

No. _____

21-154 | ORIGINAL

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

FILED
JUL 29 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

NAGUI MANKARUSE
Plaintiff and Petitioner

v.

RAYTHEON COMPANY, 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 2020-2309 , 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-01904-DOC**

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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

RESPONDER are represented by DLA Piper US, LLP;

Andrew P. Valentine, Lead Counsel representing all respondents / defendants.

RAYTHEON COMPANY, TRS LLC US, DAVID EARL STEPHENS, JOHN RYAN, JAMES LEROY COTTERMAN, JR., MARK P. HONTZ, KIMBERLY R. KERRY (KIM KERRY), COLIN J. SCHOTTLAENDER, WILLIAM H. SWANSON, THOMAS A. KENNEDY, MATTHEW BREWER, F. KINSEY HAFNER, KEITH PEDEN, BRIAN ARMSTRONG, RICHARD ROCKE and DOES 1 through 10, inclusive,

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. Lueckert,
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 STATUTES

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.2d 168]
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 4185-09t3, 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–~~398~~]

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.

INDEX OF RAYTHEON APPENDCES

- 1.0 Raytheon been informed that technologies are patented on 08/05/ 2008
- 2.0 The Federal Circuit Final Order Denied Nagui Mankaruse v. Raytheon Company Panel Rehearing and Rehearing En Banc on July 8, 2021
- 3.0 The Federal Circuit Order Affirmed District Court Order to Transfer Nagui Mankaruse v. Raytheon Case to the Federal Court Judgement
- 4.0 Ruling of the United States Court for the Central District of California, Southern Division of Nagui Mankaruse v. Raytheon Company
- 5.0 Ruling California State Court of Raytheon Appeal Case #
- 6.0 Ruling California State Court on Nagui Mankaruse v. Raytheon Case # 30-2016-30-201600878349-CU-IP-CJC
- 7.0 Ruling California State Court on Nagui Mankaruse v. Raytheon Case # 30-2017-00934796-796-CU-IP-CJC
- 8.0 Docket the Federal Circuit Nagui Mankaruse v. Raytheon Company
- 9.0 Docket of the United States Court for the Ninth Circuit Order Transfer Nagui Mankaruse v. Raytheon Company Case to the Federal Circuit based on Raytheon Unilateral request on 09/21/2021
- 10.0 Docket United States Court for the Central District of California, Southern Division of Nagui Mankaruse v. Raytheon Company
- 11.0 Docket State Court of California Nagui Mankaruse v. Raytheon Case #30-2016--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

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INTRODUCTION

1.0 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. William Swanson, prior Raytheon Chairman & CEO, Mr. Keith Peden, prior Raytheon Corporate Senior Vice President, Mr. F. Kinsey Hafner, Prior Raytheon Vice President Intellectual Property and Licensing (“current defendants in this case”) and the unhuman misconduct by Raytheon to Nagui Mankaruse; please watch the 4 minutes investigative report on abc 10 News Video Aired on November 6, 2013 from the link here; <https://youtu.be/br2239gT2Q4..>

2.0 In addition of multiple one-sided letter correspondences to Dr. Thomas A. Kennedy (“current Raytheon Chairman / CEO”) in the last few years and (“current defendant”) offering solving this unneeded dispute by settling out of Court without any kind of response except defense Council Mr. Andrew Valentine in State Court scheduled Settlement Conference one

time who have offered his proposed settlement for the plaintiff Nagui Mankaruse to dismiss all Actions against Raytheon, and that can be settlement offer. Later towards the end of the litigation in the Sate Court on and around October 9, 2019 in the hallway acknowledged that Raytheon used the infringed technologies, and DLA Piper is large Law Firm and Raytheon is large company (“while the Claim is pending in the State Court case of 2017”) and we know everything from people we know from people in all Courts.

3.0No 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 10 top of the page says “The disposition is nonprecedential””) is a beginning of endless series of violations to the United States Constitution in many directions.

OPENIONS OF THE FEDERAL CIRCUIT COURT OF APPEALS BELOW

4.0The Federal Circuit Court in its judgment on May 7, 2021, has affirmed the District Court’s Dismissed of (“Appendix 10-27”) Mankaruse case against Raytheon and the parties shall bear their own costs. The Federal Circuit Court has also noted that the disposition is “nonprecedential” (“Appendix 10”)

5.0The 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

6.0The 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:

7.0The 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 99-104”) and has so far departed from the accepted and usual course of judicial proceedings. And departure by the District Court as to call for and exercise the court supervisory power (“discretion of the Court”) violating in every turn 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...”)

8.0The 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.

9.0 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.

10.0 A Timely petition for re-hearing was therefore denied, entered on the 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 5-6”)

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

NECESSITY FOR REVIEW

12.0 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.

13.0 When faced with “extensive evidence” Raytheon 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 frivolous 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”).

14.0The District Court Have Erred granting this motion to the defendants in January 23, 2020 (“Appendix 26-31”) which completely ended the entire case before we even come to any merits. Raytheon is a major aerospace multinational corporation, with influence and unlimited resources acting in bad faith to get away with deliberate intention violating their agreements, the law of the land and our great United States Constitution in multiple settings and incidents with Nagui Mankaruse (“documented and acknowledged by Raytheon “Appendix 3”). the 4 minutes investigative report on abc 10 News Video Aired on November 6, 2013 from the link here; <https://youtu.be/br2239gT2Q4..>

15.0While he was employed by Raytheon as Principal Systems Engineer and Principal Mechanical Engineer from May 10, 2004- April 17, 2012 (“8 years”) and associated documents (“Appendix 3-8”) to get away with the high-profile infringement on the US Patent 6,411,512 & Canada Patent 2,389,458, (“Appendix 113-117”) using the protected technologies extensively in three major Missile Defense Systems (“THAAD, Fire Finder RMI and Sentinel Improved”) without meeting any of its obligations, rather went out of their way to run away free including misconduct and abuse resulted in Mankaruse

was injured acquired the deadly heart Arrhythmia, then wrongful termination, then putting it a task to prevent him not to get employed a gain to control his income in a way that since he acquired the disease he live with his family under the poverty line all the time, the vexatious litigant motion has the same goals, three times in less than 2 years file motions to declare Mankaruse vexatious litigant and security Bond for two reasons to end the cases because they are very much aware of his income exactly and also to prolong the cases until they are killed by itself before any merits (Appendix 99-104”).

16.0 While acting in misconduct they have violated Our United States Constitution (“Bill of Rights, It guarantees civil rights and liberties to the individual, while Mankaruse lost most of his civil rights and liberty,...., “) (“1st amendment, ...and to petition the Government for a redress of grievances. While Mankaruse is not able petition the government conditioned to have money to pay for the requested and granted security Bonds to defend himself and his property which he cant have money not because he is stupid which he is not, or because he doesn’t want to go to work, but because he happened to be restricted to have Mooney to pay for a bond of \$25K one of Raytheon councils spend them in any morning .”)

17.0The 5th amendment (“...nor be deprived of life, liberty, or property, without due process of law;...”) while Mankaruse was with his family deprived of life, liberty and his property.

18.0(“8th amendment (“...nor be deprived of life, liberty, or property, without due process of law;...”), while Mankaruse deprived of life liberty and property without due process. (“...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb...”), while Mankaruse was is subject for the same offence three times in a row within less than two years.

19.0And 14th amendment (“...The United States Constitution prohibits the federal government from imposing excessive bail, excessive fines, or cruel and unusual punishments....”), however, Mankaruse imposed to excessive security two security Bonds for Raytheon and Intel in the same time while Raytheon and Intel delibratly chose that strategies because they knew Mankaruse at that time cannot afford \$50 not \$50K bonds. The Courts are smarts, they ca spot such bad faith in such circumstances easily.

REASONS FOR GRANTING THE WRIT

20.0This 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 Great State of California and other Great States as well can abort many cases, many innocent plaintiff's will lose valuable Constitutional Rights as a result will be lost forever because of this precedence and Justice will suffer.

21.0. 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 his United States Constitutional Rights, Federal legal rights and Justice can prevail.

22.0 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 presented 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 God and the United States Constitution, but it seems he is not getting it until now.

23.0 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 Appeal 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

24.0The 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.”

25.0The 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.

26.0The 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 curium opinion in *Ohio v. Reiner*, holding that the Fifth Amendment right against self-incrimination protects the innocent as well as the guilty.]

27.0The 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.]

28.0The 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

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

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

CALIFORNIA STATE CONSTITUTION "1879"

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

32.0 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.)

34.0 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.

35.0 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.

36.0 The Federal law protects trade secrets?

37.0 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.

38.0 Trade Secrets Law in California

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

39.0 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

40.0. 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 Raytheon and cancelling the Scheduling Conference right before the start of the Discoveries after the Scheduled Conferences in ERROR (Ruling entered on 1/23/2020 hearing (Appendix 27-31) and Mankaruse v. Raytheon 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 ruling of the Superior Court of California County of Orange, the Honorable James L. Crandall Presiding in five pages Ordered on August 01, 2019 (Appendix 99-104) that this plaintiff is NOT a Vexatious Litigant and analysis (“Appendix 106-111).

41.0 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 Mankaruse came to

the Courts to protect himself and his legal and Constitutional Rights from these appellees / defendants' misconduct ("Raytheon 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.

42.0The 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 and Federal Circuit ("Appendix 8-34")

43.The Honorable District Court Initial Order setting R26 scheduling conference for INTEL & Raytheon on 11/06/2019 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 Raytheon & Intel where bundles of frivolous motions ("nine (9) frivolous motions") to be heard in the same day for the two cases plus the R26 scheduling conference. It is only clear from the simple reviewing of the Federal Circuit and the District Court dockets ("Appendix 32-89") are the number of motions the respondents /

defendants (“Raytheon”) 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, then followed by bundles of motions consumed years in courts without getting to the point of what the case is all about. Raytheon 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.

44. 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 (“Raytheon”) early on and after Mankaruse Disclosing his Patented technologies and Intellectual Property to Raytheon since August 5, 2008 (“Appendix 3”) 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, Raytheon used the plaintiff’s technologies and Intellectual Property, and it is now in every Missile Defense System of the THAAD, Fire Finder RMI, and Sentinel Improves systems, they simply must pay the bill. But they stated that they refused these several attempted for settlement requests over the years, and then refused plaintiff request to settle the

agreements of Raytheon on Missile Defense Systems in their products just they want the dismissal 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.

45.0First, the petitioner litigant “plaintiff” in this Honorable District Court was not noticed because the Court has pre-determination of the ruling in the 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 his Constitutional Right (“the Bill of Rights, 1st, 5th, 8th, and 14th Amendments”), the defendants Raytheon 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 60-89”) 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 Raytheon 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 and fees 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 and Massachusetts”) 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 is already known to them from the correspondence with the management and executives since plaintiff disclosed the solutions to Raytheon in August 5, 2008 (“Appendix 3”) must be the goals of these Honorable Courts.

46.0 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.

47.0The Discovery in the Raytheon case was due to start immediately 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 over whelming the Courts with frivolous unrelating Motions in bundles, and the State Court never allowed the case beyond the complaint, and when ruled in Summary Judgement was before any Discovery which is another Error to be added, which resulted in granting it to the defendants. It is a very good example of Catch 22, we are turning around in circles and never get to any of the facts.

48.0 Why all of that are happening to this family as an Honest Patriotic Americans live in Good Faith, 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 infringing projects without Mankaruse participation using his patented technologies in several projects over the years and continue to do so in the case of Raytheon tens of thousands of personnel to make living working or keep their jobs over the years while plaintiff and family are living beyond animal's standards in the way they are treated by Raytheon. 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 United States Supreme 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 to see.

49.0 This plaintiff now always 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 and similar California Statutes as presented in this document.

50.0 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 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 Raytheon & Intel never can deny 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 the three infringing Missile Defense Systems & every computer in the world.

51.0The plaintiff was represented by Councils at the beginning 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 the Supreme Court allows it, the evidence he has can carry enough proofs to support his claims in both trials. 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 anytime. 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.

52.0It 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.

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

54.0For 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.

55.0Mankaruse 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

56.0 District Court Order requiring Mankaruse to furnish \$25K

Security Bond must be supported by constitutional grounds, Mankaruse is NOT a vexatious litigant (“Appendix 99-104”); “based on the 8/1/2019 Order by the Superior Court of California, Honorable James Crandall presiding, ”...there is reasonable probability of Prevailing “Appendix 104, Item #D”.

57.0 The District Court did not get chance to examine the 364 documents filed under seal (“Appendix 84, dated 12/2/2019”) and the Patents Infringed Analysis in the Amended Complaint providing grounds & Analysis for prevailing.

58.0 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 two case if considering Qualified Cases only for Raytheon because the 2017 State case is different from the 2016 State case because it has different causes of Actions and different defendants (“Appendix 99-104”) and (“Appendix 106-110”) which is the real number is two is less than five (5), which does not reach the limit to be named vexatious litigant, however unconstitutional.

59. Does Raytheon litigation history and strategies diverting the litigations count in the State Court qualified cases (“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 (“Table I in this Document”). 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 99-104”) 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”).

60. 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 99-104”). The single qualified case as Pro Se even never reached the number of cases to five? “CCP391, CCP(391(b)(2)&(3).”

61. Asking why this plaintiff has 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.

**62.0 Analysis (“Appendix 106-110”) 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.

**63.0 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”)!!!**

**64.0 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. TABLES

TABLE I: (Qualified)Pro Se Actions Against Raytheon, et al

No.		
1	Court Erred in Granting the Case to Defendants in Summary Judgement. QUALIFIED	<p>Case Name and No.: <i>Mankaruse v. Raytheon Company et al.</i> Case No. 30-2016-00878349-CU-IP-CJC</p> <p>Date Filed: September 30, 2016</p> <p>Disposition: Summary judgment granted before any Discoveries on Raytheon</p>
2	UN-Qualified, Accepted by the same Court due to different defendants. Combined with Case #1 CCP 391(b)(2)	<p>Case Name and No.: <i>Mankaruse v. Raytheon Company et al.</i> Case No. 30-2017-00934796-CU-IP-CJC</p> <p>Date Filed: September 30, 2017</p> <p>Disposition: Summary judgment granted before any Discoveries on Raytheon S</p>

TABLE II

(UN-Qualified)Pro Se Actions Against Raytheon, et al

1.	Litigated by Council	<p>Case Name and No.: <i>Mankaruse v. Raytheon Company et al.</i> Case No. 30-2013-00625080-CU-WT-CJC (The "Second Employment Case")</p> <p>Date Filed: January 17, 2013</p> <p>Disposition: Jury verdict in favor of Raytheon in December 2014. Court of Appeal affirmed. (RJN ¶ 3, Ex. 4).</p>
2.	Litigated by Council Allen Perry; Plaintiff is Corporation	<p>Case Name and No.: <i>American Innovation Corp. et al. v. Raytheon Company et al.</i> Case No. 30-2014-00732670-CU-BC-CJC (The "First IP Case")</p> <p>Date Filed: July 7, 2014</p> <p>Disposition: Fraud and deceit claim dismissed on Nov. 9, 2016. (RJN ¶ 4, Ex. 5). Mr. Valentine in the Hallway told Mankaruse Judge Banks Angry if you don't Dismiss Claim. (RJN ¶ 5, Exs. 6-7).</p>

3.	Manage the cases, consolidation	Case Name and No.: <i>Mankaruse v. Raytheon Company et al.</i> Case No. 30-2016-00841632-CU-IP-CJC (The "Second IP Case") Date Filed: March 18, 2016 Disposition: Plaintiff dismissed the lawsuit on May 16, 2016 (RJN ¶ 6, Ex. 8) within two months, Case dismissed before demurrer hearing.
4	Dismissed to Manage & Consolidate, after Council Allen Perry Dismissed Other issues. Filed The 2016 case Pro Se the next day.	Case Name and No.: to manage <i>American Innovation Corp. v. Raytheon Company et al.</i> Case No. 30-2016-00860092-CU-IP-CJC (The "Third IP Case") Date Filed: June 27, 2016 Disposition Plaintiff dismissed the case on September 29, 2016. Different Plaintiff and Defendants (RJN ¶ 7, Ex. 9). Within three Months

65.0The 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.

66.0According 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..."

67.0The 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 Raytheon less than five which were only two Cases qualified and 4 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

68.0The legitimate case filed in the United States Federal District Court for the Central District of California, Southern Division, case number 8:19-cv-01904-DOC-ADS is patent infringements (“Appendix 78-90”). The decision of the District Court (“Appendix 26-31”) 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 69-76”) 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 58-67”) The United States Court of Appeals for the Federal Circuit Issued its Judgement Affirmed the District Court Judgement on May 7, 2021. (“Appendix 13-21”). The Rehearing and Rehearing En Bank was Denied on July 8, 2021. (“Appendix 9-21”). Before that the Plaintiff Nagui Mankaruse has filed Trade Secrets case against Raytheon in the California State Court, Case number is 30-2017-00934796-CU-IP-CJC and the 2016 case which both cases are different in the defendants and causes of actions 30-2016-00878349-CU-IP-CJC, and both cases were concluded by ERRED Ruling by State Court in Summary Judgements before any discoveries which is not legal.

69.0Petitioner Mankaruse In Pro Se in this Action against Raytheon Company is Patent Infringement and Application case number 8:19-cv-0194-DOC-ADSx. The Federal District Claim was never litigated before because the State Court does not have Jurisdiction over Patent litigations!

70.0Petitioner Nagui Mankaruse, In Pro Se have sued Raytheon only

two Qualified cases “CCP 391(b)(2) & Court Order 8/1/2019.” Trade secrets misappropriation cases as indicated in item 69.0 above are the only two qualified cases to be counted in measuring vexation litigant case numbers however Un-Constitutional.

71.0Nagui Mankaruse has been injured by Raytheon when he found out that an American Multinational Corporation deceived the Courts and violate two of its own Agreements (“Appendix 3”) In 8/5/2008, Oral communication in the 364 under seal filing Appendix 84 dated 12/02/2020”)

72.0Mankaruse here is being blamed twice once by the District Court and second by the Honorable Federal Circuit of filing this Action of Patent Infringement against Raytheon. 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 sort or 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.

73.0The 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 (“92-111”). However Unconstitutional, CCP [391-391.8] & 391(b)(2). (“93-98 &106-111”). The Raytheon 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 TWO cases which is less than five cases pursuant to The two cases and the Unqualified cases are all different Causes of Actions and CCP[391(b)(2). (“Table 1 and Table 2 in this document item 64”), and (Appendix 92-111”).

74.0The plaintiff is declared vexatious litigant against defendant(s), it must have the count against that particular defendant(s) only exactly (“however unconstitutional”) , (“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 Raytheon 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 Raytheon Case 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 Raytheon 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)".)

75.0The Honorable Federal Circuit is criticizing that the Intel and Raytheon actions of infringement of the '512 US Patent & '458 Canadian Patents ("Appendix 113-117") 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 patented technologies and its Application trade secrets of the Patented two-phase cooling technologies and its Applications Statutes.

76.0The 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.)

77.0Mankaruse sued Raytheon in the State Court only qualified two times case#30-2016-cv-878349-CU-IP-CJC and 30-20700934796-CU-IP-CJC, however the two cases are different in causes of actions and defendants which is qualified to be counted pursuant to Table I in this document and CCP [391-391.8] & 391(b)(2) provisions and State Court Order (“Appendix 99-104),

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 (“Appendix 28”) as various claims various defendants it cannot be counted multiple times in either Intel or Raytheon cases, “CCP391(b)(2).”

78.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 Raytheon amended complaint and detailed in other discovery including 364 pages filed under seal (“Appendix 84 dated 2/2/2019”).

79.0From the start Raytheon agreements in August 5, 2008 (Appendix 3”) and After Oral and in (“Appendix 84”) before start disclosing the protected technologies and its applications in 2008 (“Appendix 3”) with following up with Oral agreements and communications, meetings and emails requesting to effect the agreements during Mankaruse supervising and transferring the patented technologies and applications the Trade Secrets to the applicable systems which has not happened until this day.

80.0Raytheon never disputed the facts mentioned above and they accepted the patented technologies back then and now until today and while filling demurrers to the complaint in the State Court never got beyond

demurrers of frivolous procedural errors since 2016 except getting two defected ruling summary judgements in the two State Courts of 2016 and 2017 before any Discovery started which is illegal under the California Statutes. Messing up cases in purpose in the State Court against most perfect complains that could be filed.

81.0The cases count against Raytheon is being listed and analyzed in detail in table I & II in this document and its status and comments in the State Court Order (“Appendix 99-104”) and the analysis of the Court Order (“Appendix 92-97 and 106-111”).

82.0In the present Federal District case filed October 3, 2019 within few weeks, Mankaruse filed an amended complaint in the Raytheon 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.

83.0Intel & Raytheon in filing bundles of frivolous motions to kill the case and teaming with Intel in that Matter together to follow suit before 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 99-104”) has DENIED Raytheon 2nd vexatious motion on its entirety. Raytheon was only sued two qualified times which is less than five qualified cases to be declared Mankaruse vexatious litigant. Raytheon filed three times motions to declare Mankaruse a vexatious litigant within less than two years which is a clear and direct violation of the 8th Amendment of the United States Constitution (““...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb...””). was clear to file this case in the Federal District Court on 10/3/2019 and to file the Intel 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 vexa tious litigant is invalid because it is unconstitutional.

84.0Since 2016 Mankaruse have been in Courts against Raytheon and Intel In Pro Se, but never passed the complaints phase, in both cases the defendants refusing to start any form of discovery leading to trial on the merits.

85.0Both Raytheon and Intel are spending millions of dollars in Attorney's fees to keep the cases in status quo and kill the cases with procedurals frivolous motions tactics in deceiving and providing false information to the courts in absence of any discoveries, filing bundles of frivuious unrelated motions avoiding going to trials on the Merits for years now. (US Constitution Bill of Rights and Amendments 1, 5, 8, & 14 and CCP391(b)(2).

86.0Mankaruse 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 Untied 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.

87.0It is not the Mankaruse history of litigation, however its of Intel and Raytheon history of litigation which are abusing the system in bad faith.

88.0What are we doing here since Mankaruse filed his Complaint against Raytheon 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 Raytheon and Intel transferred the case to the Federal Circuit in September 21, 2021. Counting how many cases Mankaruse filed against intel and Raytheon! What Mankaruse did since the filed complaints against Intel and Raytheon. The Complaints were for Patents Infringements, but immediately Intel and Raytheon filed bundle of frivuious Motions immediately after to confuse, delay and overwhelm the Courts and Mankaruse.

89.0Mankaruse has offered Raytheon new patented technology and intellectual property based on agreements Oral and actual transferring the technologies to be used in the three Raytheon Systems THAAD, Fire Finder RMI and Sentinel Improved Missile Defense Systems and Programs agreements supported by the documentations (“364 pages of documented filed under seal in the in the District Court (“Appendix 84 dated 12/02/2019 and were prior filed under Seal in the 2017 case in the State Court also under Seal and physically transferring the technology to Raytheon to the systems in 2008 and 2009.

90.0Mankaruse is ready to go to trial anytime now even without any discoveries, the evidence is in the amended complaint and the 364 pages of documents filed under seal in the Distinct Court (“Appendix 84 dated 12/2/2019”).

91.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 are only two qualified cases against Raytheon pursuant to CCP [391. - 391.8] & 391(b)(2) which is less than five cases limit for any Pro Se litigant to be considered vexatious and State Court Order of 8/1/2019 (“Appendix 99-104”) is denied that to Raytheon. What is the limit that controls the transgression on Our Constitution, it should not be any Court in the land, who is the ones must be defending the constitution, if it came from any other entity or individual no mater why this can be it should be stopped and corrected by any Court and certainly by the Unites States Supreme Court?

92.0The 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 Raytheon litigation history are analyzed in detail by the petitioner in the Raytheon Panel Rehearing and Rehearing En Bank (“Appendix 99-11”)

CONCLUSION

92.0The 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 2008 by Raytheon and every plaintiff decide to fight for his/her constitutional rights.

Respectfully submitted,

Dated July 29, 2021

A handwritten signature in black ink that reads "Nagui Mankaruse". The signature is written in a cursive, flowing style.

**NAGUI (NAGY) MANKARUSE
Petitioner-Appellant In Pro Se**