

Case No.21-154

IN THE SUPREME COURT OF
THE UNITED STATES

NAGUI MANKARUSE
Plaintiff and Petitioner

v.

RAYTHEON COMPANY, ET AL,
Defendants and Respondents,

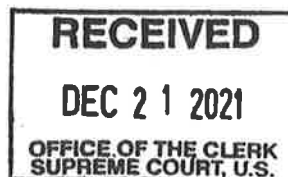
RE-HEARING PETITION FOR WRIT OF
CERTIORARI

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-
DOCx

NAGUI MANKARUSE
19081 Carp Circle
Huntington Beach, CA 92646
Petitioner, In Pro Se
Tel: (714) 840-9673
Mobile: (714) 580-3777
Fax: (714) 846-5012
Email: mankaruse@gmail.com
mankaruse@aol.co

[1]



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?

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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....”

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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

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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
EQUALY

“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.

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19081 Carp Circle
Huntington Beach, CA 92646
Petitioner, In Pro Se
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Mobile: (714) 580-3777
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mankaruse@aol.com

DECLARAION OF NAGUI MANKARUSE

The Supreme Court of the United States Petition for Rehearing after Justices Breyer and Alito took no part in the Petition discussion or Consideration.

I, Nagui Mankaruse declares s follow:

I am an American Engineer Invertor and Innovator has been employed by Raytheon Company from 2004 – 2012 as Principal Systems Engineer and Principal Mechanical Engineer. I have been called to find a solution to Missile Defense Systems and Radars among group of other engineers, managemers including executives. My main goals devoting most of my long career to the United States Military/Aerospace Industries in contributing to the strength of our Nation’s Militaries using my innovation designing advanced weapons as much as I am able and alive using patented technologies with its Intellectual Property (“trade Secrets”). My contribution at Raytheon included the three Missile Defense Systems (“THAAD, Fire Finder RMI, and Sentinel Improved”) Infringement subject of this Lawsuit.

The United States Supreme Court decided on the non-acceptance of this case without legal principal or grounds that discussed in the brief. The court’s opinion

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avoided the main issues which are the non-constitutionality of the District Court Orders and the gross errors that supported by the Federal Circuit in their opinion's fundamental mistakes of the law that district court relied on and the faulty reasoning the Circuit Court built their opinion on. It is believed the chance that the US Supreme Court will correct the errors. The United States Constitution Amendments ("VIOLATED") are:

1. 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. FIRST AMMENDMENT

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. FIFTH AMMENDMENT

No person shall be held to answer for a capital, or otherwise infamous crime,

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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. EIGHTH 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

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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. 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.

It is very much believed that the Supreme Court will find interest in these two cases where there is a real strong legal claim on the Merits here. In every situation where I have raised a claim of federal constitutional errors and as plaintiff, I deserve relief in the Federal District Court with Supreme Court opinion that can correct the grave problems with the Federal Circuit Court of appeals analysis in this case where multiple constitutional amendments have been violated including our fundamental Bill of Rights and granting the petition.

The Bill of rights is been violated right on its face value, the 1st, the 5th, the 8th, and the 14th amendments is been violated by the District Court and affirmed by the

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Federal Circuit Court. (Citation of Supreme Court authorities)

The Federal Circuit Court Opinion injured the US Constitution by allowing for the first time ever in that Court to issue an opinion on such issue (“Vexatious Litigant”) where the State Court Statutes [“CCP 391- 391.8”] is unconstitutional with respect to the State of California and certainly is a serious violation of the US Constitution as determined by the U.S. Supreme Court. (28 U.S.C. 2254(d)(1)) (explain how errors were prejudicially under the controlling standard in such a way the Federal Circuit Court stated rightly that this is the first case of its kind in that court. As such the Federal Circuit opinion omits or misstates an issue of material fact. There is fundamental error(s) in the Federal Circuit Court opinion which skews the analysis and results, or an erroneous findings or procedural default by the Court, and now there is reasonable possibility of a cure by the means of this re-hearing.

The decision in this case by the US Supreme Court will correct a defective area in this vexatious litigant statute that conciliatory with the US Constitution of some States including the State of California. The Supreme Court is in unique position to enforce uniformity by resolving the conflict through applicable decision to all the courts below it.

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This case is of national importance. Granting this petition affects large numbers of non-parties, substantial portion of the economy and individuals' self-represented where the law particularly seeks to protect. This issue of importance since it is regularly occurs and mostly used by defendants' large entities with its unlimited resources against individuals mostly has very limited or has no resources at all as in this situation.

In this incident(s) the issues arised in the Federal Circuit Court is the only appellate court with specialized jurisdiction over certain subjects such as patent law which is the case here. It might be impossible to argue that the decision below agrees or conflicts with a decision from another court of appeals, however in this case is the first time the Federal Circuit have this case subject as stated in their non-published opinion is the first in its kind which made the decision here of national importance. Issues arising from patent law often have profound dimension that would benefit from an authoritative Supreme Court decision. For that reason, the Supreme Court routinely takes cases from those Circuits even in the abscess of Circuit conflicts.

However, this issue of vocation litigant is originally coming from California state statute [391-391.8], Mankaruse was already cleared that he is not vexatious litigant on 8/1/2019 ruling by

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the California State Court. This patent infringement case in the United States Supreme Court now comes up from Federal District Court and the Federal Circuit where both Courts right clear have violated multiple U.S. constitutional amendments including the Bill of Rights. This Supreme Court opinion if decided to take the case there are no factors that might impede the square resolution of the issues in the lower court.

The petitioner Mankaruse at this time hereby respectfully petitions for rehearing of this case before the full nine-Members of the United States Supreme Court.

When this Court has conducted plenary review and then affirmed by vote without Justice Breyer and Justice Alito took no part in the consideration or decision of this petition, the Court has not infrequently granted rehearing before a full Bench.

Stephen M. Shapiro et al., Supreme Court Practice § 15.6(a), at 838 (10th ed. 2013). “The small number of cases in which a full Bench can rehear a case decided by less than the nine Justices probably amounts to the largest class of cases in which a petition for rehearing after decision on the case with less than

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full court has any chance of success.” Id. at 839.

For example, the government petitioned for rehearing in *United States v. One 1936 Model Ford V-8 Deluxe Coach*, 305 U.S. 666 (1938), after this Court divided equally in a case when there was a vacancy due to Justice Cardozo’s death, but before the vacancy was filled. This Court granted the petition, *ibid*, then heard the case after Justice Frankfurter was confirmed. 307 U.S. 219 (1939). This Court similarly granted petitions for rehearing before a full Bench in a series of cases decided 4-4 after Justice McReynolds’ retirement caused a vacancy in 1941;¹ after a leave of absence by Justice Jackson caused a temporary vacancy in 1945;² and after Justice Jackson’s death caused a vacancy in 1954.³ See also, e.g., *Pollock v. Farmers’ Loans & Trust Co.*, 158 U.S. 617 (1895) (similar for absence due to illness); *id.* at 601-606 (reproducing petition for re-hearing discussing earlier cases); *id.* at 606-607 (granting rehearing).

In such situations, the Court has not infrequently held the case over the Court’s summer recess, holding oral arguments months later. For example, in *Halliburton Oil Well Cementing Co. v. Walker*, 327 U.S. 812, the Court granted rehearing in February 1946, *ibid.*, and heard re-

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argument 240 days later in October 1946, see 329 U.S. 1 (1946). See also, e.g., *MacGregor v. Westinghouse Elec. & Mfg. Co.*, 329 U.S. 402 (1947) (re-argument 248 days after rehearing granted); *Baltimore & Ohio R.R. v. Kepner*, 313 U.S. 597 (1941); *Toucey v. New York Life Ins. Co.*, 313 U.S. 596 (1941); *New York, Chi. & St. Louis R.R. v. Frank*, 313 U.S. 596 (1941); *Commercial Molasses Corp. v. New York Tank Barge Corp.*, 313 U.S. 596 (1941).

See *MacGregor v. Westinghouse Elec. & Mfg. Co.*, 327 U.S. 812 (1946); *Bruce's Juices, Inc. v. American Can Co.*, 327 U.S. 812 (1946).

Indian Towing Co. v. United States, 349 U.S. 926 (1955); *Ryan Stevedoring Co. v. Pan-Atl. Corp.*, 349 U.S. 926 (1955).

Baltimore & Ohio R.R. v. Kepner, 314 U.S. 44 (1941) (175 days later). In a few earlier cases, several years elapsed between the grant of rehearing and argument. See *Home Ins. Co. v. New York*, 122 U.S. 636 (1887) (granting rehearing February 7, 1887), and 134 U.S. 594 (1890) (re-argument March 18-19, 1890); *Selma, Rome & Dalton R.R. v. United States*, 122 U.S. 636 (1887) (granting rehearing March 28, 1887), and 139 U.S. 560 (1891) (re-argument March 25-26, 1891).

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The need for rehearing is pressing here in the case of Mankaruse v. Raytheon due to the fact the Federal Circuit erred in describing the current case of Patent Infringement in the Federal District is not like the trade-secrets misappropriation Action in the California State Court. The California State court has no jurisdiction over patent infringements, and the patent infringement Action has additional dimensions than trade misappropriation and controlled by different Statute. The fact that Raytheon infringed the two patents (“US Patent 6,411,512 and CA 2,389,458”) are true, Raytheon also infringed the trade-secrets are also true. For some reasons Raytheon was able to get away from the patent infringement by frivuios procedural methods while we never passed virtually the complaint phase like getting near the Merits of the Case in the trade-secret misappropriation which we have only two qualified valid cases against Raytheon in the State Court four years litigated frivuios demurrers and vexation motions on the complaint until frivolously dismissed. The merit of the case is clear and never discussed in both the State Court trade-secrets Action or District Court patent infringement Action. When looking for Justice, we shouldn't stop until Justice prevails on the merits.

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When the Federal Circuit stated that security bond of \$25,000 should be posted to get justice with Raytheon, it was just tailored to kill the case before the discussion of the merits start. Raytheon is coordinating their efforts with Intel to get away with free prizes acquiring technologies and applications that made each entity flourish in the marketplace for years and still are to this day.

The Federal Circuit affirmed the District Court for two \$25K bonds one for each case, which again is the fruit of their strategies together and now they think they can run away for free with my valuable inventions now. Getting my constitutional rights and defending my properties needs this Honorable Supreme Court listen only to our Constitution, but I have the faith not the fear that the conscious honesty of the full nine Justices members of this Court will side with our great Constitution and defend the truth in the merits of these Actions.

I have no \$50,000 for two cases; I cannot defend my property due to the false use of the unconstitutional statute by Raytheon and Intel of the Vexatious rule [391-391.8] which I have been cleared by California State Court ruling on 8/1/2019.

The bottom line here is the Merits of the issues (“Did Raytheon Acquired and

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Used my properties without permission for free?”).

If we can follow our Constitution, then the honorable Justices and Judges can live with peace of mind. The Superior Court Order of 07/12/2018 Declared Mankaruse vexatious litigant but the same court reversed its ruling in its 5 pages ruling on 08/01/2019 after reexamining the false accusation. Denied Raytheon Motion to Declare Mankaruse Vexatious litigant and the case has Merits. Raytheon played the vexatious tactics in bad faith and refiled the same motion in the District Court Granted Raytheon and Intel motions in Error on 01/23/2020 with confirmed in gross errors by the Federal Circuit, dragged us to be here now. The action of acquiring my properties without permission for free not corrected. It's unfair if the United States Supreme Court allows Raytheon to get away with their intentional wrongdoing. This is going to be repeated in many cases in our nation unless this Court end this Unconstitutional practice using [CCP 391-391.8] against plaintiffs in Pro Se.

I doubt that the Justices will allow any damage to our Constitution which their main reasons are to protect our Constitution doing that in good faith they automatically protecting America and

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everything in America as intended by the Founders of our great land.

THE MERITS OF THE CASE

Raytheon has illegally acquired my properties in three Missile Defense programs (“documented”) and never denied using my patented technologies in these programs. Raytheon has knowledge of everything about me including my financial, my health and my family, they knew that I have no money since I was removed by ambulance from my office at Raytheon to the ER of Hoag Hospital on 08/24/2010 with deadly Heart Arrhythmia due to Raytheon harassment and abuse after I disclosed solutions to the three Missile defense systems, used my invented technologies that I disclosed conditionally to make all three programs built and function (documented). Raytheon blocked any chance getting another job after they manufactured my wrongful termination back in 2012. Since I become easy Prey to Raytheon doing anything to me including falsifying frivolous unrelating bundles of motions killing any litigation before getting to Merits using Unconstitutional Vexatious Statute (“CCP 391-391.8”) which adopted as successful strategy perfect for them including overwhelm the courts with non-related issues successfully were able to kill all cases right on before discussion of any Merits for several years.

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However, the Supreme Court is not designed merely to correct errors but the merits of the cases here matter since which are main concerns in the Federal law.

Raytheon Company has agreed to examine the technologies of the US Patent 6,411,612 on 08/05/2008.

I have filed the main document that I can use in an immediate trial (364 pages) without any more maneuvering, or if Raytheon wants to settle the case out of any court which should have happened the American way, I know that great people honor their word as I liked to do in my life every promise or deal must be with hand shake with no worries before we even think to be in any court. if this Honorable Court want to save our Great Constitution and with it can save many future plaintiffs In Pro Se that might been lost their rights followed by losing their litigation before getting their due process as giving to all Americans by our Constitution.

CONCLUSION

Justice is not for sale, who have the money can hire Councils, never need a bond, and, defendants must not even get away with other's properties for free. This is not American that I know at all, and it will never be with our great courageous Justices and our great American people.

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The founding fathers of this great nation have included everything in our Constitution for all Americans and must be defended by all Americans, by our Judiciary and at the top of it by the United State Supreme Court, our brave military, and our elected officials.

I respectfully ask the Honorable nine Justices of this Court to Grant this petition.

for the sake of our Constitution with all circumstances

presented above.

I declare under the penalty of perjury that the

above is true and correct to the best of my knowledge, under the laws of the United States of America.

Respectfully submitted.

Date: December 14, 2021



Nagui Mankaruse
Petitioner In Pro Se