californians have lost their United States Constitutional rights due to the vexatious law, California Civil law of Procedure CCP 391, Including loss of property that they were not able to defend if they didn't have or cannot afford legal Counsel and involved in many activities that warrants them to exercise their Constitutional Rights to have their day in Court to get their property back particularly if these Americans or Californians up against big entities or powerful defendants as the example present itself here with this Petitioner Plaintiff Appellant while he is up against large multinational Corporations and serve our Society at his best and asking for Justice while we are all equal under the United States Constitution.

17. The District Court Erred in its decision and the United States Appeals Court for the Federal Circuit has completely GUESSED in his Judgment (Ruling) and didn't consider or noticed any of the documented evidences supported by the United States Constitution Amendments presented by the petitioner plaintiff all documented evidences presented to the Courts in every Item raised by the Amended Complaint, the Brief and Reply on Appel and on the Panel Rehearing & Rehearing en banc Briefs In fact the District Court and The Federal Circuit in there Ruling completely ignored every fact that have been extensively documented and were available to the District Court during the allowed litigation.

CONSTITUTIONAL AND STATUARY PROVISIONS VIOLATED BY THE DISTRICT COURT AND THE FEDERAL CIRCUIT

18.The United States Bill of Rights.

“The Table of Authorities; Bill of Rights comprises the first ten amendments (I) through (X) to the United States Constitution. “It guarantees civil rights and liberties to the individual-like freedom of speech, press, and religion. It sets the rules for due process of the law and serves all powers not delegated to the Federal Government to the people of the States.”

19.The First Amendment

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

20. The Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. [On March 19, 2001, the United States Supreme Court handed down a per curiam opinion in *Ohio v. Reiner*, holding that the Fifth Amendment right against self-incrimination protects the innocent as well as the guilty.]

21. The Eight Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. [The United States Constitution prohibits the federal government from imposing excessive bail, excessive fines, or cruel and unusual punishments. This amendment was adopted on December 15, 1791, along with the rest of the United States Bill of Rights.]

22. The Fourteenth Amendment

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

FEDERAL LAWS GOVERNS THE PATENT INFRINGEMENTS

23. Indirect Infringement 35 U.S.C. 271 and 271(b)

24. Direct Infringement 35 U.S.C. 271(a)

CALIFORNIA STATE CONSTITUTION "1879"

**25. ARTICLE 1 DECLARATION OF RIGHTS [SECTION 1-SEC. 32
(Article 1 adapted 1879.)**

26. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty. Acquiring, possessing, and protecting property, and pursuing happiness and privacy.

(Sec. 1 added Nov. 5, 1974, by Proposition 7. Resolution Chapter 90, 1974.)

27. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28. SECTION 2. (a) Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

29. The Federal law protects trade secrets?

30. The Defend Trade Secrets Act of 2016 (DTSA) (Pub.L. 114–153, 130 Stat. 376, enacted May 11, 2016, codified at 18 U.S.C. § 1836, et seq.) is a United States federal law that allows an owner of a trade secret to sue in federal court when its trade secrets have been misappropriated.

31. Trade Secrets Law in California

**The California Uniform Trade Secrets Act ("CUTSA")
California Code of Civil Procedure (CCCP 3426 – 3426.11)**

32. The California Uniform Trade Secrets Act ("CUTSA") is located at sections 3426 to 3426.11 of the California Civil Code. CUTSA prohibits "misappropriation" of trade secrets and provides certain remedies. In addition, California law may impose criminal penalties for stealing trade secrets. See Cal. Penal Code §§ 499c, 502.

STATEMENT OF THE CASE AND FACTS

33. The petitioner plaintiff filed his Brief on Appeal to the Federal Circuit Court regarding ERRED Rulings by the District Court of the Central District Court of California, Southern Division declaring Nagui Mankaruse Vexatious Litigant followed by Striking the 1st amended complaints against

Intel and cancelling the Scheduling Conference right before the start of the Discoveries after the Scheduled Conferences in ERROR (Ruling entered on 1/21/2020 hearing (Appendix 23-25) and Mankaruse v. Intel Ruling entered from Chamber work after the postponed hearing for Intel was canceled on the original date of 1/21/2020 to 1/27/2020. Violating the Superior Court of California County of Orange, the Honorable James L. Crandall Presiding in five pages Ordered on August 01, 2019 (Appendix 100-105) that this plaintiff is NOT a Vexatious Litigant.

34. This Petitioner Appellant / plaintiff is under several types of abuses by these two multi-national companies (“INTEL & Raytheon”) and their management for long time (“Documented”). This appellant / plaintiff has done nothing wrong; this petitioner / plaintiff didn’t abuse the legal system, these Appellee’s / defendants abused this petitioner appellant / plaintiff and the legal system for long time including in the Courts while he came to the Courts to protect himself and his legal and Constitutional Rights from these appellees / defendants’ misconduct (“Intel et al”) and the place this can be done is in the court of law. These respondents / defendants are the abusers of the legal system of our Nation without limitation, they believe that because they are big multinational entities with unlimited resources, they must have the right to do

anything they like even abusing the legal system of the land and abusing the Courts and the Constitution.

35. The petitioner Appellant / plaintiff only did one thing which is filed the Complaints and since then he didn't do nothing more than just responding to these defendants' frivolous motions after motions filed in bundles in the State Court and repeating the same strategies in this District Court now Intel and Federal Circuit ("Appendix 93-98 & 107-111")

36. The Honorable District Court Initial Order setting R26 scheduling conference for INTEL & Raytheon on 11/06/2019 ("Appendix 54-60") to be on January 13, 2020 and continued to the following week on January 21, 2020 turned to be a maze of frivolous motions filed by Appellees / defendants Intel where bundles of frivolous motions ("nine (9) frivolous motions") to be heard in the same day for the two cases ("Intel & Raytheon") plus the R26 scheduling conference. It is only clear from the simple reviewing of the dockets ("Appendix 53-91") are the number of motions the respondents / defendants ("Intel") have filed over the years not related to the merits of the cases, no case until today have been crossed the complaint stage except frivolous motions by the defendants just the petitioner plaintiff filed a complaint and followed by bundles of motions consumed years in courts without getting to the point of what the case is all about. Intel et al are those

who are abusing the legal system not the petitioner / plaintiff. This style of abuse repeated itself in every Court case until they are messed up all of them one by one.

37. This petitioner / plaintiff believes that we shouldn't be in any Court at all, while the issues are very simple and clear if there is Good Faith, the petitioner / plaintiff was abused from both top managements of the multi-national Corporations ("Intel") early on and after Disclosing his Patented technologies and Intellectual Property to Intel since 2004 and 2007 if the parties can set together individually in good faith settlement conference everything can be solved in few hours out of court. It is very simple, INTEL used the plaintiff's technologies and Intellectual Property, and it is now in every computer in the world, they simply must pay the bill. But they know and stated that they started these several attempted for settlement requests over the years, and then refused plaintiff request to settle the status of the Intel CPUs that used the patented CPU Cooler in their products that they want Mankaruse to dismiss the case and they run free with the illegal use of the patented technologies. The fair offer to settle out of court is always available and is available also now.

38. First, the petitioner litigant "plaintiff" in this Honorable District Court was not heard in the Intel Case, didn't get noticed what the Order in

Intel Case. Second the District Court missed the careful examination of the history of the compiled record for review which resulted in ERRD decision, i) since the plaintiff did nothing over the years more than filing the complaints which is a Constitutional Right (“the Bill of Rights, 1st, 5th, 8th, and 14th Amendments”), the defendants Intel did all the harassing to the plaintiff, by filling the frivolous non-relating Motions after Motions and most of times in bundles together (“all motions filed before the first hearings of Rule 26 (f) in both Cases”), (“Appendix 53-91”) where the plaintiff had no power to limit the frivolous motions’ numbers in every situations. Plaintiff is only must file answers in time which in addition to consuming all these years in Courts without moving any litigation beyond filing Complaints from the plaintiff’s side and short of getting to any Discoveries to trials. ii) the defendants Intel filed multiple non-related Motions for the purposes of harassing the plaintiff and overwhelm the Courts of non-related issues and consume time which distracts the Courts from the real Merits to support why the Cases were filed, in addition the defendants are spending huge unsubstantiated costs which never mattered to them, just using the patented technologies for free “why the defendants in a scheduling Conference Hearing brings three individual Attorneys coming from all over the Nation, (“The Lead Council Came from San Francisco, and another Councils Came from Los Angeles”) the

defendants have unlimited resources and their Councils of records are doing terrific business for themselves and their Law Firms. The motivations here in these incidences are great, they are far from searching for the truth on the Merits of the issues which must be the goals of these Honorable Courts.

39. Our Courts are here to protect our great Constitution of the United States and every American from any abuse coming to him / her including abuse of American animals.

40. The Discovery in the Intel case was due to start after the Court Order of the Completed Scheduling Conference which was stayed because of the Vexatious Litigant thing request for Security Bonds valued at \$25K that we are turning in circles for several years in the State Court that we never held any Discovery for no reason other than same defendants behaviors of overwhelming the Courts with frivolous unrelating Motions in bundles, and the State Court never allowed the case beyond the complaint, which resulted in granting it to the defendants. It is a very good example of Catch 22, we are turning in circles and never get to any of the facts.

41. Why all of that are happening to this family as an Honest Patriotic Americans live in Good Faith all of the time, love this Nation, love of freedom and love to help anyone with what they have including Raytheon and Intel to help our Military and our National Security for the safety of our Nation and

add to our National Economy. Our Patented technologies and Intellectual Property helped tens of thousands of Americans in direct and indirect employment in the projects without his participation using his patented technologies in several projects over the years and continue to do so in the case of Intel hundreds of thousands of personnel to make living working or keep their jobs while plaintiff and family are living beyond animal's standards in the way they are treated by Intel. Plaintiff and family are still trying to save their dignity and their prides as Americans which are humiliated by Americans on American Soil, it is unbelievable and beyond the comprehension of any mind to anyone hear about it. Anyway, it is this Honorable Court to decide Justice, rightness and fairness based on the truth and facts that are presented here and before and became public records to the whole Nation and the whole world o see.

42. This plaintiff now at all times does have unlimited love for America while here in these situations "The innocent became the Guilty and the Guilty became innocent needs the protection of the Court" this cannot make any sense to anyone. This is Un-American; all this abuse of the plaintiff and his family by Raytheon and Intel the largest in the world in their line of business are just unbelievable and even far from comprehension. This American family have done nothing bad in their whole life to be punished for. This family's

Intellectual Property is stolen, and the Courts of this land must defend the Constitutional rights of this American Family in Order to live like every American family in our great society, this American family is very much Protected by Our Constitution; the Bill of Rights, 1st, 5th, 8th, and 14th Amendments as presented in this document.

43. This American plaintiff's history of litigation doesn't incriminate him, rather incriminate all the defendants Raytheon et al and Intel et al are the ones who did the misconduct and the harassing to the plaintiff so he has to defend himself in the Courts of law which is guaranteed to him by our Constitution which we must hold on it very strongly as the only thing we have to guarantee the values of our great society. The defendants continue filing their frivolous Motions after Motions in bundles to delay and prolong the time of litigation and the plaintiff cannot stop them. The Courts responsibilities are to stop the defendants' illegal behaviors in both cases of Raytheon and Intel. This plaintiff has the complete faith not the fear in his motives to win the two litigations if they are litigated on the merits, the defendants infringed on his Patents and Intellectual Property. In the case of Intel never denied the infringement on his Patents and Intellectual Property, in the same time refusing to pay the bill or now settle while the evidence is available now in every computer in the world.

44. The plaintiff was represented by Councils but were compromised by the defendants one after the other, however this plaintiff now being Pro Se is legal and believe he can sail thorough the trial process the next day if the court allows it, the evidence he has can carry enough proofs to support his claims. The years spent by the defendants in litigating frivolous motions must be stopped in this Honorable United States Supreme Court, the defendants are deliberately creating all the expenses which at this time all needless. If we want to be efficient let us go to the trial right away or go to guided settlement under court supervision and the plaintiff is ready to accept 50% of the damages in both cases of Raytheon and Intel. The defendants caused incurring all unbearable expenses and burdens of their making. The plaintiff is still handling all the responses to their unrelated frivolous motions and the time is continued to pass by years.

45. It is unconstitutional to deprive any free American from his constitutional rights, legal rights or any rights because he doesn't have money, then he must accept abuse and cannot go to court to fight for his rights. We are all equal under God, and under the United States Constitution.

46. Intel Case Pacer Docket speaks for itself, shows that after Mankaruse filed his Amended Complaint ("11/22/2019" Intel filed zillion motions.

47. For all these factual reasons, the United States Supreme Court have the responsibility firsthand to defend our constitution. respectfully should Reverse its Opinion and be overwhelmed by defending nothing else but the United States Constitution as written.

48. Mankaruse prays that this Honorable the United States Supreme Court reexamine case history in the Courts for the Best of Our Nation, defending our Constitution fiercely not for Mankaruse, Intel, Raytheon only, but for the United States of America, the United States Supreme Court is defending our Constitution.

SUMMARY OF THE ARGUMENT & QUESTIONS PRESENTED

49. District Court Order requiring Mankaruse to furnish \$25K Security Bond must be supported by constitutional grounds, Mankaruse is NOT a vexatious litigant (“Appendix 99-105); “based on the 8/1/2019 Order by the Superior Court of California, Honorable James Crandall presiding ”...there is reasonable probability of Prevailing “Appendix 105, Item #D”.

50. The District Court did not get chance to examine Lodged Device with Intel Logo (“Appendix 73, item 44) against the Patents Infringed Analysis in the Amended Complaint providing grounds & Analysis for prevailing.

51. There are no grounds that made the District Court violates the multiple United States Constitution Amendments as originally written while the Federal Circuit concur even with wrong case count by any means is only one case if considering Qualified Cases and three if considered all cases of INTEL and Raytheon together (“Appendix 19, item C”) which is the real number is One is less than five (5), which does not reach the limit to be named vexatious litigant, however unconstitutional.

52. Does Intel litigation history and strategies diverting the litigations in the State Court qualified case (“Table #I in this document”) present any alarming signals to the District Court, the Federal Circuit concurred with the District Court without any real reason without even counting the qualified cases (“Appendix 19, number C”). The history of litigation until today “more than two years” in the District Court and Appeals Case entertaining several unrelated frivolous motions ignoring litigating the Complaints on the merits and violating the Ruling of the State Court (“Appendix 99-105”) and the United States Constitution, (“ Bill of Rights, 1st, 5th, 8th and 14th Amendments”), and the California State Constitution (“items 22-29 of this Document”).

53. Does the Federal Circuit Erred to count the number of cases wrong and base their conclusion on adding all filed cases to both Intel and Raytheon

(“Qualified and Unqualified”) and never Noticed the “State Court Order 8/1/2019 (“Appendix 100-105”). The single qualified case as Pro Se even never reached the number of cases to five? “CCP391, CCP(391(b)(2)&(3).”

54. Asking why this plaintiff have been mistreated with some of this unhuman misconduct, please watch the 4 minutes abc 10 News Video Aired on November 6, 2013 from the link here; <https://youtu.be/br2239gT2Q4>. Basically, this plaintiff is mistreated and Continued to be mistreated unfairly by these defendants even in the Courts of Law pursuant to our Constitutions, the truth must prevail.

55. Analysis (“Appendix 107-111”) Minute Order Plaintiff’s Non-Vexatious Litigant (Appendix 99-105)

(Item #1) ; Five Litigations Determined Adversely In Preceding 7 Years defendants’ Motion declaring plaintiff Nagui Mankaruse and Determined NOT Vexatious Litigant In the Preceding 7 Years DENID on the Grounds Listed.

(Item #2); Repeatedly Litigates Claims DENIED on the Grounds Listed.

(Item #3); Unmeritorious Filings Have Caused Undue Delay Repeatedly DENIED on the Ground Listed.

D. Reasonable Probability of Prevailing.

56. In the top of the Caption sheet of the Federal Circuit opinion (“Appendix 9 top line”) the Honorable Federal Court Judges wrote on May 7, 2021 (“NOTE: This disposition is unprecedented”)!!!

57. Looking at this sentence with an Analyzing eye must raise several questions with no Answers. It is left to our Great Honorable nine Justices of the United States Supreme Court to think about why the Federal Circuit do this to this Appellant in this case at this time???

58. TABLE I

((Qualified) Pro Se Actions Against INTEL)

<p>QUALIFIED NOT TO BE COUNTED WITH RAYTHEN CASES RAYTHEON The State Court ERRED in his</p>	<p><u>Case Name and No.:</u> <i>Mankaruse v. Intel Corporation, et al.</i> Case No. 30-2016-00884058 <u>Date Filed:</u> October 31, 2016 <u>Disposition:</u> Intel’s demurrer was sustained without leave to amend. (RJN ¶ 12, Ex.</p>
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59. TABLE II

((Un-Qualified) Pro Se Actions Against INTEL)

<p>NOT- QUALIFIED NOT RELATED TO RAYTHEON Plaintiff Dismissed</p>	<p><u>Case Name and No.:</u> <i>Mankaruse v. Intel Corporation, et al.</i> Case No. 30-2018-00971179-CU-IP-CJ <u>Date Filed:</u> February 2, 2018 <u>Disposition:</u> Plaintiff dismissed the case on July 17, 2018. (RJN ¶ 10, Ex. 14).</p>
<p>NOT- QUALIFIED NOT RELATED TO RAYTHEON Plaintiff Dismissed</p>	<p><u>Case Name and No.:</u> <i>Mankaruse v. Intel Corporation, et al.</i> Case No. 30-2018-00971116-CU-BC-CJC <u>Date Filed:</u> February 2, 2018 <u>Disposition:</u> Court sustained Intel’s demurrer on June 12, 2018. Amended</p>

60. The District Court have issued an Order violates (“Bill of Rights, 1st, 5th, 8th, and 14th Amendments”) and our California State Constitution Article 1, Sections 1, and 2.

61. According to “Bill of Rights” the first ten Amendments of our great Constitution the petitioner lost most of his civil rights and have been taken away from him by the District Court and Affirmed by the Federal Circuit “...It guarantees civil rights and liberties to the individual-like freedom of speech, press, and religion. It sets the rules for due process of the law and serves all powers not delegated to the Federal Government to the people of the States...”

62. The First Amendment

(“...abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances...”)

abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Number of Cases against Intel more than five which were only one Case qualified and 2 other unqualified pursuant to the State Law and the second ruling of the State Court (“Appendix 99-105”). The Plaintiff filed the two unqualified cases because the California Uniform Trade Secrets Act (“CUTSA”) is located at sections 3426 to 3426.11 of the California Civil Code

require in CC 3426.6 (“...for the purposes of this section, a continuing misappropriation constitutes a single claim.”). The Plaintiff bifurcated the State 2016 Case into two cases (“Table II in this Document”) one case has One Claim only for Misappropriation of the Trade Secrets, and the 2nd case was containing all the other causes of actions.

ARGUMENT

63. The legitimate case filed in the United States Federal District Court for the Central District of California, Southern Division, case number 8:19-cv-01902-DC-JDE is patent infringements (“Appendix 68-74”). The decision of the District Court (“Appendix 24-25”) was Appealed by the plaintiff in February 2020 to the United States Ninth Circuit Court of Appeals Case number 20-55189 on February 12, 2020, (“Appendix 62-66”) after the case was fully briefed and ready for an Opinion. The Appeal was transferred unilaterally by Intel on September 21, 2020, to the United States Court of Appeals for the Federal Circuit Case number 2020-2297 to start the time again. (“Appendix 53-60” The United States Court of Appeals for the Federal Circuit Issued its Judgement Affirmed the District Court Judgement on May 7, 2021. (“Appendix 13-20”). The Rehearing and Rehearing En Bank was Denied on July 8, 2021. (“Appendix 54-61”). Before that the Plaintiff Nagui Mankaruse has filed Trade Secrets case against INTEL in the California State

Court, Case number is 30-2016-00884058-CU-IP-CJC, on October 30, 2016, and was concluded by Dismissing the case after three false Demurrers of the Complaint on July 7, 2018 by the Honorable Judge Craig Griffin. (“Appendix 77-91”)

64.Petitioner Mankaruse In Pro Se in this Action against Intel Corporation is Patent Infringement and Application case number 8:19-cv-0192-DOC-JDEx. The Federal District Claim was never litigated before because the State Court does not have Jurisdiction over Patent litigations!

65.Petitioner Nagui Mankaruse, In Pro Se have sued Intel only one Qualified time “CCP 391(b)(2) & Court Order 8/1/2019.” Trade secrets misappropriation case# 30-2016-cv-00884059-CU-IP-CJC is the only qualified case to be counted in measuring vexation litigant case numbers however Un-Constitutional.

66.Nagui Mankaruse has been injured by Intel when he found out that Intel, an American Multinational Corporation deceived the Courts and violate two of its own signed documents “Corporate Non-Disclosure Agreement (“CNDA” & HHL”) (“Appendix 3-5”) In 2004 before Mankaruse encounters with Intel in 2004 and 2007.”

67.Mankaruse here is being blamed twice once by the District Court and second by this Honorable Federal Circuit of filing this Action of Patent Infringement against Intel. Mankaruse is doing what any individual or entity must do if his/her Intellectual Property is Infringed. This is guaranteed by the Bill of Rights and the First Amendment in the United States Constitution. Seeking Court permission and requesting to furnish Security Bond of any order of magnitude to prevent him from demonstrating his Constitutional rights because is not represented by Council is clear violations of the Bill of Rights, First, Fifth, Eighth and Fourteenth Amendments of the United States Constitution & Article I of California Constitution which demonstrate clear transgression on our United States Constitution itself as originally written.

68.The District Court Order is simply violation to our United States Constitution as originally written and have no standing, which also are explained in the opposition to the District Court ruling declaring Mankaruse vexatious litigant and Order him to furnish Security Bond. In the Brief & Reply and Memorandum in this Federal Circuit. However Unconstitutional, CCP [391-391.8] & 391(b)(2). (“93-98 &106-111”). The Intel situation, the counted number of cases is less than five cases even counting the Quailed and Unqualified numbers of cases which is wrong even against any method of counting. The qualified cases to be counted in this situation of Intel is ONE

case only and three if considered all cases “Qualified and Unqualified” which is less than five cases pursuant to The three cases all different Causes of Actions and CCP[391(b)(2). (“Table 1 and Table 2”) (Appendix 57-58”).

69. The plaintiff is declared vexatious litigant against defendant(s), it must have the count against that particular defendant(s) only exactly, CCP391(b)(2) “*After a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate, in propria persona, either (i) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined.*” which is the case of Intel here, since the defendants litigated in the three presumed cases with one is only qualified case subject of the discussion here were different Defendant(s) and the claims are different in both the Qualified and Unqualified cases also can be counted as one case. The District Court and the Federal Circuit concurred Erred on Intel because it did not & must not count as five (5) cases absolute at the time of the Order, even with careful examination of all cases of Intel and Raytheon separately no two cases have exactly the same defendants and/or Causes of

Actions (391(b)(2). We cannot add all cases as numbers without applying the Statute exactly and carefully as written. “CCP391(b)(2)”.

70.The Honorable Federal Circuit is criticizing that the Intel and Raytheon actions of infringement of the ‘512 US Patent & ‘458 Canadian Patents (“114-118”)and its applications the trade secrets are identical, which is not true at all. First in the amended complaint against Intel, the Infringing Device is the CPU Cooler, second, the Causes of Actions are: Indirect (Induced) Infringement 35 U.S.C. 271 & 271(b) and Direct Infringement Cause of Action 35 U.S.C. 271, 271 (a). and the Applications of the Patents used to build the CPU Cooling (trade Secrets). In Raytheon situation the amended complaint causes of actions are Direct Infringement 35 U.S.C. 271 & 271(a) and the application on the Fire Finder RMI, The Sentinel Improved radars and THAAD Missile Defense System. The two Causes of Actions are using the trade secrets of the Patented two-phase cooling technologies and its Applications Statutes.

71.The Infringing products are completely different animals, and the basic technologies are using the same patented two-phase cooling technologies with variations on the two distinct and appropriate applications (trade Secrets) which make the picture complete and unique for each product as

being used and applied to both Intel and Raytheon. (Please refer to the amended complaints of Intel & Raytheon.)

72.Mankaruse sued Intel in the State Court only one time case#30-2016-cv-00884059-CU-IP-CJC, which is qualified to be counted pursuant to CCP [391-391.8] & 391(b)(2) provisions, which is less than five which unqualify and invalidates the District Court Order under this Rehearing. As this honorable Federal Circuit prescribed in page #3 of the Opinion as various claims various defendants it cannot be counted multiple times in either Intel or Raytheon cases “CCP391(b)(2).”

73.The specific detailed analysis to the infringements of the two patents claims that were infringed are included in documents and illustrations of quick analysis in the Intel amended complaint and detailed in other discovery including 100 pages (about 50 pages for each encounter) of correspondences with intel through and after the two encounters with Intel during 2004 and 2007 “made available to Intel”.

73.From the start intel has signed two agreements in 2004 (“ Appendix 3-5”) before start disclosing the protected technologies and its applications in 2004 and in 2007 with physical prototype in the two hours meeting to more than 15 distinguished engineers, managers and directors in one of the Buildings of Intel Campus in Chandler, Arizona in 2007 with questions and

answers part which it was praised by the audience at the end of the presentation.

75.It was mentioned also at that time by Intel leaders after the scheduled meeting that the disclosed performances of the CPU Cooler device when used with Intel CPU “Is too Good to be True” based on the amazing results presented “it proved that it increase the CPU speeds more than 40 times what it was”. At that time Intel suggested to Mankaruse to do outside tests and bring them to Intel to believe it, then Mankaruse told them face to face if this is the case, we can do the tests here in your testing lab. and you can watch it since it can cost around \$100K if done in an outside lab. The answer immediately was we have no time. In 2015 Mankaruse discovered one infringed CPU Cooler is selling on Amazon website and he bought few of them and has one of these units lodged in the District Court (“Appendix 71 , item #23.) until today, its pictures are in color in the Memorandum.

76.Intel never disputed the facts mentioned above and they accepted the patented technologies back then until today and while filling demurrers to the complaint in the State Court never got beyond demurrers of frivolous procedural errors within two years in the State Court against one of the mostly perfect complains that could be filed.

77. The State Court Judge have missed one of the Actions must be taken by him before rejecting the first amended complaint and later after the third demurer dismiss the case all together, is to make a conference with both parties to show where the dispute if any in the complaint which were never done and he chose to dismiss the complaint instead in violation of the State Court local procedures rules Documented. Immediately after signing the case dismissal, he was transferred to one of the County satellite Courts from the Central Justice Center.

78. In February 2, 2018 Mankaruse filed 30-2018-00971116 and 30-3018-00971179 was bifurcation of different claims in case #1 here one case was only Trade Secret misappropriation and the second was other civil claims related to breach of contract and the Non-disclosure agreement,... to meet the requirement of CCP 2019.210 which require the trade secret cause of action separate case, of CCP [391-391.8] & 391(b)(2).

79. The cases count against Intel is being listed and analyzed in detail in table I & II (“Items 58 & 59 in this document”) and its status and comments.

80. In the present Federal District case filed October 3, 2019 within few weeks, Mankaruse filed an amended complaint in the Intel case to add information defined the issues and include different parties to make the First

Amended Complaint more precise with more supported verified data which are absolutely allowed without motion to leave to amend, can't see what is wrong with that particularly the Federal District Court has required detailed complaints lately.

81. Intel always followed Raytheon in filing bundles of frivolous motions to kill the cases before its inception as usual and suggested the pre-filing approval and Bond issues, which are completely obscured and motivated, since the final and last Order of Honorable James Crandall of the State Court dated 8/1/2019 ("Appendix 100-106") has DENIED Raytheon vexatious motion on its entirety. Intel only sued onetime which is less than five qualified cases to be declared Mankaruse vexatious litigant. Mankaruse was clear to file this case in the Federal District Court on 10/3/2019 and to file the Raytheon Case in the Federal Court in the same day. Mankaruse is not vexatious litigant pursuant to State Court Ruling of 8/1/2019, CCP [391-391.8] and CCP391(b)(2) and Against the Eighth Amendment "...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb..." The current motion declaring Mankaruse vexatious litigant is valid because it is unconstitutional.

82. Since 2016 Mankaruse have been in Courts against Intel and Raytheon In Pro Se, but never passed the complaints phase, refusing to start any form of discovery leading to trial on the merits.

83. Both Intel and Raytheon spending millions of dollars in Attorney's fees to keep the cases in status quo and kill the cases with procedural frivolous tactics in deceiving and providing false information to the courts in absence of any discoveries, filing bundles of frivolous unrelated motions avoiding going to trials on the Merits. (US Constitution Bill of Rights and Amendments 1, 5, 8, & 14 and CCP391(b)(2)).

84. Mankaruse actual complaints of his stolen Intellectual Properties is on the merits as the law of the land allows for fairness under the law and the Constitutional rights in California and in United States Constitutions, but all of that is ignored by both multi-national Companies, not only that but they spend all these resources and vast expenses on unneeded litigations since 2016 for no reasons other than evading the laws of the land and violating our constitution and killing the fairness in our great Nation.

85. It is not the Mankaruse history of litigation, however its of Intel and Raytheon history of litigation which are abusing the system in bad faith.

86. What are we doing here since Mankaruse filed his Complaint against Intel in the District Court on October 3, 2019? The Answer is: Mankaruse filed his Appeal in the ninth Circuit in January 21, 2021 followed by Intel transferred the case to the Federal Circuit in September 2021. Counting how many cases Mankaruse filed against intel and Raytheon! What Mankaruse did since the filed the complaints against Intel and Raytheon. The Complaints were for Patents Infringements, but immediately Intel and Raytheon filed bundle of frivolous Motions immediately after.

87. Mankaruse has offered intel new patented technology and intellectual property based on signed agreements conditional not to be used by intel or any third party without his consent with legal licensing of the technologies. Why we are here now? The answer is because Intel violated the agreement intentionally and refused to affect the agreements but never did and never can Deny the illegal use of the infringing device that are installed in all computers with every Intel Central Processing Unit (CPU). The evidence available physically at hand in one device called CPU Cooler and in every computer in the world uses Intel CPU.

88. Mankaruse is ready to go to trial anytime now even without any discoveries because the evidence are available in every commercial computer uses Intel in the world now to get the absolute truth out pursuant to the

Complaint which is the Goal anyway. Intel has everything in their hands already and accepted the Patents and analysis of the applications to build working CPU as it is already done and completed in 2004 and 2007 encounters.

89. The Federal Circuit Here Erred again not only in violation of the United States Constitution Bill of Rights, First Amendment, Fifth Amendment, Eight Amendment and Fourteenth Amendment. Using discretion of the Federal Circuit opinion which is not applicable here because there is only one qualified case against Intel pursuant to CCP [391. -391.8] & 391(b)(2) which is less than the five cases limit for any Pro Se litigant to be considered vexatious and State Court Order of 8/1/2019 (Volume II #I,1-6). What is the limit that controls the transgression on Our Constitution, it should not be any Court in the land, who is the ones defending the constitution, if it came from any other entity or individual no matter why this can be it should be stopped and corrected by any Court and certainly by the United States Supreme Court?

90. The Mankaruse history of litigation or any kind of history of any American cannot justify denying any American entity or individual any word of his/her constitutional rights built by the founder of this great Nation after the Independence of our great Nation which fought to preserve this

constitution to our great Nation and all Americans, their freedom and every American freedom that comes after them to the end of days. The INTEL litigation history are analyzed in detail in the Intel Panel Rehearing and Rehearing En Bank

CONCLUSION

91. The petitioner pray that the United States Supreme Court Grant this Writ of Certiorari for the sake of the United States Constitution and for this petitioner be saved from all injustices happened to him since 2004 by Intel Corporation and every plaintiff decide to fight for his/her constitutional rights.

Respectfully submitted,

Dated July 29, 2021



NAGUI (NAGY) MANKARUSE
Petitioner-Appellant In Pro Se