IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
CASE No. 20-2297

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OCT 09 2020
United States Court of Appeals
For The Federal Circuit

NAGUI MANKARUSE,

Plaintiff-Appellant

V.

INTELCORPORATION, a Delaware company, ACER AMERICA, CORPORATION, a Delaware company, DANIEL PATRICK DOCTER, an individual, ANDY D. BRYANT, an individual, and MATTHIEW ROBERT HULSE, an individual, and DOES 1 through 10 inclusive,

Defendants, Appellees

ON APPEAL FROM THE RULING OF THE CENTRAL DISTRICT COURT OF CALIFORNIA, SOUTHERN DIVISION THE HONORABLE DAVID O. CARTER

INFORMAL BRIEF OF NAGUI MANKARSUE, APPALLANT

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UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

INFORMAL BRIEF OF PETITIONER/APPELLANT

Case Number: 20-2297

Short Case Caption: NAGUI MANKARUSE v. INTEL CORPORATION

Name of Petitioner: NAGUI MANKARUE

Instructions: Read the Guide for Unrepresented Parties before completing this form. Answer the questions as best as you can. Attach additional pages as needed to answer the questions. This form and continuation pages may not exceed 30 pages.

Attach a copy of the initial and final decision/order of the Merit Systems Protection Board or arbitrator. You may also attach other record material as an appendix. Any attached material should be referenced in answer to the below questions. Please redact (erase, cover, or otherwise make unreadable) social security numbers or comparable private personal identifiers that appear in any attachments you submit.

1. Have you ever had another case before this court? ☐ Yes ☑ No

   In a United States district court? ☑ Yes ☐ No

   Before the Equal Employment Opportunity Commission? ☐ Yes ☑ No

   If yes, identify the title and number of each case.

NAGUI MANKARUSE v. RAYTHEON COMPANY ET AL; CASE #15-1273-JVC-DFMx

2. Did the MSPB or arbitrator incorrectly decide or fail to take into account any facts? ☑ Yes ☐ No

If yes, what facts?

The US District Court failed to take into consideration that the California CCP Section 391 - 391.7, 391(b)applied in deciding the plaintiff is a vexation litigant was reversed by the same Court on August 1, 2019 (Appendix #1). The defendants spending more money litgating vexation litigant issue more than if proceeded into the trial for the sole purpose of delaying and avoiding any kind of discovery and/or killing the case progress before its start if possible, and other consideration as attached.

3. Did the MSPB or arbitrator apply the wrong law? ☑ Yes ☐ No

If yes, what law should be applied?

Yes, the District Court failed to consider that the Appellant is protected by the U.S. Constitution; 1st Amendment (Bill of Rights), 5th Amendment and 8th Amendment, which supercede the All Writs Act 28 U.S.C. 1865 alifornia Code of Civil Procedure Section 391 - 391.7. Case law Ringhold-Lockhart, Smith v. Phoenix Technologies LTD. DeLong v. Hennessey.

4. Did the MSPB or arbitrator fail to consider important grounds for relief?

☑ Yes ☐ No

If yes, what grounds?

1- Denying the Appellant right to petition due to his economic status (lack of money). 2-Violation of the Bill of Rights, 3-Failed to Consider Appellant limited income controlled intentionally harassing by the defendants Raytheon Firing of the plaintiff in 2012 after severe harassing 08/05/2008 through 08/24/2010 when removed ill by Ambulance from Raytheon work facility to Hoag Hospital ill and completed disclosing his Patented technologies & Intellectual Property. 3. Failed to Conceder the Ruling of (Appendix #1).

5. Are there other reasons why the MSPB's or arbitrator's decision was wrong?

☑ Yes ☐ No

If yes, what reasons?

The two groups of defendants of Raytheon & Intel Cases filed with total of seven (7) frivolous non-related motions bundled to be heard all in one day among in scheduled conference day of the two cases in addition to already busy session with many other cases..

6. What action do you want this court to take in this case?

The appellant prays for relief by this Court to apply the US Constitution 1st, 5th & 8th Amendments as it was originally written, DENY all the District Court ruling in all motions filed by Raytheon & Intel, undo the striking of amended complaints. Remand all the Cases, Motions and Opinions and allow the litigation to proceed at high speed through the trials for JUSTICE the truth of the matter to prevail, Appellees provide information factually inaccurate and untrue. and apply Liberty and Justice for all fairness. The two cases are crucial High Profile.

Date: 10/05/2020

Signature: Nagui Mankaruse

Name: NAGUI MANKARUSE

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2.The Fifth Amendment of the United States Constitution to Protect the Innocent:

3.The Eighth Amendment (Amendment VIII) of The United States Constitution:

II.THE CONSTITTUTION OF THE STATE OF CALIFORNIA

III.Cases

***1.Smith v. Phoenix Technologies LTD*, Case No.: 11-CV-01479-LHK (N.D. Cal. Nov. 9, 2011)**

2.Ringhold-Lockhart, 761 F 3rd at 1062 (quoting De long, 912 F. 2d at 1147).

In

3.DeLong v. Hennessey, 912 F2D 114 (9th Cir. 1990),

***4.De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990)**

5.ADRIENNE J. STYLES & CHUCK M. STYLES, Plaintiffs, v. DEUTSCHE BANK NATIONAL TRUST COMPANY, Defendant. United States District Court, E.D. Cali 2:17-cv-01947-TLN0ACx

6.Goolsby v. Carrasco et al v. Fernando Gonzales, et al, Untied States District Court, Eastern District of California (1:11-cv-00394-1-LJO-GSA.)

7.Cal. Civ. Proc. Code § 391.1 (West 2014).

8.Then See De Long, 912 F.2d at 1147-48

9. (Morton v. Wagner, 156 Cal.App.4th 963, 970-71 (Cal. App. 6 Dist. 2007).

10.De Long, 912 F.2d at 1147-48.

11.Molski, 500 F.3d at 1057

12.Cal. Civ. Proc. Code § 391.1 (West 2014).

13.Fink, 239 F.3d at 992 (quoting Chambers,1 U.S. at 46-47).

14.See De Long, 912 F.2d at 1147-48

IV. Federal Statutes

U.S. Code 35, 35 U.S.C. § § 271,281,283, 284, 285)

23 U.S.C § § 1331 and 1338 (a) and 1338 (b)

Statutes Federal Rule Appeal 28 (a)(4)

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Federal Rule (28 U.S.C. § § 1295)
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28 U.S.C. § 1651(a)
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Cal. Code Civ. Proc. §395

Cal. Code Civ. Proc. §391(b)(2)

Cal. Code Civ. Proc. §391

Cal. Code Civ. Proc. §391(c)

Cal. Prob. Code §1611

Code Civ. Proc., § 391

Other Authorities

1 Restatement (Second), Judgments § 27, comment d (1982)

1 Restatement (Second), Judgments § 27, comment h (1982)

3 Witkin, Cal. Proc. 4th (1997) Actions, § 340, p. 433, Chapter IV. Actions, 2. [§ 340] Definition of Vexatious Litigant

TABLE #1

***Pro Se* Actions Against Raytheon, et al & Intel et al Determined Adversely to Plaintiff**

STATEMENT OF RELATED CASES

1.Pursuant to F. Court Rule 28-2.6. Appellant states that the same District Court has Ruled in two related Cases: Case No. 8:19-cv-01902-DOC-JDE, In this Federal Circuit Court No. 20-3209 and with similar Ruling to this Case No. 8:19-cv-01904-DOC-ADS, In this Federal Circuit Court Case No. 20-2297. Both the Cases of the District Court are On Appeal now and can be due in the same day on this Court and are hereby their following numbers: No. 20-2297 and No. 20-2309.

JURISDICTIONAL STATEMENT

2.This is a civil action in part under the laws of the United States Federal Rule Appeal 28 (a)(4) & Rule 28(a)(5), relating to Patents (28 U.S.C. § § 1295)

3. This Court has federal jurisdiction of such federal question on Patents.

STATEMENT OF THE ISSUES

Procedural History

4.The appellant is here in this Honorable Court seeking Opinion and answer to question of the law in these two serious Patent related cases while this Appellant / plaintiff have lost everything in the two cases before any merits are presented and right after the filling of the first amended complaints which were filed Immiedietly after filing the complaints. The defendants in these two Actions chose as usually do in the past State Court litigations jumping in filling unrelating bundles of motions against the filed cases (Appendixes # 4, 5, 11 and 12) that are consuming

very long time. In these Actions they have get the District Court attention to side issue doesn't exist because after they worked in this issue before in the State Court cases of Trade Secrets Infringements and it worked for them and became the successful strategy standard to consume the court time and divert the court attention to unrelated side issues. However, the Superior Court of California have issued their 5 pages Ruling of August 01, 2019 (Appendix #1) gives relief to this plaintiff and declaring the plaintiff is not a Vexatious Litigant (the Summary of the Argument below) which is accusing the plaintiff of being a "Vexatious Litigant" and requested posting $50K Bond for each case separately. The United States Constitution regarding the District Court rulings on the motions of the two Cases declaring in Error that plaintiff / Appellant is a Vaxatious Litigant in the Federal Court Central District of California, Southern Division. The two cases later were Dismissed after the plaintiff inability to post Bonds of $25K each of Intel Case (Appendix # 7, 8 and 9), and Raytheon Case (Appendix # 3 and 6) on the two filed Patents cases; case against Raytheon, et al Case # 8:19-cv-01904-DOC-ADS (Appendix #4), First Amended Complaint and Case against Intel, et al Case #8:19-cv-01902-DOC-JDE (Appendix # 11), both cases were filed on October 3, 2019 (Pacer #1). The two rulings have violated the CA State laws 391(b) & Fed All Writs Act, 28 U.S.C. §1651 the Superior Court of California Ruling of August 01,

2019 (Appendix #1) and the United States Constitution First (1st) Amendments (Bill of Rights), the Fifth (5th) Amendment and the Eighth (8th) Amendment.

5.As a result the District Court Rulings in ERROR that this plaintiff / appellant is a vexatious litigant followed by Court Order striking the amended Complaints (Appendix # 6 and 10) of Intel and Raytheon and canceling the Scheduling Conferences for both cases instead and got to rule on that Vexatious thing on January 21, 2020, and moved the Argument for Intel to January 27, 2020 which this argument never happened and the hearing was canceled, and the District Court issued his Ruling for the Intel Case for declaring plaintiff vexatious litigant, striking the amended complaint and cancelling the scheduling conferences (Appendix #10) that day instead Ruling was issued in Chamars work.

6.Unfortunately the Courts of the Land believed them and even now in this United States District Courts the **defendants were achieving their strategic goals to first halt the progress of the Cases and getting the dismissed due to the lack of money to post the two Bonds where Justice in our Society is the first loser when the Courts put Price Tag in Order for any American to Get Justice**.

7.The Superior Court of California County of Orange, the Honotable James L. Crandall Presiding in five pages Ordered on August 01, 2019 (Appendix #1) that this plaintiff is not a Vexatious Litigant. Raytheon and Intel are not above the law, we are all Americans must be judged by our actions and must be treated in the

United States Courts by Court Constitution and by the Merits of the laws, which never happened to this plaintiff since August 5, 2008 until today.

STATEMENT OF THE CASE AND FACTS

8.The plaintiff files this 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 both Raytheon and Intel and striking the Scheduling Conference right before the start of the Discoveries after the Scheduled Conferences in ERROR (Ruling entered on 1/21/2020 hearing (Appendix #3 & 6) and Mankaruse v. Intel Ruling entered from In Chamber work after the postponed hearing for Intel was canceled on the original date of 1/21/2020 on 1/27/2020 (Appendix #7 & 10). The Superior Court of California County of Orange, the Honotable James L. Crandall Presiding in five pages Ordered on August 01, 2019 (Appendix #1) that this plaintiff is not a Vexatious Litigant.

9.This Appellant / plaintiff is under several types of abuses by these two multi-national companies and their management for long time ("Documented"). This appellant / plaintiff has done nothing wrong, this Appellant / plaintiff didn't abuse the legal system, these Appellee's / defendants abused this appellant / plaintiff and the legal system for long time including in the Courts while he came to the Court to protect himself and his legal and Constitutional Rights from these

appellees / defendants misconduct ("Raytheon et al and Intel et al") and the place this can be done is in the court of law. These respondents / defendants are the abusers of the legal system of our Nation without limitation, they believe that because they are big multinational entities with unlimited resources they have the right to do anything they like even abusing the legal system of the land and abusing the Courts and the Constitution.

10.The Appellant / plaintiff only did one thing which is filed the Complaints and since then he didn't do nothing more than just responding to these defendants frivolous motions after motions filed in bundles in the State Court and repeating the same strategies in this District Court now Raytheon (Appendix #4 & 5) and Intel (Appendix #11 &12).

11.Tons of papers and many motions started with the first motion from Raytheon in particular frivulious complaining to the Honorable District Judge from the Honorable Magistrate Judge objecting that the plaintiff got a waiver for the Raytheon filling fees on October 21, 2019 (Appendix #2) with a reserved hearing date of December 29, 2019. The Honorable David O. Carter didn't wait for the Hearing but Dismissed their frivulious motion right the next day on October 3, 2019. Intel following them in their abusing tactics to our legal system.

12.The Honorable District Court Initial Order setting R26 scheduling conference for Raytheon on 11/06/2019 to be on January 13, 2020 and continued

to the following week on January 21, 2020 (appendix #4 & 5) turned to be maze of bundles of frivulious motions filed by both Appellees / defendants Raytheon and Intel ("seven (7) frivulious motions") to be heard in the same day for the two cases plus the R26 scheduling conference (Appendences #3 & 11). It is only clear from reviewing the dockets that Raytheon and Intel are those who are abusing the legal system not the appellant / plaintiff. This style of abuse repeated itself in every Court case until they are messed up all of them one by one.

13.This plaintiff believes that we shouldn't be in any Court at all, the issues are very simple and clear if there is Good Faith, the plaintiff was abused from top managements of both Raytheon and Intel early on and after Disclosing his Patented technologies and Intellectual Property to both Raytheon and Intel if the parties can set down together individually in each case in good faith settlement conference everything can be solved in few hours out of court. It is very simple, if any of the defendants used the plaintiff's technologies' & Intellectual Property they simply have to pay the bill. But they denied these several attempted for settlement requests over the years, however, refused plaintiff request to verify the technologies used in their products that they are claiming used different technologies through simple Discovery. This offer is always available and is available also now.

14.First, the litigant "plaintiff" in this Honorable District Court was heard on Raytheon case but was not heard in the Intel Case, didn't get noticed what the

Order are in both Raytheon Case and Intel Case. Second the District Court missed the careful examination of the history of the compiled record for review which resulted in ERRD decision, the plaintiff did nothing over the years more than filing the complaints which is a Constitutional Right (First Amendment, the Bill of Rights), the defendants Raytheon and Intel did all the harassing to the plaintiff, by filling bundles of frivulious non-relating Motions after Motions (all motions filed before the first hearings of Rule 26 (f) in both Cases), where the plaintiff had no power to limit the frivulious 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. ii) the defendants Raytheon & Intel filed many non-related Motions for the purposes of harassing the plaintiff and overwhelm the Courts of non-related issues which distracts the Courts from the real Merits of the cases at hand in addition the defendants are spending huge unsubstantiated costs "why Raytheon in scheduling Conference Hearing brings three individual Attorneys coming from all over the Nation "the Raytheon inhouse Council from Massachusetts, The Lead Council from San Francisco, and another Council from Los Angeles" the defendants have unlimited resources and their Councils of records are doing terrific business for themselves and their Law Firms.

The motivations in these particular incidences are great, they are far from searching for the truth & Merits of the issues must be the goals of this Court.

15.The Discovery in the two Cases (Raytheon and Intel) were due to start after the Court Order of the Completed Scheduling Conference which was stayed because of the Vexatious Litigant Order for two Security Bonds of $25K each 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 bundles of frivulious unrelating Motions. The State Court allowed the defendants to file and hear Summary Judgements before Discovery started which is illegal by law, resulted in granting it to the defendants because plaintiff didn't have any collected material facts in the absence of discovery. It is good example of Catch 22, we are turning in circles and never get to any of the facts.

16.Why all of that are happening to this Honest Patriotic Americans in their life in Good Faith all of the time, love this Nation, love of freedom and love to help anyone with what they have including Raytheon and Intel to help our Millitary and our National Security for the safety of our Nation and add to our National Economy. Our Patented technologies & Intellectual Property helped tens of thousands of Americans in direct and indirect employment in the projects of his participation using his patented technologies in several projects over the years and continue to do so in the case of Raytheon & for Intel, hundreds of thousands of

personnel to make living working or keep their jobs while plaintiff and family are living beyond animals standards in the way they are treated in the last 12 years with Raytheon and Intel. Plaintiff and family are still trying to save their dignity and their prides as Americans. Anyway, it is this Honorable Court to decide Justice, rightness and fairness based on the truth and facts that are presented here and before and became public records to the whole Nation and the whole world.

17.This plaintiff now at all times does have unlimited love for America while here in these situations **"The innocent became the Guilty and the Guilty became innocent needs the protection of the Court"** this cannot make any sense to anyone. This is Un-American; these abuses 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 Intellectual Property considered stolen, it is the Courts of this land must defend the Constitutional rights of the plaintiff in Order to live with his family like every American in our great society, this American plaintiff is Protected by Our Constitution's THE FIRST AMENDEMENT, THE FIFTH AMENDMENT, and the EIGHTH AMENDMENT as presented in this document.

18.This American plaintiff's history of litigation doesn't incriminate him, rather incriminate all the defendants Raytheon & Intel are the ones who did the misconduct and harassing to the plaintiff so he has to defend himself in the Courts

of law which is guaranteed to him by our Constitution of our great Nation. The Courts responsibilities are to stop the defendants' illegal behaviors in both cases of Raytheon and Intel. This plaintiff has the 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, Denied, but refusing Discovery for many years.

19.This plaintiff is ready to go to the trials within three months right after receiving the limited Discoveries documentation and inspection of the Property in the Cases of Raytheon and Intel. If we want to be efficient let us go to the trials right away after receiving the limited documents and requested Discoveries or go to guided settlement under Court supervision and the plaintiff is ready to accept 50% of the damages in both cases of Raytheon and Intel. The defendants caused incurring all unbearable expenses and burdens.

SUMMARY OF THE ARGUMENT

20.TABLE: 1 WITH COMMENTS ON THE LEFT COLUMN SUPPORT THE STATE COURT ORDER OF 08/01/2019 (Appendix 1).

***Pro Se* Actions Against Raytheon, et al & Intel et al Determined Adversely to Plaintiff In**	
NOT-QUALIFIED **LITIGATED BY ATTORNIES**	Case Name and No.: *Mankaruse v. Raytheon Company et al.* Case No. 30-2013-00625080-CU-WT-CJC (The "Second Employment Case") Date Filed: January 17, 2013 Disposition: Jury verdict in favor of Raytheon in December 2014. Court of Appeal affirmed. (RJN ¶ 3, Ex. 4).

NOT- QUALIFIED Breach of Contract Case Only BC CASE NOT IP CASE LITIGATED BY ATTORNY Defendants Conspired with my Attorney to Dismiss Conversion Claim With Prejudice	Case Name and No.: *American Innovation Corp. et al. v. Raytheon Company et al.* Case No. 30-2014-00732670-CU-BC-CJC (The "First IP Case Date Filed: July 7, 2014 Disposition: Fraud and deceit claim dismissed with prejudice on Nov. 9, 2016. (RJN ¶ 4, Ex. 5). Plaintiff dismissed his appeal after full briefing but before oral argument. (RJN ¶ 5, Exs.
NOT- QUALIFIED Plaintiff Dismissed	Case Name and No.: *Mankaruse v. Raytheon Company et al.* 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) after demurrer fully briefed. Case dismissed the day of demurrer hearing.
NOT- QUALIFIED Plaintiff Dismissed to File the 2016 Case the next Day on September 30, 2019	Case Name and No.: *Mankaruse v. Raytheon Company et al.* 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. (RJN ¶ 7, Ex. 9).
The Court Erred in Granting the Case to Defendants in Summary Judgement. Court Erred Due to Defendants Misleading, Lying and Falsifying Information to the Court. Currently **QUALIFIED** **Must be Vacated**	Case Name and No.: *Mankaruse v. Raytheon Company et al.* Case No. 30-2016-00878349-CU-IP-CJC (The "Fourth IP Case") Date Filed: September 30, 2016 Disposition: Summary judgment granted for Raytheon on July 12, 2018. Appeal dismissed; motion for reconsideration denied;
NOT- QUALIFIED **NOT RELATED TO RAYTHEON** **Will be in the Supreme Court**	Case Name and No.: *Mankaruse v. Intel Corporation, et al.* Case No. 30-2016-00884058 Date Filed: October 31, 2016 Disposition: Intel's demurrer was sustained without leave to amend. (RJN ¶ 12, Ex.

NOT- QUALIFIED **NOT RELATED TO RAYTHEON** Plaintiff Dismissed	Case Name and No.: *Mankaruse v. Intel Corporation, et al.* Case No. 30-2018-00971179-CU-IP-CJ Date Filed: February 2, 2018 Disposition: Plaintiff dismissed the case on July 17, 2018. (RJN ¶ 10, Ex. 14).
NOT- QUALIFIED **NOT RELATED TO RAYTHEON** Plaintiff Dismissed	Case Name and No.: *Mankaruse v. Intel Corporation, et al.* Case No. 30-2018-00971116-CU-BC-CJC Date Filed: February 2, 2018 Disposition: Court sustained Intel's demurrer on June 12, 2018. Amended Judgment entered on August 16, 2018. (RJN ¶ 11, Ex. 15).
COURT REIFED PLAINTIFF RELIVFED FROM BEING VEXATIOUS LITIGANT ON 8/01/2019	*Mankaruse v. Raytheon Company, et al.*, Case No. 30-2017-00934796-CU-IP-CJC Summary judgment granted for Raytheon on October 3, 2019; Judgment entered. (RJN ¶ 16, Ex. 23.)

21.Asking why this plaintiff have been mistreated with some of this unhuman misconduct, please watch the 4 minutes abc 10 News Video Aired on November 6, 2013 from the link here; **https://youtu.be/br2239qT2Q4.** Basicaly this plaintiff is mistreated and Continued to be mistreated unfairly by the defendants even in the Courts of Law pursuant to our Constitutions.

22.The Superior Court of California County of Orange Order by the Hon. James L. Crandall presiding on August 01, 2019 (Appendix #1) relieved this plaintiff is not a Vexatious Litigant. It is True and Correct Order, the same Court that issued that Vexatious thing in ERROR on July 12, 2018 is the same Court issued the ruling of August 01, 2019. Raytheon and Intel are not above the law, we are all Americans must be judged by our actions and must be treated in the United

States Courts by our great Constitution and by the Merits, which never happened to this plaintiff since August 5, 2008, the day he started to disclose the Patented technologies and Intellectual Property to Raytheon.

25.Analysis Minute Order Plaintiff's Non-Vexatious Litigant (Appendix #1)

(Item #1) ; Five Litigations Determined Adversely In Preceding 7 Years

defendants' Motion declaring plaintiff Nagui Mankaruse and Determined NOT Vaxatious Litigant In the Preceding 7 Years

DENID on the Grounds Listed.

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

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

D. Reasonable Probability of Prevailing.

ARGUMENT

23.Why We Are Here in This Honorable Federal Circuit Court? The District Court and prior in the State Courts? We are now here because Raytheon and Intel received valuable solicited protected technologies and they are trying to get away with the Stolen technologies and Intellectual Property?

24.The plaintiff's and his family were hurt every day since August 5, 2008 the day of he disclosed the innovative protected technologies to Raytheon to be used at Raytheon for the benefits of our Nation, to save lives of our troops in the

Battlefield using the Fire Finder RMI & the Sentinel Improved Radars and to protect our Nation & our allies using the THAAD Missile Defense Systems, & to INTEL to allow all world Computers to run at the Current higher speeds today.

25.The two Granted Motions declaring plaintiff a Vexatious Litigant by defendants Intel and Raytheon are violating the great United States Constitution.

26.The First Amendment:

[The First Amendment guarantees freedoms concerning religion, expression, assembly, and the right to petition. It forbids Congress from both promoting one religion over others and also restricting an individual's religious practices. It guarantees freedom of expression by prohibiting Congress from restricting the press or the rights of individuals to speak freely. It also guarantees the right of citizens to freedom expression by guarantee assemble peaceably and to petition their government.]

27.The District Court Ruling that plaintiff is Vexatious Litigant, is WRONG & Unconstitutional, also pursuant to the Superior Court of California, County of Orange, CJC, Ruling of Department C33 dated August 01, 2019, (Appendix#1).

28.(The ruling of the District Court, is to curtail, and restrict 1) [The plaintiff's freedom of speech], 2) freedom of expression, 3) rights to petition, 4) rights to speak freely, by Ordering this plaintiff must seek a prefiling permission first, and or have money to post a Bond for both Cases against Raytheon and Intel here in this ERRD (Appendix #1). Prior approval by the Court in the Order to file any new lawsuit against Raytheon or Intel, However, Unconstitutional this plaintiff have no plans to sue Raytheon or Intel, after the pending lawsuits, or to sue anyone

else unless there are violations of law or the Constitution against him. This plaintiff is very much a proud Patriotic American and firm to DEFEND and preserve all his Constitutional Rights, which is more precious than anything and he cannot or willing to relinquish at any time.

29. The Fifth Amendment of the United States Constitution to Protect the Innocent:

*[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.]*

30.This plaintiff is the Innocent here and the defendant is alleged Guilty, This plaintiff is here in the District Court because he needs protection from the defendants in the Raytheon, and Intel Cases and is here in the Federal Circuit Court of Appeal seeking relief from the ERRD Order by the District Court pursuant to the United States Constitution the 1st, 5th & 8th Amendments & (Appendix #1)

34. The Eighth Amendment (Amendment VIII)

[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.]

35. This Honorable District Court Order on 01/21/2020 (Appendix #4) and 01/23/2020 (Appendix #11) imposing $25,000 Bond to be furnished by this plaintiff in order his Cases against Raytheon & Intel to proceed in the litigation and $25,000 Bond (each). This Order violate the United States Constitution 1st, 5th & 8th Amendments, in addition it puts a very high price tag in order of an individual

American to practice his precious Constitutional Rights which is priceless. The two Bonds total $50,000 and the defendants of both Cases understand and have complete records and calculations of this plaintiff and his family income which is about $3,000 only, they must pay rent $2,000 in addition to other fixed expenses including health, medications, Car payment & Insurances in additions to several other fixed expenses. This plaintiff cannot spare even $5 a month because they complete their monthly expenses obligations by help from friends and family. However, this plaintiff is not Guilty of any wrongdoing or any crime, he must not be punished at all particularly he is Innocent as plaintiff in these two pending District Court cases, he is seeking Justice from this Court of Appeals for Federal Circuit to remand these two cases to the District Court and continue the litigation protected by this valuable Constitutional Rights to regain his valuable stolen Intellectual Property from the alleged Guilty defendants on the Merits. These BONDs Orders by the District Court is not only Violation of the Precious 1st Amendment and also are excessive in value compared the plaintiffs income pursuant to the 5th Amendment but also pursuant the 8th Amendment of the Constitution, and the Law (Appendix #1)cas the plaintiff is the innocent party in the litigation and complaining from injustice.

36.This plaintiff pray to this Honorable Federal Circuit Court of Appeals to fair Opinion and remanding the two cases to the District Court to end the Stay of

the Cases without the Posting of any Bonds in addition that he is NOT Vexatious Litigant again after the Superior Court Order of California, County of Orange, CJC Department C33, The Honorable James L. Crandall presiding. (Appendix #1) pursuant to 23 U.S.C § § 1331 and 1338 (a) and 1338 (b).

A. Notice and Opportunity to be Heard

37. The plaintiff opposed the defendants Motion declaring him Vexatious Litigant, however the Court ignored and didn't notice all the facts beyond and caused these numbers of the law suits were also explained in details by the Hon. James L. Crandall in his August 01, 2019 Ruling (Appendix #1) and relieving the plaintiff of being Vexatious Litigant. The District Court conducted a hearing on Raytheon case but not for Intel where the plaintiff has not any hearings.

LEGAL STANDARD OF REVIEW

CONSTITUTIONAL AND STATUARY PROVISIONS

38."[T]he United States Constitution, 1st Amendment (Bill of Rights) is violated on different grounds; restrict 1) [The plaintiff's freedom of speech], 2) freedom of expression, 3) rights to petition, rights to speak freely, by Ordering this plaintiff must get permission from the District Court, must seek a prefiling permission first, and or have money to post a Bond for both Cases against Raytheon and Intel here in this ERRD District Court Order.] The 5th Amendment rights is violated by self-incrimination of the innocent (plaintiff) in this case as well as the guilty (the defendants) siting the curian in Ohio v. Reiner. The 8th

Amendment prohibits the federal government from imposing excessive bail, excessive fines or cruel and unusual punishment.

39."[T]here is a strong precedent establishing the inherent power of federal courts to regulate the activities of abusive litigants (however this plaintiff is not vexatious) by imposing carefully tailored restrictions under the appropriate circumstances." *De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990) (citation omitted). It is well established that the All Writs Act, 28 U.S.C. § 1651(a), provides courts with the inherent power to enter pre-filing orders restricting future filings by vexatious litigants. *Molski*, 500 F.3d at 1061 (citing *Weissman v. Quail Lodge, Inc.*, 179 F.3d 1194, 1197 (9th Cir. 1999)). However, "[c]ourts should not enter pre-filing orders with undue haste because such sanctions can tread on a litigant's due process right of access to the courts." *Id.* at 1057. Indeed, the Ninth Circuit has cautioned that "such pre-filing orders are an *extreme remedy* that should *rarely be used*," *id.* (citing *De Long*, 912 F.2d at 1147) (emphasis added), particularly when the plaintiff is pro se. *See Pavilonis v. King*, 626 F.2d

1075, 1079 (1st Cir.) ("The use of such measures against a pro se plaintiff should be approached with particular caution."), *cert. denied*, 449 U.S. 829 (1980); *cf. De Long*, 912 F.2d at 1147 (citing approvingly *Pavilonis*, 626 F.2d at 1079 and vacating a district court's order that enjoined an *in forma pauperis* litigant from further filings).

40. When a district court encounters vexatious litigation, it is under no obligation to issue a pre-filing order. *Molski*, 500 F.3d at 1065 n. 8. Rather, the district court "may exercise its sound discretion under the facts presented to choose any appropriate sanction." *Id.*

41. The Ninth Circuit has identified four factors for district courts to consider before entering pre-filing orders "to maintain this delicate balance between broad court access and prevention of court abuse." *O'Loughlin v. Doe*, 920 F.2d 614, 617 (9th Cir. 1990). The first two factors are procedural in nature: (1) the litigant must be granted due process, i.e., "notice and an opportunity to be heard," before the order is entered, and (2) the court must compile an "adequate record for review," which includes a listing of "all the cases and motions that led the district court to conclude that a vexatious litigant order was needed." *De Long*, 912 F.2d at 1147 (citations omitted). The latter two factors are substantive: (3) the district court must make "substantive findings" about the frivolous or harassing nature of the

plaintiff's litigation, and (4) the vexatious litigant order must be "narrowly tailored to closely fit the specific vice encountered." *Id.* at 1148; *see also Molski*, 500 F.3d at 1061

ABUSE OF DESCRETION

42.The District Court used his discretion element in making the final decision in the Vexatious Litigant Order. However, the plaintiff is not a vexatious litigant and is in violation of the US Constitution 1st, 5th & 8th Amendments. There is substantial evidence that the plaintiff / appellant is not vexatious litigant, rather the defendants have dragged the cases into unrelated issues to waste time and cause harm to the plaintiff / appellant and chose to incur substantial jamming of the legal system in doing so. This plaintiff did nothing to cause unjustified expenses to these two defendants "Raytheon and Intel because they are the parties who keep filing unrelated frivulious Motions", the plaintiff only filled the Complaints ready to go to trial, but the defendants chose to litigate numerous side unrelated issues that are costly for years to kill the two case in the Courts without allowing any simple discoveries that can end the cases one way or the other.

SUMMARY NOTE

43.On and around October 9, 2019 in the State Court Hallway after a hearing in Dept. C33 the Superior Court of California, County of Orange; Mr. Andrew Valentine, Raytheon lead Council was telling plaintiff Nagui Mankaruse when

asked him ("how did you learn that I have filed the Federal Case against Raytheon before you receive the served Complaint and the summons?"). Mr. Valentine quickly answer was ("Raytheon is a big company and DLA Piper is a big law firm and we know people in all Courts that tell us everything")

CONCLUSION AND RELIEF SOUGHT

44.The plaintiff is no longer a vexatious litigant status after the State Court relieved him by the State Court Order on August 01, 2019 (Appendix #1) and all other stated reasons above.

I. PRAYER FOR RELIEF SOUGHT

45. For all the foregoing reasons, the plaintiff respectfully ask this U.S. Court of Appeals for the Federal Circuit for Opinions to DENY the Defendants' Raytheon and Intel Motions in the two Cases ("20-2297 and 20-2309"), Vacate all the Orders against plaintiff including the declaration of this plaintiff as a Vexatious Litigant and undo the Striking of both amended Complaints and effect Scheduling Motions & Order Remand the two Cases to the District Court to Proceed to the Trials on fast track.

Respectfully submitted,

Date: October 5, 2020

Nagui Mankarusé

NAGUI MANKARUSE
Plaintiff In Pro Se

STATEMENT OF COMPLIANCE

1. The brief complies with the length limits permitted by the United States Court of Appeal for the Federal Circuit Rule (FRAP 32(a)(7)(A), and FCR 32 (b)(1). The brief contains 5,583 words, excluding Informal Brief of Appellant (Form 12, 2020) and the parts of the brief exempted by Fed. R. App. P. 32 (F).

2. The brief complies with the typeface requirements of Fed. R. App. 32(a)(5), and type style requirements of Fed. App. R. P. 32(a)(6), it has been prepared in a proportionally spaced typeface using Microsoft @ 365 in 14-point Type New Roman type.

Date: October 5, 2020

Nagui Mankarse

NAGUI MANKARUSE

CERTIFICATION PROOF OF SERVICE

I, Magda Mankaruse, declare:

I am and was at the time of the service mentioned in this declaration; reside in the County of Orange, California. I am over the age of 18 years and not a party to the within action. My residence address is 19081, Carp Circle, Huntington Beach, California 92646.

On October 09, 2020 I served a copy(ies) of the following documents

BRIEF ON APPEAL FOR NAGUI MANKARISVE, APPALLANT

on the parties to this action by placing them in a sealed envelope(s) addressed as follows:

Party(ies) Serviced	Name of Party	Method of Service
Carolyn Hoecker Luedtke **Carolyn.luedtki@mto.com** **Munger, Tolls & Olson, LLP** 560 Mission Street Twenty Seventh Floor San Francisco, CA 94105-2907 **Telephone: {415)512-4000**	All Defendants of the Case Nagui Mankaruse v. Intel Corporation et al	By US MAIL

X [BY MAIL] I placed the sealed envelope(s) for collection and mailing with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the United States that the above is true and correct, and that this declaration was executed on October 09, 2020, at Huntington Beach, California.

Magda Mankaruse

MAGDA MANKARUSE

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