

APPENDIX

APPENDIX A

United States Court of Appeals for the Federal Circuit

No. 2026-1180

Opinion decided June 8, 2026

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

AHMAD ALJINDI,
Plaintiff-Appellant

v.

UNITED STATES,
Defendant-Appellee

2026-1180

Appeal from the United States Court of Federal Claims
in No. 1:25-cv-01288-PSH, Judge Philip S. Hadji.

Decided: June 8, 2026

AHMAD JAMALEDDIN ALJINDI, Irvine, CA, pro se.

SUZANNE JOHNSON, Commercial Litigation Branch,
Civil Division, United States Department of Justice, Wash-
ington, DC, for defendant-appellee. Also represented by
SCOTT DAVID BOLDEN, BRETT SHUMATE.

PER CURIAM.

Dr. Ahmad Aljindi has filed several suits against the
United States in which he asserted that the government

has appropriated certain of his intellectual property related to artificial intelligence. As now relevant, he filed a 2021 suit in the United States Court of Federal Claims (Claims Court) that, as interpreted, invoked the Claims Court's jurisdiction under 28 U.S.C. § 1498(b) to hear claims of copyright infringement by the government. The Claims Court dismissed the copyright-infringement claim for failure to state a claim on which relief could be granted, and that dismissal became final. In 2025, Dr. Aljindi filed a new complaint in the Claims Court alleging uncompensated takings of property in his copyright. S. Appx. 1010.¹ The Claims Court construed the complaint as invoking only the court's jurisdiction under the Tucker Act, 28 U.S.C. § 1491, citing language in the complaint that affirmatively distinguished the suit under § 1498(b). *Aljindi v. United States*, No. 25-1288, at 4 (Fed. Cl. Sept. 25, 2025).² The Claims Court then dismissed the 2025 action for lack of subject-matter jurisdiction, ruling that it had no Tucker Act jurisdiction to hear Dr. Aljindi's "takings claims based on alleged copyright infringement" because such claims can be pursued only under § 1498(b) (as he had already done). S. Appx. 1004. Dr. Aljindi appeals. We affirm.

I

Dr. Aljindi purports to own the copyright to a 2015 dissertation about artificial intelligence. S. Appx. 1010 (complaint). He has filed many unsuccessful suits in the Claims Court and in district court relating to his allegations that the government has stolen his intellectual property, at least some of which, he claims, is reflected in his dissertation. See S. Appx. 1025–28 (Dr. Aljindi describing his prior

¹ "S. Appx." refers to the supplemental appendix submitted with the government's brief.

² A copy of the Claims Court's decision is at S. Appx. 1001–05.

litigation); *Aljindi v. United States*, No. 26-1031, 2026 WL 1001470, at *1 (Fed. Cir. Apr. 14, 2026) (recounting Dr. Aljindi's history of litigation and collecting cases).

As relevant to the present appeal, in 2021, Dr. Aljindi, proceeding pro se, filed suit in the Claims Court alleging, among other things, "theft of [his] intellectual property" by the government. See *Aljindi v. United States*, No. 21-1295, 2021 WL 4807205, at *1 (Fed. Cl. Oct. 15, 2021) (*2021 CFC Decision*). He included a mention of "copyright[] law [] violations." *Aljindi v. United States*, No. 22-1117, 2022 WL 1464476, at *1 n.2, *3 (Fed. Cir. May 10, 2022) (*2022 CAFC Decision*). The Claims Court dismissed the complaint, ruling that it had lacked Tucker Act jurisdiction over Dr. Aljindi's allegations of theft because they sounded in tort or criminal conduct. *2021 CFC Decision*, at *2. On Dr. Aljindi's appeal in that case, we interpreted his complaint as invoking the Claims Court's jurisdiction over claims for copyright infringement by the government under § 1498(b), and we remanded for the Claims Court to consider whether Dr. Aljindi had stated such a claim. *2022 CAFC Decision*, at *3–4. On remand, the Claims Court ruled that Dr. Aljindi's complaint did not plausibly state a copyright-infringement claim and dismissed the suit with prejudice. See *Aljindi v. United States*, No. 21-1295, 2022 WL 17330006, at *2–3 (Fed. Cl. Nov. 28, 2022). We affirmed that dismissal. *Aljindi v. United States*, No. 23-1230, 2023 WL 2778689 (Fed. Cir. Apr. 5, 2023), *cert. denied*, 144 S. Ct. 362 (2023).

Dr. Aljindi, still unrepresented, filed the complaint in this suit in August 2025, alleging that between 2021 and 2025 the government "systematically appropriated" his "copyrighted [intellectual property]" "for public use without just compensation in violation of the Fifth Amendment." S. Appx. 1010. The gravamen of the complaint is the allegation that Dr. Aljindi's 2015 dissertation describes "specific methodologies" related to artificial intelligence and that the government used those methodologies in "twenty-

three major artificial intelligence [] initiatives.” S. Appx. 1010–11; *see* S. Appx. 1013–22.

The complaint describes the facts as showing a “violation of 28 U.S.C. § 1498(b),” which provides a right of action against the United States for its copyright infringement. S. Appx. 1010. But the complaint expressly invokes only the Claims Court’s Tucker Act jurisdiction. S. Appx. 1026 (describing suit as “grounded solely in the Tucker Act and Fifth Amendment takings”). S. Appx. 1004. It also asserts that the adverse judgment on Dr. Aljindi’s earlier copyright-infringement claim should not have preclusive effect because that claim “was dismissed primarily as sounding in copyright infringement . . . , not Tucker Act takings,” in contrast to the present suit. S. Appx. 1026. The complaint requests a declaratory judgment that “the United States has taken Dr. Aljindi’s [intellectual property] for public use without just compensation” and seeks approximately \$1.8 billion in damages, without reference to the statutory damages available for copyright infringement under § 1498(b) and the Copyright Act. *See* S. Appx. 1031.

In September 2025, the government moved to dismiss the complaint for failure to state a claim under Rule 12(b)(6) of the Rules of the Court of Federal Claims (RCFC). *See* S. Appx. 1009. Shortly thereafter, the Claims Court sua sponte dismissed the complaint under RCFC 12(h)(3) for lack of subject-matter jurisdiction and denied the government’s motion as moot. S. Appx. 1001–05.

The Claims Court held that it lacks jurisdiction under the Tucker Act “to hear takings claims based on alleged copyright infringement.” S. Appx. 1003–04. It analogized to the decision of this court in *Golden v. United States*, 955 F.3d 981, 986–88 (Fed. Cir. 2020), in which, interpreting the language of § 1498(a), which provides a right of action against the government for patent infringement, we held that the Claims Court lacks Tucker Act jurisdiction “to hear takings claims based on alleged patent infringement

by the government” because such claims “are to be pursued exclusively under . . . § 1498.” The Claims Court further reasoned that it “need not consider whether [Dr. Aljindi] states a claim for copyright infringement,” because it interpreted the complaint, notwithstanding its one reference to § 1498(b), as asserting only a taking-based cause of action under the Tucker Act, citing the complaint’s “express[]” and “unequivocal” statement that its sole basis is the Tucker Act. S. Appx. 1004 (citing S. Appx. 1010, 1026). Having thus concluded that it lacked jurisdiction on the only basis properly raised by Dr. Aljindi’s complaint, the Claims Court dismissed the complaint. S. Appx. 1005.

Dr. Aljindi timely appealed. We have jurisdiction under 28 U.S.C. § 1295(a)(3).

II

Dr. Aljindi challenges the dismissal of the complaint on two grounds. He argues that the Claims Court erred in interpreting the complaint as asserting jurisdiction only under the Tucker Act. *E.g.*, Aljindi Informal Br. at 17, 21, 23. He also insists that, even if the court was right to so read his complaint, it erred in holding that it lacked Tucker Act jurisdiction over his claims. *E.g.*, *id.* at 15–16, 21–23. We are unpersuaded by Dr. Aljindi’s arguments.

We review the Claims Court’s dismissal for lack of subject-matter jurisdiction without deference. *Allen v. United States*, 88 F.4th 983, 986 (Fed. Cir. 2023). A plaintiff has the burden to establish the Claims Court’s jurisdiction. *Taylor v. United States*, 303 F.3d 1357, 1359 (Fed. Cir. 2002). The complaint of an unrepresented plaintiff is held to a less stringent pleading standard than one drafted by a lawyer. *Matthews v. United States*, 750 F.3d 1320, 1322 (Fed. Cir. 2014) (citing *Haines v. Kerner*, 404 U.S. 519, 520 (1972)). That principle does not, however, relieve an unrepresented plaintiff of his burden to establish jurisdiction. *Kelley v. Secretary, United States Department of Labor*, 812 F.2d 1378, 1380 (Fed. Cir. 1987).

We reject Dr. Aljindi's argument that his complaint's one reference to § 1498(b) undermines the Claims Court's conclusion that the complaint invokes only Tucker Act jurisdiction. Aljindi Informal Br. at 21. The complaint communicates in no uncertain terms that Dr. Aljindi's suit "is grounded solely in the Tucker Act and Fifth Amendment takings." S. Appx. 1026. It refers to uncompensated takings pervasively. *See, e.g.*, S. Appx. 1010, 1011, 1012, 1013, 1014, 1022, 1031. And the complaint's sole mention of "copyright infringement" is to distinguish Dr. Aljindi's earlier copyright suit which, the complaint says, was different from the present "Tucker Act takings" suit, apparently to preempt a preclusion defense. S. Appx. 1026 ("Prior cases . . . do not preclude this action."). In these circumstances, the complaint's single passing reference to the government's alleged "violation of § 1498(b)," followed by the express disclaimer of a § 1498 theory of jurisdiction for an indicated reason, was not a sufficient basis for the Claims Court to exercise jurisdiction pursuant to § 1498, even for an unrepresented litigant. *See* RCFC 8(a) (requiring "*plain* statement of the grounds for court's jurisdiction" (emphasis added)).

The question that remains is whether the Claims Court had Tucker Act jurisdiction over Dr. Aljindi's claims for uncompensated takings of his property in a copyright. The Claims Court answered "no," because § 1498 is the sole means for pursuing relief for a copyright violation.

Section 1498 reads, in relevant part:

(a) Whenever an invention described in and covered by a patent of the United States is used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, the owner's remedy shall be by action against the United States in the [Claims Court] for the recovery of his reasonable

and entire compensation for such use and manufacture. . . .

(b) Hereafter, whenever the copyright in any work protected under the copyright laws of the United States shall be infringed by the United States, by a corporation owned or controlled by the United States, or by a contractor, subcontractor, or any person, firm, or corporation acting for the Government and with the authorization or consent of the Government, the exclusive action which may be brought for such infringement shall be an action by the copyright owner against the United States in the [Claims Court] for the recovery of his reasonable and entire compensation as damages for such infringement, including the minimum statutory damages as set forth in section 504(c) of title 17, United States Code[.] . . .

Except as otherwise provided by law, no recovery shall be had for any infringement of a copyright covered by this subsection committed more than three years prior to the filing of the complaint or counterclaim for infringement in the action, ...

Dr. Aljindi argues at length that copyrights are property and that they can be the subject of a taking. Aljindi Informal Br. at 6–8, 15–18, 21–23; *see, e.g., id.* at 16 (incorrectly characterizing basis for dismissal as that “copyrights are not compensable property” (cleaned up)). But the Claims Court did not disagree with that proposition. It held only that the Tucker Act does not give it jurisdiction over that type of taking because the § 1498 remedy is exclusive. Dr. Aljindi presents no meaningful argument directed at that conclusion.

The Claims Court’s reasoning is persuasive. The Claims Court has Tucker Act jurisdiction over a claim for just compensation under the Fifth Amendment’s Takings Clause “unless Congress has withdrawn the Tucker Act

grant of jurisdiction.” *Horne v. Department of Agriculture*, 569 U.S. 513, 526–27 (2013) (citation omitted). In *United States v. Bormes*, 568 U.S. 6 (2012), the Supreme Court held that “[t]he Tucker Act is displaced [] when a law assertedly imposing monetary liability on the United States contains its own judicial remedies,” emphasizing that a “specific remedial scheme” (there, a statute providing for redress for certain violations of consumer privacy under the Fair Credit Reporting Act) “supersedes the gap-filling role of the Tucker Act.” *Id.* at 12–13; *see id.* at 13 (citing *Hinck v. United States*, 550 U.S. 501, 506 (2007) (no Tucker Act jurisdiction over claims for erroneously assessed tax interest where “precisely drawn, detailed statute” provides for relief in Tax Court (citation omitted)), *United States v. Fausto*, 484 U.S. 439, 454 (1988) (no Tucker Act jurisdiction over back pay claims for which the Civil Service Reform Act provides “comprehensive and integrated review scheme”), and *United States v. Erika, Inc.*, 456 U.S. 201, 206–08 (1982) (no Tucker Act jurisdiction to hear dispute over amount of Medicare Part B payments, where Medicare statute provides review scheme)).

In determining whether § 1498(b) ousts Tucker Act jurisdiction, our “lodestar” must be “the language of the statute.” *Erika*, 456 U.S. at 206. The statute unambiguously states that “*whenever the copyright in any work protected under the copyright laws . . . shall be infringed by the United States, . . . the exclusive action which may be brought for such infringement shall be an action by the copyright owner . . . in the [Claims Court] for the recovery of . . . damages for such infringement[.]*” § 1498(b) (emphasis added). It, further, incorporates by reference the “minimum statutory damages” and (impliedly) the definition of copyright infringement found in the Copyright Act, and it duplicates that Act’s three-year statute of limitations. *See* § 1498(b) (citing 17 U.S.C. § 504(c)). Section 1498(b) thus sets out a detailed remedial scheme: It defines the forum, proper plaintiff, liable acts, limitations period, and remedy,

and it authorizes judicial relief. *Cf. Bormes*, 506 U.S. at 13–14. What is more, it does so in language explicitly emphasizing the “exclusive” nature of its right of action, which strongly indicates Congress’s intent that simultaneous Tucker Act jurisdiction not be available. *See id.*; *Hinck*, 550 U.S. at 506 (finding Tucker Act jurisdiction displaced even without express language of exclusivity); *see also Lehman v. Nakshian*, 453 U.S. 156, 161 (1981) (explaining that waivers of sovereign immunity are to be strictly construed).

As the Claims Court rightly observed, S. Appx. 1004, that analysis accords with our decision in *Golden*, 955 F.3d at 986–88, concerning § 1498(a), which addresses *patents*. In *Golden*, we held that “the Claims Court does not have jurisdiction to hear takings claims based on alleged patent infringement by the government” because such claims are “to be pursued exclusively under 28 U.S.C. § 1498[(a)],” which provision, we recognized, “was intended alone to provide for . . . a right to sue [the government] for [patent] infringement.” *Id.* at 987–88 (internal quotation marks and citations omitted). Section 1498(a), although not expressly exclusive, defines a proper plaintiff (a patent owner), a forum (the Claims Court), a liable act (patent infringement by use or manufacture of a patented article by the United States), and a remedy (reasonable compensation). Section 1498(b) is more detailed insofar as it includes a statute of limitations different from the general time-bar of 28 U.S.C. § 2501, and it actually is expressly exclusive. If § 1498(a) displaces Tucker Act jurisdiction for takings claims based in patent infringement, the case is even stronger that § 1498(b) does the same for takings claims based in copyright infringement. *See Gaylord v. United States*, 678 F.3d 1339, 1343 (Fed. Cir. 2012) (interpreting § 1498(b) in view of § 1498(a)); *Auerbach v. Sverdrup Corp.*, 829 F.2d 175, 180–81 (D.C. Cir. 1987) (same).

In light of the foregoing, we see no error in the Claims Court’s conclusion that it lacked jurisdiction over Dr. Aljindi’s copyright-infringement takings claims. Dr.

Aljindi complains that the Claims Court “mischaracteriz[ed]” his claims as “mere copyright infringement,” Aljindi Informal Br. at 6, but does not explain how the Claims Court was wrong to say that the complaint asserts “takings claims based on copyright infringement,” S. Appx. 1004. The complaint itself refers to underlying acts of reproduction as supporting its allegations of uncompensated takings. *See, e.g.*, S. Appx. 1015 (asserting that government documents are “identical to Dr. Aljindi’s dissertation expressions”). Dr. Aljindi does not identify a taking apart from the asserted underlying acts of infringement. Dr. Aljindi has thus failed to show error in the Claims Court’s holding that his claims were of the kind that must be brought under § 1498(b) and therefore outside the Claims Court’s Tucker Act jurisdiction.

III

We have considered Dr. Aljindi’s remaining arguments and find them unpersuasive. The judgment of the Claims Court is affirmed.

The parties shall bear their own costs.

AFFIRMED

APPENDIX

APPENDIX B

United States Court of Federal Claims

No. 1:25-cv-01288-PSH

Opinion and Order, September 25, 2025

In the United States Court of Federal Claims

DR. AHMAD ALJINDI,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

No. 25-1288

(Filed: September 25, 2025)

OPINION AND ORDER

HADJI, *Judge.*

On August 4, 2025, Plaintiff Ahmad Aljindi, proceeding *pro se*, filed a Complaint initiating the instant action. Compl., ECF 1. In his Complaint, Plaintiff alleges that he is a pioneering artificial intelligence (AI) scientist whose intellectual property was systematically appropriated by the Government for public use without just compensation in violation of the Fifth Amendment. Compl. at 1. For the reasons that follow, the Court **DISMISSES** Plaintiff's case. Plaintiff's Motion for Permission for Electronic Filing (ECF 2), Plaintiff's Motion to Strike (ECF 8), Plaintiff's Amended Motion to Strike (ECF 14), Plaintiff's Motion to Amend/Correct Docket Entries (ECF 15), and the Government's Motion to Dismiss (ECF 16) are thus **DENIED AS MOOT**.¹

BACKGROUND

Plaintiff alleges that in 2015, he published a dissertation that addressed the integration of AI with information security and legacy information systems, "open[ing] a new field of research and application, fundamentally shaping federal AI strategies." Compl. at 1-3. Plaintiff alleges that his dissertation introduced novel, copyrighted methodologies and that "[n]o comparable work existed in 2015, making [his] dissertation a foundational [piece of intellectual property] and the seminal resource that opened a new field of AI-driven solutions...." Compl. at 4. Identifying specific Government publications, Plaintiff alleges that, between 2021 and 2025, twenty-three Government AI initiatives appropriated his copyrighted methodologies and frameworks for public use without just compensation. Compl. at 4-5. He seeks \$1.8 billion in compensation. Compl. at 21.

¹ The Government's Motion to Dismiss seeks dismissal on Rule 12(b)(6) grounds. Because the Court dismisses this case for lack of jurisdiction, it need not reach the merits of Plaintiff's claims.

This lawsuit is far from Plaintiff's first attempt to litigate claims related to his scientific research on AI. Previously, Plaintiff filed at least four actions in the United States District Court for the Central District of California, all of which were dismissed. *See, e.g., Aljindi v. United States*, Case No. 8:18-cv-2301, ECF 8 (C.D. Cal. Jan. 8, 2019); *Aljindi v. United States*, Case No. 8:19-cv-01434, ECF 8 (C.D. Cal. Aug. 5, 2019); *Aljindi v. United States*, Case No. 8:20-cv-00002, ECF 13 (C.D. Cal. Jan. 24, 2020); *Aljindi v. United States*, Case No. 8:20-cv-00796, ECF 108, 2021 U.S. Dist. LEXIS 38360 (C.D. Cal. Feb. 16, 2021).

The case at bar is Plaintiff's fourth related suit in this particular Court. Plaintiff previously filed three complaints in this Court involving, in relevant part, purported intellectual property violations arising from his 2015 dissertation or alleged judicial misconduct related to the disposition of such claims. *See Aljindi v. United States*, Case No. 1:21-cv-01295, 2022 U.S. Claims LEXIS 2586 (Fed. Cl. Nov. 28, 2022); *Aljindi v. United States*, Case No. 1:21-cv-01578, 2021 U.S. Claims LEXIS 2423 (Fed. Cl. Aug. 30, 2021); *Aljindi v. United States*, Case No. 1:24-cv-00242, 2025 U.S. Claims LEXIS 2258 (Fed. Cl. Aug. 21, 2025). In Plaintiff's first action, Plaintiff alleged "theft of Plaintiff's intellectual property by the Department of Defense because it used Plaintiff's scientific work about 'Information Security, Artificial Intelligence (AI), and Legacy Information Systems (LIS)' without giving him credit." Complaint, Case No. 21-1295, ECF 1 at 2. In his second action, Plaintiff accused judges in other courts of judicial misconduct stemming from the dismissal of his intellectual property and other claims. Complaint, Case No. 21-1578, ECF 1 at 2-3. And finally, in Plaintiff's latest related attempt in this Court, Plaintiff raised a Fifth Amendment takings claim based on the purported appropriation of his 2015 dissertation, claiming that his "scientific property is the cornerstone for ALL AI Strategies published on AI.gov." Complaint, Case No. 24-242, ECF 1 at 2, 5. Each case was dismissed. *See Anti-Filing Injunction*, Case No. 24-242, ECF 34 (Fed. Cl. Aug. 21, 2025) (recounting Plaintiff's litigation history).

Given Plaintiff's "sustained course of conduct marked by repetitive filings, identical legal theories, and collateral challenges to the Court's authority, despite consistent rulings denying relief," Plaintiff is now subject to an anti-filing injunction.² *Id.*

LEGAL STANDARD

This Court, like all federal courts, is a court of limited jurisdiction; its jurisdiction is generally defined by the Tucker Act, 28 U.S.C. § 1491. *See Southfork Sys., Inc. v. United States*, 141 F.3d 1124, 1132 (Fed. Cir. 1998). The Tucker Act "gives the court authority to render judgment on certain monetary claims against the United States." *RadioShack Corp. v. United States*, 566 F.3d 1358, 1360 (Fed. Cir. 2009) (citing 28 U.S.C. § 1491(a)(1)). The Tucker Act itself, however, "does not create a substantive cause of action." *Fisher v. United*

² Plaintiff filed the instant action after receiving the Show Cause Notice preceding this injunction. Whether by coincidence or design, the timing of the instant action places it outside the scope of the anti-filing injunction. *See Order*, Case No. 24-242, ECF 31 (Fed. Cl. Jul. 31, 2025).

States, 402 F.3d 1167, 1172 (Fed. Cir. 2005). Instead, “a plaintiff must identify a separate source of substantive law that creates the right to money damages.” *Id.* “[T]he absence of a money-mandating source [is] fatal to the court’s jurisdiction under the Tucker Act.” *Id.* at 1173.

If the Court determines that it lacks subject-matter jurisdiction, it must dismiss the action. Court of Federal Claims Rule 12(h)(3); *see Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998). Although *pro se* litigants are generally held to a lower standard in pleading, *see Hughes v. Rowe*, 449 U.S. 5, 9 (1980), they nonetheless “bear[] the burden of establishing subject matter jurisdiction by a preponderance of the evidence,” *Reynolds v. Army & Air Force Exch. Serv.*, 846 F.2d 746, 748 (Fed. Cir. 1988). When considering whether dismissal for lack of subject-matter jurisdiction is proper, the Court accepts as true all undisputed facts in the pleadings and draws all reasonable inferences in favor of the plaintiff. *Trusted Integration, Inc. v. United States*, 659 F.3d 1159, 1163 (Fed. Cir. 2011).

DISCUSSION

Here, even applying a deferential pleading standard as required by Plaintiff’s *pro se* status, the Court concludes that dismissal is proper. “It is undisputed that the Takings Clause of the Fifth Amendment is a money-mandating source for purposes of Tucker Act jurisdiction.” *Jan’s Helicopter Service, Inc. v. F.A.A.*, 525 F.3d 1299, 1309 (Fed. Cir. 2008). Critically, however, this Court lacks the jurisdiction necessary to adjudicate a claim of alleged copyright infringement under the guise of a “takings” claim. That is because

[i]t is 28 U.S.C. § 1498(b),³ not the Fifth Amendment to the United States Constitution, that provides the waiver of sovereign immunity that enables a plaintiff to file suit against the government for copyright infringement in the United States Court of Federal Claims.... Because 28 U.S.C. § 1498(b) provides the exclusive remedy for claims of copyright infringement against the government, plaintiff does not have a cognizable claim under the Fifth Amendment against the government.

Keehn v. United States, 110 Fed. Cl. 306, 335 (2013), *aff’d*, 541 F. App’x 996 (Fed. Cir. 2013) (citation omitted); *see also Golden v. United States*, 955 F.3d 981, 987-88 (Fed. Cir. 2020) (finding the Court lacks jurisdiction over patent infringement-based takings claims pursuant to 28 U.S.C. § 1491, because patent infringement claims against the Government are to be pursued exclusively under 28 U.S.C. § 1498). Both the Supreme Court and the Federal Circuit have previously considered the related question of whether this Court has

³ 28 U.S.C. § 1498(b) provides that, “whenever the copyright in any work protected under the copyright laws of the United States shall be infringed by the United States ... the exclusive action which may be brought for such infringement shall be an action by the copyright owner against the United States in the Court of Federal Claims”

jurisdiction over takings claims brought by patent owners alleging infringement by the Government. Reasoning that such actions sound in tort, the Supreme Court held that a patentee could not sue the Government in the Court of Claims for patent infringement as a Fifth Amendment taking. *Schillinger v. United States*, 155 U.S. 163, 168-69 (1894). More recently, the Federal Circuit recognized that “*Schillinger* remains the law” and confirmed that this Court “does not have jurisdiction to hear takings claims based on alleged patent infringement by the government. Those claims sound in tort and are to be pursued exclusively under 28 U.S.C. § 1498.” *Golden*, 955 F.3d at 987-88. Because 28 U.S.C. § 1498 likewise provides the exclusive action available for claims of copyright infringement, the same logic applies here, and this Court lacks jurisdiction to hear takings claims based on alleged copyright infringement. *See id.*

Normally, the Court would generously construe a *pro se* litigant’s takings claim as a copyright infringement claim under 28 U.S.C. § 1498. But here, Plaintiff expressly disavows any copyright infringement claims, despite facts which seemingly involve copyright infringement. In his Complaint, he specifies that he “brings this action under the Fifth Amendment to the United States Constitution, seeking just compensation for the United States Government’s appropriation of [his] copyrighted IP from [his] 2015 dissertation.” Compl. at 1; *see also* ECF 8 at 1 (characterizing his current claims as arising from a “Fifth Amendment taking of intellectual property”). Plaintiff is unequivocal in maintaining that “[t]his complaint is grounded *solely* in the Tucker Act and Fifth Amendment takings, focus[ing] on distinct post-2020 appropriations.” Compl. at 17 (emphasis added). He also explicitly contrasts this case from his previously dismissed cases, which he distinguishes as sounding in copyright infringement or other alleged takings. *See, e.g., id.* (characterizing Case No. 21-1295 “as sounding in copyright infringement ... and tort, not Tucker Act takings”).

Given Plaintiff’s persistent attempts to repackage his claims and his insistence that his only current claim regarding his “copyrighted IP” is a takings claim, the Court need not consider whether Plaintiff states a claim for copyright infringement under 28 U.S.C. § 1498(b). “There is no duty on the part of the trial court ... to create a claim which [Plaintiff] has not spelled out in his pleading.” *Scogin v. United States*, 33 Fed. Cl. 285, 293 (1995) (citation modified). And the Court particularly declines to do so where Plaintiff, a relatively experienced and sophisticated *pro se* litigant, appears to have made a deliberate and strategic choice to narrow his claims.⁴ Although Plaintiff makes one passing reference to 28 U.S.C. § 1498(b) in his Complaint, he does so only in the context of alleging “a taking for public use without compensation in violation of” the statute. *See* Compl. at 1. Accordingly, his Complaint, read as a whole, can only be construed as a takings claim.

⁴ Plaintiff seemingly does so in a bid to avoid potential issue or claim preclusion, which may apply. *See* Compl. at 17 (arguing that prior dismissals “do not preclude this action under res judicata or collateral estoppel”). Nonetheless, because the Court has no choice but to dismiss for want of jurisdiction, the Court does not consider whether Plaintiff’s current claim is otherwise barred.

CONCLUSION

Because this Court lacks jurisdiction to hear copyright infringement-based takings claims, Plaintiff's Complaint is **DISMISSED** for lack of jurisdiction. Plaintiff's Motion for Electronic Filing (ECF 2), Plaintiff's Motion to Strike (ECF 8), Plaintiff's Amended Motion to Strike (ECF 14), Plaintiff's Motion to Amend/Correct Docket Entries (ECF 15), and the Government's Motion to Dismiss (ECF 16) are thus **DENIED AS MOOT**. The Clerk of Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.


PHILIP S. HADJI
Judge

APPENDIX

APPENDIX C

Complaint, No. 1:25-cv-01288-PSH, ECF 1

Filed August 4, 2025, pages 1-5

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

Dr. AHMAD ALJINDI,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

Case No.:

25-1288 C

COMPLAINT

Plaintiff Dr. Ahmad Aljindi, a patriotic American citizen and pioneering Chief AI Scientist whose groundbreaking Intellectual Property (IP) has been systematically appropriated by the government for public use without just compensation in violation of the Fifth Amendment, proceeds pro se in this unyielding pursuit of justice. With unassailable resolve and fortified by irrefutable evidence drawn from exhaustive investigations, Plaintiff brings this action under the Fifth Amendment to the United States Constitution, seeking just compensation for the United States Government's appropriation of Dr. Aljindi's copyrighted IP from Dr. Aljindi's 2015 dissertation, Information Security, Artificial Intelligence and Legacy Information Systems, for public use without just compensation (see full IP document in Exhibit Y, pp. ALJINDI-127 to ALJINDI-319).

Between 2021 and 2025, the government systematically utilized Dr. Aljindi's pioneering methodologies and frameworks across twenty-three major artificial intelligence (AI) initiatives, constituting a taking for public use without compensation in violation of 28 U.S.C. § 1498(b).

Received - USCFC

AUG - 4 2025

1 Dr. Aljindi's dissertation comprehensively addressed the integration of AI with
2 Information Security and Legacy Information Systems (LIS), scientifically proving AI as the
3 stable and only successful solution for all related challenges. Dr. Aljindi's work opened a new
4 field of research and application, fundamentally shaping federal AI strategies.

5
6 If the government used Dr. Aljindi's specific methodologies for public use, it's not just
7 taking any property; it's taking a foundational IP and the source of a new field, which must
8 justify significant compensation. This case raises a profound issue of justice for innovators
9 whose IP underpins transformative public initiatives.

10
11 Recent guidance from the U.S. Copyright Office, as detailed in Copyright and Artificial
12 Intelligence, Part 3: Generative AI Training (2025), reaffirms that copyrighted works, including
13 academic dissertations, are protected property under the Fifth Amendment. The document
14 emphasizes that the use of such works by government entities for public use can constitute a
15 taking, requiring just compensation. This directly supports Dr. Aljindi's claim that the
16 government's extensive use of Dr. Aljindi's dissertation methodologies and expressions in its AI
17 initiatives from 2021 to 2025 amounts to a compensable taking.

18
19 The National Security Agency's (NSA) Cybersecurity Information Sheet on AI Data
20 Security (May 22, 2025), co-authored with CISA, FBI, and international partners, strongly
21 encourages AI anomaly detection for data security (p. 5), mirroring Dr. Aljindi's "AI-driven
22 anomaly detection protocols" (Aljindi, 2015, pp. 100–102) without citation, constituting a new
23 taking for public use.

24
25 President Trump's America's AI Action Plan (announced July 23, 2025, on AI.gov)
26 validates this taking by prioritizing "AI for Legacy System Security" (p. 8) and "modernizing
27 legacy IT with AI anomaly detection" (p. 14), directly drawing from Dr. Aljindi's "Legacy-AI
28

Security Integration Model" (pp. 124–126) and protocols (pp. 100–102), amplifying the claim's value without new risks—zero denial, as it institutionalizes uncited use.

JURISDICTION AND VENUE

Jurisdiction lies with this Court under 28 U.S.C. § 1491(a)(1) (Tucker Act), which authorizes claims against the United States for constitutional violations, including Fifth Amendment takings. Venue is proper under 28 U.S.C. § 1491(a)(1) as this is a claim against the federal government.

This action is timely under 28 U.S.C. § 2501, with a six-year statute of limitations. The takings occurred from 2021 to 2025, and this complaint, filed in August 2025, falls within the applicable period (expiring 2027–2031).

PARTIES

Plaintiff Dr. Ahmad Aljindi is a U.S. citizen residing in Irvine, California.

Defendant is the United States of America, acting through agencies including the National Institute of Standards and Technology (NIST), Government Accountability Office (GAO), Office of Personnel Management (OPM), Bureau of Industry and Security (BIS), Executive Office of the President, Department of Homeland Security (DHS), Department of Defense (DoD), Office of Management and Budget (OMB), National Security Agency (NSA), Cybersecurity and Infrastructure Security Agency (CISA), Federal Bureau of Investigation (FBI), Office of the Chief Information Officer (CIO Council), Department of Energy (DOE), and Department of Commerce (DOC).

FACTUAL BACKGROUND

On November 13, 2015, Dr. Aljindi completed his dissertation at Northcentral University, published on December 30, 2015, and copyrighted via ProQuest-CSA, LLC, with

1 registration confirmed by the Library of Congress (Certificate No. TX 8-152-561, see copy in
 2 Exhibit A, ALJINDI-3). The dissertation, Information Security, Artificial Intelligence and
 3 Legacy Information Systems, introduced novel, copyrighted methodologies, including the
 4 “Legacy-AI Security Integration Model” and “AI-driven anomaly detection protocols”, protected
 5 under 17 U.S.C. § 102. It scientifically established AI as the stable and only successful solution
 6 for all Information Security and LIS challenges, addressing their direct and indirect relationships.
 7

8 No comparable work existed in 2015, making Dr. Aljindi’s dissertation a foundational IP
 9 and the seminal resource that opened a new field of AI-driven solutions for Information Security
 10 and LIS.
 11

12 EVIDENCE OF GOVERNMENT USE OF DR. ALJINDI’S WORK

13 From 2021 to 2025, the United States Government systematically incorporated Dr.
 14 Aljindi’s copyrighted methodologies into twenty-three AI initiatives for public use without
 15 compensation. The following evidence, derived from publicly available sources, establishes a
 16 direct link between Dr. Aljindi’s dissertation and the government’s actions, with a focus on
 17 Information Security, AI, and LIS applications. Relevant excerpts are attached as exhibits
 18 (Exhibits B–X), with full documents available upon request or during discovery. For documents
 19 not yet publicly released (e.g., 2025 initiatives), excerpts will be provided during discovery.
 20
 21

22 The following table summarizes the 23 takings:

23 Taking Number	24 Taking Incident	Evidentiary Confidence (%)	Match Strength to DM (%)	Validation Rating (%)
25 1	2021 NIST Report on AI and Cybersecurity	100%	100%	100%
26 2	2022 NIST Workshop Presentation on AI and Legacy Systems	100%	100%	100%
27 3	2023 National AI Strategy	100%	100%	100%
28 4	2023 GAO Report on AI in	100%	100%	100%

Taking Number	Taking Incident	Evidentiary Confidence (%)	Match Strength to DM (%)	Validation Rating (%)
	Federal Agencies			
5	2024 GAO Report on Federal AI Implementation	100%	100%	100%
6	2024 OPM Modernization Project	100%	100%	100%
7	2025 BIS Regulatory Revision	100%	100%	100%
8	2025 Executive Order on AI Infrastructure	100%	100%	100%
9	2025 DHS AI Roadmap Update	100%	100%	100%
10	2025 OMB Memorandum M-25-21	100%	100%	100%
11	2025 OCC Cybersecurity and Financial System Resilience Report	100%	100%	100%
12	2025 Bipartisan House AI Task Force Report	100%	100%	100%
13	2025 National Security Commission on AI Final Report	100%	100%	100%
14	2025 Treasury Budget Justification	100%	100%	100%
15	2025 NIST Managing Misuse Risk for Dual-Use Foundation Models	100%	100%	100%
16	2025 GAO IT Acquisition Report	100%	100%	100%
17	2025 DOD O&M Justification	100%	100%	100%
18	2024-2025 GAO High-Risk Series	100%	100%	100%
19	2025 America's AI Action Plan (DOD Focus) and 2023 DOD AI Strategy	100%	100%	100%
20	2024-2025 NIST AI Governance Framework	100%	100%	100%
21	2025 GAO AI Risk Management	100%	100%	100%
22	2024-2025 DOD Military Developments China	100%	100%	100%
23	2025 NSA Cybersecurity Information Sheet on AI Data Security	100%	100%	100%

1. 2021 NIST Report on AI and Cybersecurity:

Details: NIST's 2021 report, "2021 Cybersecurity and Privacy Annual Report" (NIST SP 800-220), mirrors foundational approaches akin to Dr. Aljindi's dissertation (p. 18, see Exhibit