

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT****NOTICE OF DOCKETING****15-1326 - Glassey v. Microsemi Inc.**

**Date of docketing:** February 11, 2015

**Appeal from:** United States District Court for the Northern District of California case no. 3:14-cv-03629-WHA

**Appellant(s):** Michael E. McNeil, Todd S. Glassey

**Critical dates include:**

- Date of docketing. See Fed. Cir. R. 12.
- Entry of appearance. (*Due within 14 days of the date of docketing.*) See Fed. Cir. R. 47.3.
- Certificate of interest. (*Due within 14 days of the date of docketing.*) See Fed. Cir. R. 47.4.
- Docketing Statement. (*Due within 14 days of the date of docketing, or within 30 days if the United States or its officer or agency is a party in the appeal.*) [Only in cases where all parties are represented by counsel. See the en banc order dated September 18, 2006, and guidelines available at [www.cafc.uscourts.gov](http://www.cafc.uscourts.gov).]
- Requests for extensions of time. See Fed. Cir. R. 26 and 27. **N.B. Delayed requests are not favored by the court.**
- Briefs. See Fed. Cir. R. 31. **N.B. You will not receive a separate briefing schedule from the Clerk's Office.** However, in a case involving an appellant, a cross-appellant, and an appellee, a special briefing schedule is used. The appellant's opening brief is due within 60 days of the date of docketing. The cross-appellant's opening brief is due within 40 days of filing of the appellant's opening brief. The appellee's brief is due within 40 days of filing of the cross-appellant's brief. The appellant's response/reply brief is due within 40 days of filing of the appellee's brief. The cross-appellant's reply brief is due within 14 days of filing of the appellant's response/reply brief. The joint appendix is due within 10 days of filing of the cross-appellant's reply brief.
- Settlement discussions. See Fed. Cir. R. 33.
- **ORAL ARGUMENT SCHEDULE CONFLICTS:** Counsel should advise the clerk in writing within 30 days once briefing is completed of potential scheduling conflicts or as soon as they are known and should not wait until an actual conflict arises. Once scheduled, a case will not be postponed except on motion showing **compelling reasons**. See Practice Note following Fed. Cir. R. 34.

Pro se parties should refer to the [Guide for Pro Se Petitioners and Appellants](#).

**Attachments** (to pro se parties only):

- Caption sheet
- Guide for Pro Se Petitioners and Appellants
- Required forms:
  - Entry of Appearance
  - Informal Brief
  - Motion and Affidavit for Leave to Proceed in Forma Pauperis (only to petitioners owing the docketing fee)

The official caption is reflected on the electronic docket under the listing of the parties and counsel. Counsel may download the Rules of Practice and required forms from [www.cafc.uscourts.gov](http://www.cafc.uscourts.gov).

Daniel E. O'Toole  
Clerk of Court

cc: United States District Court for the Northern District of California  
Heather F. Auyang  
Stephen Andrew Chiari  
David R. Eberhart

Todd S. Glassey  
Jonathan S. Kagan  
James Lin  
Michael E. McNeil  
Warren Metlitzky  
Jason David Russell  
Stefani E. Shanberg

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

333 Constitution Avenue, NW  
Washington, DC 20001-2866  
Phone: 202-216-7000 | Facsimile: 202-219-8530

Plaintiff: **Glassey and McNeil In Pro Se**

vs.

Civil Action No. **3:14-CV-03629**

Defendant: **Microsemi Inc, et Al.**

**CIVIL NOTICE OF APPEAL**

Notice is hereby given this \_\_\_\_ day of January 20<sup>15</sup>, that

Glassey and McNeil do hereby Amend the original Notice of Appeal

hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the

judgement of this court entered on the 29 day of Dec, 20<sup>14</sup>, in

favor of Defendants (and US Government)

against said Claims of Intellectual Property Fraud Losses and related matters

Todd S. Glassey, In Pro Se

Attorney or Pro Se Litigant

(Pursuant to Rule 4(a) of the Federal Rules of Appellate Procedure a notice of appeal in a civil action must be filed within 30 days after the date of entry of judgment or 60 days if the United States or officer or agency is a party)

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Fax \_\_\_\_\_  
 E-Mail \_\_\_\_\_  
☐ FPD ☐ Appointed ☐ CJA ☐ Pro Per ☐ Retained

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

CASE NUMBER: \_\_\_\_\_

PLAINTIFF(S),  
 v.  
 DEFENDANT(S).

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that \_\_\_\_\_ hereby appeals to  
*Name of Appellant*  
 the United States Court of Appeals for the Ninth Circuit from:

**Criminal Matter**

- ☐ Conviction only [F.R.Cr.P. 32(j)(1)(A)]  
☐ Conviction and Sentence  
☐ Sentence Only (18 U.S.C. 3742)  
☐ Pursuant to F.R.Cr.P. 32(j)(2)  
☐ Interlocutory Appeals  
☐ Sentence imposed:

☐ Bail status:

**Civil Matter**

- ☐ Order (specify): \_\_\_\_\_  
☐ Judgment (specify): \_\_\_\_\_  
☐ Other (specify): \_\_\_\_\_

Imposed or Filed on \_\_\_\_\_. Entered on the docket in this action on \_\_\_\_\_.

A copy of said judgment or order is attached hereto.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature

☐ Appellant/ProSe ☐ Counsel for Appellant ☐ Deputy Clerk

**Note:** The Notice of Appeal shall contain the names of all parties to the judgment or order and the names and addresses of the attorneys for each party. Also, if not electronically filed in a criminal case, the Clerk shall be furnished a sufficient number of copies of the Notice of Appeal to permit prompt compliance with the service requirements of FRAP 3(d).

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TODD S. GLASSEY and MICHAEL E. MCNEIL,

Plaintiffs,

No. C 14-03629 WHA

v.

MICROSEMI INC, US GOVERNMENT,  
PRESIDENT OF THE UNITED STATES,  
STATE OF CALIFORNIA, GOVERNOR BROWN,  
THE IETF AND THE INTERNET SOCIETY,  
APPLE INC., CISCO INC., EBAY INC.,  
PAYPAL INC., GOOGLE INC.,  
JUNIPER NETWORKS, MICROSOFT CORP.,  
NETFLIX INC., ORACLE INC., MARK HASTINGS,  
ERIK VAN DER KAAY, AND THALES GROUP,  
and "UNSERVED" DOES,

Defendants.

**ORDER GRANTING MOTIONS  
TO DISMISS, STRIKING  
SECOND AMENDED  
COMPLAINT, DENYING ALL  
PENDING MOTIONS FOR  
SUMMARY JUDGMENT, AND  
VACATING HEARINGS**

Two *pro se* plaintiffs seek to obtain millions of dollars in damages for the "largest fraud loss in history" based on allegations they say "sounded Looney originally." Nevertheless, they have sued more than twenty defendants, including the United States. Plaintiffs claim to own the intellectual property rights to "a part of virtually all networking systems in use globally" and that their rights "control most online commerce in the US today."

A week after filing their second amended complaint, plaintiffs filed six "dispositive" motions, including a motion to take a multi-trillion dollar loss on their 2014 taxes and a motion to assign themselves patent rights they admit they do not own.

Having reviewed the more than 1,000 pages larded in the record by plaintiffs, this order rules as follows. For the reasons stated herein, all claims are **DISMISSED WITH PREJUDICE**.

The motions to dismiss are **GRANTED**. All of plaintiffs' motions are **DENIED**.

\*

\*

\*

1        *Pro se* plaintiffs are Todd Glassey and Michael McNeil.\* Defendants include the United  
2 States, the “State of California,” individuals, and many technology companies — including,  
3 Apple Inc., Cisco Inc., eBay Inc., Google Inc., Juniper Networks Inc., Microsemi Inc., Microsoft  
4 Corp., Netflix Inc., Oracle Corp., PayPal Inc., and more. The United States has appeared and at  
5 least seven law firms were retained for this matter.

6        In essence, to the extent comprehensible, the eighty-page second amended complaint  
7 alleged that plaintiffs assigned their intellectual property rights to an entity called Datum Inc. in  
8 1999 via two settlement agreements. Defendant Microsemi Corp. is now the assignee of the  
9 patents referenced in the second amended complaint.

10        After the settlement agreements were signed — approximately seven years later —  
11 plaintiffs commenced a lawsuit in Santa Cruz Superior Court, alleging malpractice, breach of  
12 contract, and other claims arising from the settlement agreements. Plaintiffs then voluntarily  
13 dismissed the lawsuit. *McNeil, et al. v. Symmetricom, Inc.*, No. CV-165643 (Santa Cruz Sup.  
14 Ct.).

15        Plaintiffs subsequently commenced a new lawsuit in federal court. *Glassey, et al. v.*  
16 *Symmetricom, Inc.*, No. 3:13-cv-04662-NC (N.D. Cal.) (Judge Nat Cousins). That action was  
17 voluntarily dismissed as well, after an order to show cause regarding subject-matter jurisdiction  
18 was issued.

19        *Pro se* plaintiffs later commenced this action. Their motion for a “three-judge panel” was  
20 denied. Six defendants then moved to dismiss and in an October 2014 order, the first amended  
21 complaint was stricken. Plaintiffs were given one more chance to plead their best and most  
22 plausible case. They were warned that failure to cure the identified deficiencies could result in  
23 dismissal with prejudice (Dkt. No. 109). The initial case management conference was vacated.

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24  
25  
26        \* Mr. Glassey has commenced several actions in our district. See, e.g., *Glassey v. Amano Corp., et al.*,  
27 No. 04-05142 (N.D. Cal. Bankr.) (Judge Marilyn Morgan); *Glassey v. National Institute of Standards &*  
28 *Technologies, et al.*, No. 5:04-cv-02522-JW (N.D. Cal.) (Judge James Ware); *Glassey v. Amano Corporation, et*  
*al.*, No. 5:05-cv-01604-RMW (N.D. Cal.) (Judge Ronald Whyte); *Glassey v. D-Link Corporation*,  
No. 4:06-cv-06128-PJH (N.D. Cal.) (Judge Phyllis Hamilton); *Glassey, et al. v. Symmetricom, Inc.*,  
No. 3:13-cv-04662-NC (N.D. Cal.) (Judge Nat Cousins).

1 An eighty-page second amended complaint was then filed. A week later, plaintiffs filed  
2 six motions. Defendant Internet Society filed a motion to dismiss. Both sides were then invited  
3 to show cause regarding whether the second amended complaint should (or should not) be  
4 stricken. Defendant Microsemi, Inc. then filed a motion to dismiss.

5 In response to the order to show cause, plaintiffs, the United States, and the other  
6 defendants (who have appeared) each filed briefs. This order rules as follows.

7 **1. RENEWED MOTION FOR THREE-JUDGE PANEL.**

8 Plaintiffs' motion is **DENIED**. A prior order denied the original motion for a three-judge  
9 panel (Dkt. No. 70). Now, plaintiffs move again for a three-judge panel. As stated before, no  
10 three-judge panel is required.

11 **2. MOTION TO QUASH FISA OR RELATED WARRANTS.**

12 Plaintiffs' motion is **DENIED**. Plaintiffs move to quash "any existing Intelligence or  
13 Internationally issued FISA or Intelligence Warrants" concerning various "intellectual property."  
14 Plaintiffs do not know if any warrants exist, they forthrightly admit. They instead speculate that  
15 "treason" has occurred and that there is a "seditious conspiracy" by various foreign governments  
16 to refuse to open fraud investigations, and that there "could" be interference with potential  
17 attorney-client relationships. The United States filed an opposition brief (Dkt. No. 158).

18 No motion to quash "FISA or related warrants" could possibly be justified on this record.  
19 The Supreme Court has stated in the FISA context that a mere speculative chain of possibilities  
20 does not suffice to establish Article III standing. *Clapper v. Amnesty International USA*, — U.S.  
21 —, 133 S. Ct. 1138, 1150 (2013). Plaintiffs' theory, to the extent comprehensible, is farfetched.  
22 Their contention that it is possible that FISA warrants may exist and that those warrants (if they  
23 exist) were issued to an unidentified "attorney" which then could create a "conflict of interest"  
24 that offends the Constitution is rejected.

25 **3. MOTION FOR PARTIAL SUMMARY JUDGMENT RE "FRAUD LOSS."**

26 Plaintiffs' motion is **DENIED**. Plaintiffs move to take a multi-trillion dollar "fraud loss" on  
27 their 2014 taxes based on "loss of access" to their "intellectual property rights" based on  
28 "abandoned" patent applications allegedly filed in foreign countries. Plaintiffs point to online

“printouts” from patent offices in Europe, South Africa, Japan, Brazil, Korea, Canada, and Australia. Plaintiffs’ requests for judicial notice, which were not properly authenticated, are **DENIED**.

The United States responds that plaintiffs’ motion should be denied because (1) there is no jurisdiction; (2) there is no evidence the United States waived its sovereign immunity; (3) plaintiffs’ motion was procedurally improper because it was filed before any defendant answered the complaint; and (4) the bare motion lacked any sworn and authenticated support.

*None of the relief demanded by plaintiffs is granted.* This Court lacks jurisdiction over the “tax” matter plaintiffs brought. Since the United States Attorney is already aware of this motion, it will not be referred to their office. The United States Attorney may forward a copy of plaintiffs’ filings and this order to the Internal Revenue Service and any other agencies as appropriate. Plaintiffs’ motion to take a “fraud loss” on their 2014 taxes is **DENIED**.

#### **4. MOTION TO VOID THE DDI AND TTI SETTLEMENTS.**

Plaintiffs state that docket number 123 “replaces” docket number 118. Nevertheless, both briefs have been read.

Plaintiffs move to award themselves “full custody” of two United States patents by moving to “void” the settlement agreements they signed more than fifteen years ago. In short (based on the unauthenticated settlement agreements filed by plaintiffs), in the “DDI settlement,” in exchange for \$300,000, plaintiffs agreed to assign all rights, title, and interest in the “Controlling Access Patent” and patent application to Datum, Inc. Plaintiffs also granted Datum a non-exclusive, irrevocable worldwide license to the “Phase II Technology and derivative thereof” with rights to sublicense (Dkt. No. 121-3). In the “TTI settlement,” in exchange for royalties for the years 2000 through 2002, plaintiffs agreed to disclaim any ownership in or rights to the “Protected Technology,” a term defined at length in the settlement agreement (Dkt. No. 121-2).

To “void” these two settlement agreements, plaintiffs reference two decisions: *Gellman v. Telular Corp.*, 449 F. App’x 941, 945 (Fed. Cir. 2011) and *Talbot v. Quaker-State Oil Ref. Co.*, 104 F.2d 967, 969 (3d Cir. 1939). Plaintiffs’ reliance on *Gellman* and *Talbot* is misplaced.

1 In *Gellman* (an unpublished decision), the Federal Circuit affirmed dismissal for lack of  
2 standing. Plaintiff's late husband was a named co-inventor of the asserted patent. Because all of  
3 the legal owners of the asserted patent were not parties to the action and plaintiff's evidence of  
4 sole ownership was "thin and unsupportive," dismissal was proper. Here too, plaintiffs lack  
5 standing to assert patent infringement. (More on this below.)

6 In *Talbot* (a non-binding decision from 1939), the Third Circuit affirmed dismissal  
7 because of *res judicata*. The Supreme Court of Pennsylvania had previously held that one joint  
8 owner of a patent had the power to grant a license to the patent without the consent of the other  
9 co-owner. That judgment was binding in the later-filed federal lawsuit. Neither *Gellman* nor  
10 *Talbot* support "voiding" the two settlement agreements here.

11 Defendant Microsemi states that it is the current assignee, the "sole owner and the only  
12 party permitted to enforce the two patents at issue" (Opp. 1). It argues that plaintiffs' motion  
13 should be denied because (1) plaintiffs' claims are barred by the four-year statute of limitations;  
14 (2) the second amended complaint relied on the validity of the two settlement agreements  
15 plaintiffs now seek to "void;" (3) no rescission claim was pled in the second amended complaint;  
16 and (4) plaintiffs' motion was procedurally improper because it was filed before any defendant  
17 answered the complaint and before the initial case management conference (Dkt. No. 148).

18 No reasonable juror could find that the settlement agreements plaintiffs signed in 1999  
19 should be "voided" based on the record presented. Indeed, no notice of this "claim for relief" was  
20 provided in the second amended complaint and none of plaintiffs arguments is persuasive. Even  
21 if plaintiffs never received a "countersigned copy" of the settlement agreements for "12 and 3/4  
22 years," plaintiffs sued to enforce those agreements back in 2009. The statute of limitations has  
23 passed.

24 Accordingly, plaintiffs' motion is **DENIED**. To the extent not relied upon, Microsemi's  
25 requests for judicial notice are **DENIED AS MOOT**.

26 **5. MOTION FOR PARTIAL SUMMARY JUDGMENT OF PATENT INVENTORSHIP.**

27 Plaintiffs' motion is **DENIED**. Plaintiffs move to add themselves as named inventors to a  
28 patent and to "reassign" that patent and "all published instances of it" to themselves. As "proof,"

1 plaintiffs argue that the “existence” of their settlement agreements (the very same agreements  
2 they sought to “void” above) purportedly supports removing the named inventors and making  
3 plaintiffs the sole inventors.

4 Defendant Microsemi argues that (1) plaintiffs’ inventorship claim is barred by laches  
5 since the relevant patent issued in 2002; (2) there is no clear and convincing evidence that  
6 plaintiffs contributed to conception of the claimed invention; (3) plaintiffs provided no proof that  
7 “all published instances” of the patent should be “reassigned” to them; and (4) plaintiffs’ motion  
8 was procedurally improper because it was filed before any defendant answered the complaint and  
9 before the initial case management conference (Dkt. No. 156).

10 There is no evidence in the record, let alone clear and convincing evidence, supporting the  
11 relief demanded by plaintiffs. Plaintiffs’ motion is **DENIED**. To the extent not relied upon,  
12 Microsemi’s requests for judicial notice are **DENIED AS MOOT**.

13 **6. MOTION FOR PARTIAL SUMMARY JUDGMENT RE “PERFORMANCE RIGHTS.”**

14 Plaintiffs’ Motion is **DENIED**. To the extent comprehensible, plaintiffs seek “full  
15 PERFORMANCE RIGHTS STANDING against the execution of any program derived from an  
16 IETF Standard containing Plaintiffs’ PHASE-II IPs” (Br. 2). Plaintiffs argue that the Internet  
17 Engineering Task Force (“IETF”) is a “rogue state,” who published standards used by technology  
18 companies, including Apple, Google, Cisco, Microsoft, Oracle, Juniper Networks, and so forth.  
19 Plaintiffs seek copyright protection over the IETF’s publications.

20 Defendant Internet Society is a non-profit corporation and the IETF is an “organized  
21 activity” within it — not a legal entity — defendant clarifies. In any event, Internet Society  
22 argues that no relief can be provided for plaintiffs’ bare motion, which was unsupported by  
23 specific sworn facts. In pertinent part, Internet Society argues that (1) the second amended  
24 complaint failed to allege ownership in any identifiable copyrighted work and (2) plaintiffs failed  
25 to identify any specific publication or standard promulgated by defendant. The “narratives”  
26 plaintiffs larded into the record in no way support the relief demanded, says defendant. Internet  
27 Society also argues that plaintiffs should be ordered to show cause why they should not be  
28

1 declared a vexatious litigant. (No motion to declare plaintiffs a vexatious litigant has been  
2 brought.)

3 None of the relief demanded by plaintiffs is warranted by this record. Plaintiffs have not  
4 shown any specific sworn evidence that they “own” the Internet Society’s publications.  
5 Plaintiffs’ motion is **DENIED**.

6 **7. DISMISSAL OF THE SECOND AMENDED COMPLAINT.**

7 Months have passed and plaintiffs have utterly failed to file a pleading that states a  
8 plausible claim. None of plaintiffs’ pleadings (Dkt. Nos. 1, 6, 112) satisfied *Ashcroft v. Iqbal*,  
9 556 U.S. 662, 678 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007).  
10 Plaintiffs are now on their second amended complaint, after their prior pleading was stricken for a  
11 multitude of defects. At that time, plaintiffs were warned that failure to plead their best and most  
12 plausible case could result in dismissal with prejudice (Dkt. No. 109).

13 It is now hopeless to continue with this lawsuit. There are too many fundamental  
14 problems with plaintiffs’ pleading so only a few will be called out now. *First*, plaintiffs have  
15 failed to establish that the United States has waived its sovereign immunity, or that they have  
16 standing to sue the United States. *Second*, plaintiffs lack standing to assert patent infringement  
17 for even they concede that they do not own the asserted patents. *Third*, plaintiffs’ claims are  
18 time-barred. Most, if not all, of plaintiffs’ claims date back to the 1990s and early 2000s. The  
19 statute of limitations has long passed. *Fourth*, the second amended complaint failed to allege  
20 antitrust injury.


21 Having considered plaintiffs’ second amended complaint, plaintiffs’ oppositions to the  
22 motions to dismiss, and plaintiffs’ response to the order to show cause, this order finds that  
23 granting leave to amend would be futile. Plaintiffs have failed to cure the multitude of defects  
24 previously identified, despite having had an opportunity to review the then-pending six motions  
25 to dismiss and the prior order striking the complaint. Twenty defendants, including the United  
26 States, and seven law firms should not be dragged into incurring the expense of this hopeless and  
27 utterly frivolous lawsuit. Accordingly, defendants’ motions to dismiss and to strike the second  
28 amended complaint are **GRANTED**.

1 **CONCLUSION**

2 For the reasons stated herein, all of plaintiffs' motions are **DENIED**. To the extent not  
3 relied upon, all of plaintiffs' requests for judicial notice are **DENIED**. The second amended  
4 complaint is hereby **STRICKEN**. The entire action is **DISMISSED WITH PREJUDICE**. All hearings  
5 herein (*i.e.*, January 8, 15, and 29) are hereby **VACATED**. Judgment shall be entered in a separate  
6 order.

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8 **IT IS SO ORDERED.**

9 Dated: December 29, 2014.

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11 WILLIAM ALSUP  
12 UNITED STATES DISTRICT JUDGE  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TODD S. GLASSEY and MICHAEL E. MCNEIL,

Plaintiffs,

No. C 14-03629 WHA

v.

MICROSEMI INC, US GOVERNMENT,  
PRESIDENT OF THE UNITED STATES,  
STATE OF CALIFORNIA, GOVERNOR BROWN,  
THE IETF AND THE INTERNET SOCIETY,  
APPLE INC., CISCO INC., EBAY INC.,  
PAYPAL INC., GOOGLE INC.,  
JUNIPER NETWORKS, MICROSOFT CORP.,  
NETFLIX INC., ORACLE INC., MARK HASTINGS,  
ERIK VAN DER KAAY, AND THALES GROUP,  
and "UNSERVED" DOES,

**JUDGMENT**

Defendants.

For the reasons stated in the accompanying order granting motions to dismiss and striking second amended complaint, **FINAL JUDGMENT IS HEREBY ENTERED** in favor of defendants and against plaintiffs. The Clerk **SHALL CLOSE THE FILE**.

**IT IS SO ORDERED.**

Dated: December 29, 2014.



WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

1 Todd S. Glassey, In Pro Se, and  
2 Todd S. Glassey In Pro Se,  
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13  
14  
15  
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## UNITED STATES COURT OF APPEALS

San Francisco Division

11 Todd. S. Glassey, In Pro Se, and ,  
12 Michael E. McNeil, In Pro Se,  
13 Plaintiffs,  
14 vs.  
15 Microsemi et Al,  
16 Defendants

Appeal No.: 14-17574

Motion to Correct Filing Error and  
refer to DC Circuit17  
18 Notice of Motion and Motion to Transfer Newly Filed Appeal to DC Circuit  
19

20 Plaintiffs improperly filed this appeal with the Ninth Circuit, it should  
21 have gone to the DC Circuit because of the amount of the matter pertaining to  
22 Tax Code and IRS related matters.  
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1 Because no substantive work has happened yet in the matter other than  
2 docketing, this is the perfect time to move the appeal to the proper venue,  
3 the Court of Appeals for the DC Circuit.

4  
5 Therefore to correct that filing error, Plaintiffs do move with this notice  
6 of motion and motion the Clerk of the Court be ordered to transfer this  
7 appeal to the DC Circuit so it may be heard and properly referred to the  
8 Court of Federal Claims therein.

9  
10  
11 Dated this 7<sup>th</sup> day of January, 2015

12 /s/ Todd S. Glassey

13 Todd S. Glassey In Pro Se,  
14 305 McGaffigan Mill Rd.  
Boulder Creek CA 95006  
408-890-7321  
tglassey@earthlink.net

15 /s/ Michael E. McNeil

16 AND  
17 Michael E. McNeil, In Pro Se  
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May it please the Court,

Declaration in Explanation of the Filing Error in the matter herein.

1. I Todd S. Glassey Declare the following under the penalty of perjury of the Laws of the United States of America.

**Notice of Appeal form has no check box or method of noticing the clerk which Court the appeal goes to**

2. That I and Mr. McNeil reviewed the Pro Se Appellate Manual and filed the documents specifically as instructed.
3. The Ninth Circuit Appellate Pro Se instructions require the use of the Courts NOTICE OF APPEAL form.
4. That the NOTICE OF APPEAL FORM has no way or place to indicate to the Clerk of the US District Court where to refer the Appeal.
5. The Clerk as such assumes all appeals filed through them go to the NINTH CIRCUIT by default.

**Our Matter has Tax Code and Revenue implications - should have been heard before the Court of Federal Claims**

6. This matter for instance never should have been filed in the San Francisco District Court, it is a Tax Related Matter and should have been heard before the US Court of Federal Claims.
7. As such it was always our intent to file the Appeal with the DC Circuit to place the decisions pertaining to the larger issues of jurisdiction and venue in the hands of the people responsible for the rulings on tax code and enforcement issues.
8. As a Pro Se litigant McNeil and I realized this late into the process, and apologize to the court for adding more work to its already overburdened schedule.
9. We therefore ask the Clerk of the Ninth Circuit to refer this matter to the US Court of Appeals for the DC Circuit;

Jan 7th 2015, /s/ Todd S. Glassey, from Boulder Creek Ca, 95006

**Supplemental Memorandum pertaining to Jurisdiction**

1. 26 U.S.C. § 7482(a)(1). Congress originally placed venue for all appeals from decisions issued by the U.S. Board of Tax Appeals – later renamed the U.S. Tax Court – in the regional circuits, unless the individual did not file a return. 26 U.S.C. § 1141(b)(1) (1940) (providing that “decisions may be reviewed by the Circuit Court of Appeals for the circuit in which is located the collector’s office to which was made the return of the tax in respect of which the liability arises or, if no return was made, then by the United States Court of Appeals for the District of Columbia”)
2. Since in this matter no Tax Return was filed this matter by its very nature MUST be appealed to the DC Circuit. Further from James Bamberg, *A Different Point of Venue: The Plain Meaning of Section 7482(b)(1)*, 61 TAX LAW. 445 (2008), in which the author contends that [a] plain meaning reading of the [statute] instructs that the D.C. Circuit Court is the appropriate venue, the default even, for all tax cases on appeal from the Tax Court that are not expressly brought up in section 7482(b)(1). Thus, it would appear that cases dealing with . . . “collection due process” hearings . . . should all be appealed to the D.C. Circuit Court.
3. In 1966, Congress changed the venue provision, adding two subsections that prescribed the proper venue for appeals from Tax Court decisions concerning redetermination requests sought by individuals and by corporations. Pub. L. No. 89-713, § 3(c), 80 Stat. 1107, 1108-09 (1966) (codified at 26 U.S.C. § 7482(b)(1)(A)-(B) (1970)). For both corporations and individuals, the statute stated that the proper venue for appeals involving redeterminations of liability was the federal court of appeals for the circuit in which the taxpayer’s residence was located. *Id.* However, for the appeal of any case not enumerated in subsection (A) and (B), it assigned venue to the D.C. Circuit. *Id.* In other words, in 1966, Congress deliberately made the D.C. Circuit the default venue for tax cases.
4. Between 1966 and 1997, as Congress continued to expand the jurisdiction of the Tax Court, it also amended § 7482(b)(1) to add four more subsections, § 7482(b)(1)(C)-(F), that established venue based on a taxpayer’s residency. *See* Revenue Act of 1978, Pub. L. No. 95-600, § 336(c), 92 Stat. 2763, 2842; Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, § 1041(b), 88 Stat. 829, 950-51; Tax Reform Act of 1976, Pub. L. No. 94-455, §§ 1042(d), 1306(b), 90 Stat. 1520, 1638-39, 1719; Tax Equity and Fiscal Responsibility Act of 1982, Pub. L. No. 97-248, § 402, 96 Stat. 324, 668; Taxpayer Relief Act of 1997, Pub. L. No. 105-34, § 1239, 111 Stat. 788, 1028. After these various revisions, the D.C. Circuit remained the default venue if “for any reason no subparagraph [assigning venue to a regional circuit] applies.” 26 U.S.C. § 7482(b)(1). Unlike its approach when expanding Tax Court jurisdiction to other areas, Congress did not alter the venue provision when it created the CDP framework in 1998.

/s/ Todd S. Glassey, From Boulder Creek Ca, 95006, 7-jan-2015

**PROOF OF SERVICE**

This Motion to Refer this Matter to the DC Circuit is filed here in paper for the Clerk of the Ninth Circuit Appellate Court and electronically in the CASE FILE inside CAND based on my ECF account; As of today all parties in this matter are still active on the CAND ECF System and will be noticed through the ECF system of this filing.

Additionally a PDF copy of all documents filed is being Emailed to each of the attorney's representing defendants in the matter in addition to the ECF notice.

/s/ \_\_Todd S. Glassey, \_\_\_\_\_  
Todd S. Glassey, Plaintiff, Jan-7th 2015

Name Todd S. Glassey In Pro Se  
 Address 305 McGaffigan Mill Road  
 City, State, Zip Boulder Creek CA 95006  
 Phone 408-890-7321  
 Fax \_\_\_\_\_  
 E-Mail tglassey@earthlink.net  
☐ FPD ☐ Appointed ☐ CJA ☒ Pro Per ☐ Retained

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

Todd S. Glassey, In Pro Se, and Micheal E. McNeil In  
 Pro Se,

PLAINTIFF(S),

v.

Microsemi Inc et Al.

DEFENDANT(S).

CASE NUMBER:

3:14-CV-03629-WHA

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Todd S. Glassey and Michael McNeil hereby appeals to  
*Name of Appellant*  
 the United States Court of Appeals for the DC Circuit from:

**Criminal Matter**

- ☐ Conviction only [F.R.Cr.P. 32(j)(1)(A)]  
☐ Conviction and Sentence  
☐ Sentence Only (18 U.S.C. 3742)  
☐ Pursuant to F.R.Cr.P. 32(j)(2)  
☐ Interlocutory Appeals  
☐ Sentence imposed:

☐ Bail status:

**Civil Matter**

- ☒ Order (specify):  
 Denying Motions: Appoint 3 Judge  
 Panel; IRC165 Standing; FISA WT1/WT;  
☒ Judgment (specify):  
 Dismissal with Prejudice  
☒ Other (specify):  
 (3 Judge Panel Motion should have been  
 heard prior to all others, and granted  
 since it affects the Trial Structure and  
 Appellate model; also FISA WT1/WT2)

Imposed or Filed on 12-29-2014/2-7-2015. Entered on the docket in this action on 12-29-2014.

A copy of said judgment or order is attached hereto.

12-29-2014

Date

/s/ Todd S. Glassey /s/ Micheal E. McNeil

Signature

☒ Appellant/ProSe ☐ Counsel for Appellant ☐ Deputy Clerk

**Note:** The Notice of Appeal shall contain the names of all parties to the judgment or order and the names and addresses of the attorneys for each party. Also, if not electronically filed in a criminal case, the Clerk shall be furnished a sufficient number of copies of the Notice of Appeal to permit prompt compliance with the service requirements of FRAP 3(d).

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TODD S. GLASSEY and MICHAEL E. MCNEIL,

Plaintiffs,

No. C 14-03629 WHA

v.

MICROSEMI INC, US GOVERNMENT,  
PRESIDENT OF THE UNITED STATES,  
STATE OF CALIFORNIA, GOVERNOR BROWN,  
THE IETF AND THE INTERNET SOCIETY,  
APPLE INC., CISCO INC., EBAY INC.,  
PAYPAL INC., GOOGLE INC.,  
JUNIPER NETWORKS, MICROSOFT CORP.,  
NETFLIX INC., ORACLE INC., MARK HASTINGS,  
ERIK VAN DER KAAY, AND THALES GROUP,  
and "UNSERVED" DOES,

Defendants.

**ORDER GRANTING MOTIONS  
TO DISMISS, STRIKING  
SECOND AMENDED  
COMPLAINT, DENYING ALL  
PENDING MOTIONS FOR  
SUMMARY JUDGMENT, AND  
VACATING HEARINGS**

Two *pro se* plaintiffs seek to obtain millions of dollars in damages for the "largest fraud loss in history" based on allegations they say "sounded Looney originally." Nevertheless, they have sued more than twenty defendants, including the United States. Plaintiffs claim to own the intellectual property rights to "a part of virtually all networking systems in use globally" and that their rights "control most online commerce in the US today."

A week after filing their second amended complaint, plaintiffs filed six "dispositive" motions, including a motion to take a multi-trillion dollar loss on their 2014 taxes and a motion to assign themselves patent rights they admit they do not own.

Having reviewed the more than 1,000 pages larded in the record by plaintiffs, this order rules as follows. For the reasons stated herein, all claims are **DISMISSED WITH PREJUDICE**.

The motions to dismiss are **GRANTED**. All of plaintiffs' motions are **DENIED**.

\*

\*

\*

1        *Pro se* plaintiffs are Todd Glassey and Michael McNeil.\* Defendants include the United  
2 States, the “State of California,” individuals, and many technology companies — including,  
3 Apple Inc., Cisco Inc., eBay Inc., Google Inc., Juniper Networks Inc., Microsemi Inc., Microsoft  
4 Corp., Netflix Inc., Oracle Corp., PayPal Inc., and more. The United States has appeared and at  
5 least seven law firms were retained for this matter.

6        In essence, to the extent comprehensible, the eighty-page second amended complaint  
7 alleged that plaintiffs assigned their intellectual property rights to an entity called Datum Inc. in  
8 1999 via two settlement agreements. Defendant Microsemi Corp. is now the assignee of the  
9 patents referenced in the second amended complaint.

10        After the settlement agreements were signed — approximately seven years later —  
11 plaintiffs commenced a lawsuit in Santa Cruz Superior Court, alleging malpractice, breach of  
12 contract, and other claims arising from the settlement agreements. Plaintiffs then voluntarily  
13 dismissed the lawsuit. *McNeil, et al. v. Symmetricom, Inc.*, No. CV-165643 (Santa Cruz Sup.  
14 Ct.).

15        Plaintiffs subsequently commenced a new lawsuit in federal court. *Glassey, et al. v.*  
16 *Symmetricom, Inc.*, No. 3:13-cv-04662-NC (N.D. Cal.) (Judge Nat Cousins). That action was  
17 voluntarily dismissed as well, after an order to show cause regarding subject-matter jurisdiction  
18 was issued.

19        *Pro se* plaintiffs later commenced this action. Their motion for a “three-judge panel” was  
20 denied. Six defendants then moved to dismiss and in an October 2014 order, the first amended  
21 complaint was stricken. Plaintiffs were given one more chance to plead their best and most  
22 plausible case. They were warned that failure to cure the identified deficiencies could result in  
23 dismissal with prejudice (Dkt. No. 109). The initial case management conference was vacated.

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24  
25  
26        \* Mr. Glassey has commenced several actions in our district. *See, e.g., Glassey v. Amano Corp., et al.*,  
27 No. 04-05142 (N.D. Cal. Bankr.) (Judge Marilyn Morgan); *Glassey v. National Institute of Standards &*  
28 *Technologies, et al.*, No. 5:04-cv-02522-JW (N.D. Cal.) (Judge James Ware); *Glassey v. Amano Corporation, et*  
*al.*, No. 5:05-cv-01604-RMW (N.D. Cal.) (Judge Ronald Whyte); *Glassey v. D-Link Corporation*,  
No. 4:06-cv-06128-PJH (N.D. Cal.) (Judge Phyllis Hamilton); *Glassey, et al. v. Symmetricom, Inc.*,  
No. 3:13-cv-04662-NC (N.D. Cal.) (Judge Nat Cousins).

1 An eighty-page second amended complaint was then filed. A week later, plaintiffs filed  
2 six motions. Defendant Internet Society filed a motion to dismiss. Both sides were then invited  
3 to show cause regarding whether the second amended complaint should (or should not) be  
4 stricken. Defendant Microsemi, Inc. then filed a motion to dismiss.

5 In response to the order to show cause, plaintiffs, the United States, and the other  
6 defendants (who have appeared) each filed briefs. This order rules as follows.

7 **1. RENEWED MOTION FOR THREE-JUDGE PANEL.**

8 Plaintiffs' motion is **DENIED**. A prior order denied the original motion for a three-judge  
9 panel (Dkt. No. 70). Now, plaintiffs move again for a three-judge panel. As stated before, no  
10 three-judge panel is required.

11 **2. MOTION TO QUASH FISA OR RELATED WARRANTS.**

12 Plaintiffs' motion is **DENIED**. Plaintiffs move to quash "any existing Intelligence or  
13 Internationally issued FISA or Intelligence Warrants" concerning various "intellectual property."  
14 Plaintiffs do not know if any warrants exist, they forthrightly admit. They instead speculate that  
15 "treason" has occurred and that there is a "seditious conspiracy" by various foreign governments  
16 to refuse to open fraud investigations, and that there "could" be interference with potential  
17 attorney-client relationships. The United States filed an opposition brief (Dkt. No. 158).

18 No motion to quash "FISA or related warrants" could possibly be justified on this record.  
19 The Supreme Court has stated in the FISA context that a mere speculative chain of possibilities  
20 does not suffice to establish Article III standing. *Clapper v. Amnesty International USA*, — U.S.  
21 —, 133 S. Ct. 1138, 1150 (2013). Plaintiffs' theory, to the extent comprehensible, is farfetched.  
22 Their contention that it is possible that FISA warrants may exist and that those warrants (if they  
23 exist) were issued to an unidentified "attorney" which then could create a "conflict of interest"  
24 that offends the Constitution is rejected.

25 **3. MOTION FOR PARTIAL SUMMARY JUDGMENT RE "FRAUD LOSS."**

26 Plaintiffs' motion is **DENIED**. Plaintiffs move to take a multi-trillion dollar "fraud loss" on  
27 their 2014 taxes based on "loss of access" to their "intellectual property rights" based on  
28 "abandoned" patent applications allegedly filed in foreign countries. Plaintiffs point to online

1 “printouts” from patent offices in Europe, South Africa, Japan, Brazil, Korea, Canada, and  
2 Australia. Plaintiffs’ requests for judicial notice, which were not properly authenticated, are  
3 **DENIED.**

4 The United States responds that plaintiffs’ motion should be denied because (1) there is no  
5 jurisdiction; (2) there is no evidence the United States waived its sovereign immunity; (3)  
6 plaintiffs’ motion was procedurally improper because it was filed before any defendant answered  
7 the complaint; and (4) the bare motion lacked any sworn and authenticated support.

8 *None of the relief demanded by plaintiffs is granted.* This Court lacks jurisdiction over the  
9 “tax” matter plaintiffs brought. Since the United States Attorney is already aware of this motion,  
10 it will not be referred to their office. The United States Attorney may forward a copy of  
11 plaintiffs’ filings and this order to the Internal Revenue Service and any other agencies as  
12 appropriate. Plaintiffs’ motion to take a “fraud loss” on their 2014 taxes is **DENIED.**

13 **4. MOTION TO VOID THE DDI AND TTI SETTLEMENTS.**

14 Plaintiffs state that docket number 123 “replaces” docket number 118. Nevertheless, both  
15 briefs have been read.

16 Plaintiffs move to award themselves “full custody” of two United States patents by  
17 moving to “void” the settlement agreements they signed more than fifteen years ago. In short  
18 (based on the unauthenticated settlement agreements filed by plaintiffs), in the “DDI settlement,”  
19 in exchange for \$300,000, plaintiffs agreed to assign all rights, title, and interest in the  
20 “Controlling Access Patent” and patent application to Datum, Inc. Plaintiffs also granted Datum  
21 a non-exclusive, irrevocable worldwide license to the “Phase II Technology and derivative  
22 thereof” with rights to sublicense (Dkt. No. 121-3). In the “TTI settlement,” in exchange for  
23 royalties for the years 2000 through 2002, plaintiffs agreed to disclaim any ownership in or rights  
24 to the “Protected Technology,” a term defined at length in the settlement agreement (Dkt. No.  
25 121-2).

26 To “void” these two settlement agreements, plaintiffs reference two decisions: *Gellman v.*  
27 *Telular Corp.*, 449 F. App’x 941, 945 (Fed. Cir. 2011) and *Talbot v. Quaker-State Oil Ref. Co.*,  
28 104 F.2d 967, 969 (3d Cir. 1939). Plaintiffs’ reliance on *Gellman* and *Talbot* is misplaced.

1 In *Gellman* (an unpublished decision), the Federal Circuit affirmed dismissal for lack of  
2 standing. Plaintiff's late husband was a named co-inventor of the asserted patent. Because all of  
3 the legal owners of the asserted patent were not parties to the action and plaintiff's evidence of  
4 sole ownership was "thin and unsupportive," dismissal was proper. Here too, plaintiffs lack  
5 standing to assert patent infringement. (More on this below.)

6 In *Talbot* (a non-binding decision from 1939), the Third Circuit affirmed dismissal  
7 because of *res judicata*. The Supreme Court of Pennsylvania had previously held that one joint  
8 owner of a patent had the power to grant a license to the patent without the consent of the other  
9 co-owner. That judgment was binding in the later-filed federal lawsuit. Neither *Gellman* nor  
10 *Talbot* support "voiding" the two settlement agreements here.

11 Defendant Microsemi states that it is the current assignee, the "sole owner and the only  
12 party permitted to enforce the two patents at issue" (Opp. 1). It argues that plaintiffs' motion  
13 should be denied because (1) plaintiffs' claims are barred by the four-year statute of limitations;  
14 (2) the second amended complaint relied on the validity of the two settlement agreements  
15 plaintiffs now seek to "void;" (3) no rescission claim was pled in the second amended complaint;  
16 and (4) plaintiffs' motion was procedurally improper because it was filed before any defendant  
17 answered the complaint and before the initial case management conference (Dkt. No. 148).

18 No reasonable juror could find that the settlement agreements plaintiffs signed in 1999  
19 should be "voided" based on the record presented. Indeed, no notice of this "claim for relief" was  
20 provided in the second amended complaint and none of plaintiffs arguments is persuasive. Even  
21 if plaintiffs never received a "countersigned copy" of the settlement agreements for "12 and 3/4  
22 years," plaintiffs sued to enforce those agreements back in 2009. The statute of limitations has  
23 passed.

24 Accordingly, plaintiffs' motion is **DENIED**. To the extent not relied upon, Microsemi's  
25 requests for judicial notice are **DENIED AS MOOT**.

26 **5. MOTION FOR PARTIAL SUMMARY JUDGMENT OF PATENT INVENTORSHIP.**

27 Plaintiffs' motion is **DENIED**. Plaintiffs move to add themselves as named inventors to a  
28 patent and to "reassign" that patent and "all published instances of it" to themselves. As "proof,"

1 plaintiffs argue that the “existence” of their settlement agreements (the very same agreements  
2 they sought to “void” above) purportedly supports removing the named inventors and making  
3 plaintiffs the sole inventors.

4 Defendant Microsemi argues that (1) plaintiffs’ inventorship claim is barred by laches  
5 since the relevant patent issued in 2002; (2) there is no clear and convincing evidence that  
6 plaintiffs contributed to conception of the claimed invention; (3) plaintiffs provided no proof that  
7 “all published instances” of the patent should be “reassigned” to them; and (4) plaintiffs’ motion  
8 was procedurally improper because it was filed before any defendant answered the complaint and  
9 before the initial case management conference (Dkt. No. 156).

10 There is no evidence in the record, let alone clear and convincing evidence, supporting the  
11 relief demanded by plaintiffs. Plaintiffs’ motion is **DENIED**. To the extent not relied upon,  
12 Microsemi’s requests for judicial notice are **DENIED AS MOOT**.

13 **6. MOTION FOR PARTIAL SUMMARY JUDGMENT RE “PERFORMANCE RIGHTS.”**

14 Plaintiffs’ Motion is **DENIED**. To the extent comprehensible, plaintiffs seek “full  
15 PERFORMANCE RIGHTS STANDING against the execution of any program derived from an  
16 IETF Standard containing Plaintiffs’ PHASE-II IPs” (Br. 2). Plaintiffs argue that the Internet  
17 Engineering Task Force (“IETF”) is a “rogue state,” who published standards used by technology  
18 companies, including Apple, Google, Cisco, Microsoft, Oracle, Juniper Networks, and so forth.  
19 Plaintiffs seek copyright protection over the IETF’s publications.

20 Defendant Internet Society is a non-profit corporation and the IETF is an “organized  
21 activity” within it — not a legal entity — defendant clarifies. In any event, Internet Society  
22 argues that no relief can be provided for plaintiffs’ bare motion, which was unsupported by  
23 specific sworn facts. In pertinent part, Internet Society argues that (1) the second amended  
24 complaint failed to allege ownership in any identifiable copyrighted work and (2) plaintiffs failed  
25 to identify any specific publication or standard promulgated by defendant. The “narratives”  
26 plaintiffs larded into the record in no way support the relief demanded, says defendant. Internet  
27 Society also argues that plaintiffs should be ordered to show cause why they should not be  
28

1 declared a vexatious litigant. (No motion to declare plaintiffs a vexatious litigant has been  
2 brought.)

3 None of the relief demanded by plaintiffs is warranted by this record. Plaintiffs have not  
4 shown any specific sworn evidence that they “own” the Internet Society’s publications.  
5 Plaintiffs’ motion is **DENIED**.

6 **7. DISMISSAL OF THE SECOND AMENDED COMPLAINT.**

7 Months have passed and plaintiffs have utterly failed to file a pleading that states a  
8 plausible claim. None of plaintiffs’ pleadings (Dkt. Nos. 1, 6, 112) satisfied *Ashcroft v. Iqbal*,  
9 556 U.S. 662, 678 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007).  
10 Plaintiffs are now on their second amended complaint, after their prior pleading was stricken for a  
11 multitude of defects. At that time, plaintiffs were warned that failure to plead their best and most  
12 plausible case could result in dismissal with prejudice (Dkt. No. 109).

13 It is now hopeless to continue with this lawsuit. There are too many fundamental  
14 problems with plaintiffs’ pleading so only a few will be called out now. *First*, plaintiffs have  
15 failed to establish that the United States has waived its sovereign immunity, or that they have  
16 standing to sue the United States. *Second*, plaintiffs lack standing to assert patent infringement  
17 for even they concede that they do not own the asserted patents. *Third*, plaintiffs’ claims are  
18 time-barred. Most, if not all, of plaintiffs’ claims date back to the 1990s and early 2000s. The  
19 statute of limitations has long passed. *Fourth*, the second amended complaint failed to allege  
20 antitrust injury.


21 Having considered plaintiffs’ second amended complaint, plaintiffs’ oppositions to the  
22 motions to dismiss, and plaintiffs’ response to the order to show cause, this order finds that  
23 granting leave to amend would be futile. Plaintiffs have failed to cure the multitude of defects  
24 previously identified, despite having had an opportunity to review the then-pending six motions  
25 to dismiss and the prior order striking the complaint. Twenty defendants, including the United  
26 States, and seven law firms should not be dragged into incurring the expense of this hopeless and  
27 utterly frivolous lawsuit. Accordingly, defendants’ motions to dismiss and to strike the second  
28 amended complaint are **GRANTED**.

1 **CONCLUSION**

2 For the reasons stated herein, all of plaintiffs' motions are **DENIED**. To the extent not  
3 relied upon, all of plaintiffs' requests for judicial notice are **DENIED**. The second amended  
4 complaint is hereby **STRICKEN**. The entire action is **DISMISSED WITH PREJUDICE**. All hearings  
5 herein (*i.e.*, January 8, 15, and 29) are hereby **VACATED**. Judgment shall be entered in a separate  
6 order.

7  
8 **IT IS SO ORDERED.**

9 Dated: December 29, 2014.

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12 WILLIAM ALSUP  
13 UNITED STATES DISTRICT JUDGE  
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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9  
10 TODD S. GLASSEY and MICHAEL E. MCNEIL,

11 Plaintiffs,

No. C 14-03629 WHA

12 v.

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15 STATE OF CALIFORNIA, GOVERNOR BROWN,  
16 THE IETF AND THE INTERNET SOCIETY,  
17 APPLE INC., CISCO INC., EBAY INC.,  
18 PAYPAL INC., GOOGLE INC.,  
19 JUNIPER NETWORKS, MICROSOFT CORP.,  
20 NETFLIX INC., ORACLE INC., MARK HASTINGS,  
21 ERIK VAN DER KAAY, AND THALES GROUP,  
22 and "UNSERVED" DOES,


23 Defendants.  
24  
25

**JUDGMENT**

26 For the reasons stated in the accompanying order granting motions to dismiss and  
27 striking second amended complaint, **FINAL JUDGMENT IS HEREBY ENTERED** in favor of  
28 defendants and against plaintiffs. The Clerk **SHALL CLOSE THE FILE**.

**IT IS SO ORDERED.**

Dated: December 29, 2014.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

[HOME](#) > [Pro Se Litigants](#)

## Forms to Use in Civil Cases

There are two groups of forms on this page. The first group is official court forms. The second group is forms developed specifically for the San Francisco Legal Help Center by the Justice & Diversity Center (JDC); the JDC forms are organized into packets that include instructions. It is recommended that you look at everything offered on this page in deciding what might be helpful in your case.

### Official Court Forms

[JS 44 Civil Cover Sheet \(.pdf\)](#)[AO 398 Notice of a Lawsuit and Request to Waive Service of a Summons \(.pdf\)](#)[AO 399 Waiver of Service of Summons \(.pdf\)](#)[AO 440 Summons in a Civil Action \(.pdf\)](#)[Application to Proceed In Forma Pauperis \(non prisoner case only\) \(.pdf\)](#)[Employment Discrimination Complaint Interactive \(.pdf\)](#)[Social Security Review \(.pdf\)](#)[Consent To Proceed Before a United States Magistrate Judge \(.pdf\)](#)[Declination to Proceed before a Magistrate Judge and Request for Reassignment \(.pdf\)](#)[AO 133 Bill of Costs \(.pdf\)](#)[Notice of Appeal \(.pdf\)](#)[ADR Forms](#)

### Civil Litigation Packets

Forms in this section are provided by the Justice & Diversity Center (JDC) of the San Francisco Bar Association, which operates the [Legal Help Center](#) in the San Francisco courthouse. These are not official court-approved forms. The San Francisco Courthouse Legal Help Center staff would like to receive feedback and comments about these forms. If you have questions about these forms or need help filling out any of these forms, please contact the Legal Help Center at (415) 782-8982.

[Complaint packet](#) (to start a lawsuit)[Answer packet](#) (to respond to a lawsuit)[Motion packet](#) (to ask the court to do something, for example dismiss the complaint or for summary judgment)[Answer packet](#) (after the other side has opposed your motion, use this form for further support of your motion)[Opposition \(to motion\) packet](#) (to use if you want to oppose another party's motion, for example a motion to dismiss your case)[Initial Disclosures packet](#)[Request for Documents packet](#) (to request documents from the other side in the lawsuit)[Request for Interrogatories packet](#) (to request answers from another party to questions that you have regarding the lawsuit)

[Motion for Permission for Electronic Case Filing and Proposed Order](#)

[Case Management Statement Packet](#)

[Request to Continue Packet](#) (to change a court hearing date)

[Voluntary Dismissal Packet](#) (to voluntarily dismiss your case if you are the plaintiff)

### **Blank Forms**

[Blank Pleading Paper \(.doc\)](#)

[Blank Declaration \(.doc\)](#)

[Certificate of Service \(.pdf\)](#)

Name \_\_\_\_\_  
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 Phone \_\_\_\_\_  
 Fax \_\_\_\_\_  
 E-Mail \_\_\_\_\_  
☐ FPD   ☐ Appointed   ☐ CJA   ☐ Pro Per   ☐ Retained

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

CASE NUMBER: \_\_\_\_\_

PLAINTIFF(S),  
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☐ Bail status:

**Civil Matter**

- ☐ Order (specify):  
  
☐ Judgment (specify):  
  
☐ Other (specify):

Imposed or Filed on \_\_\_\_\_. Entered on the docket in this action on \_\_\_\_\_.

A copy of said judgment or order is attached hereto.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature

☐ Appellant/ProSe   ☐ Counsel for Appellant   ☐ Deputy Clerk

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Plaintiffs,

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NETFLIX INC., ORACLE INC., MARK HASTINGS,  
ERIK VAN DER KAAY, AND THALES GROUP,  
and "UNSERVED" DOES,

Defendants.

**ORDER GRANTING MOTIONS  
TO DISMISS, STRIKING  
SECOND AMENDED  
COMPLAINT, DENYING ALL  
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\*

\*

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4 Corp., Netflix Inc., Oracle Corp., PayPal Inc., and more. The United States has appeared and at  
5 least seven law firms were retained for this matter.

6 In essence, to the extent comprehensible, the eighty-page second amended complaint  
7 alleged that plaintiffs assigned their intellectual property rights to an entity called Datum Inc. in  
8 1999 via two settlement agreements. Defendant Microsemi Corp. is now the assignee of the  
9 patents referenced in the second amended complaint.

10 After the settlement agreements were signed — approximately seven years later —  
11 plaintiffs commenced a lawsuit in Santa Cruz Superior Court, alleging malpractice, breach of  
12 contract, and other claims arising from the settlement agreements. Plaintiffs then voluntarily  
13 dismissed the lawsuit. *McNeil, et al. v. Symmetricom, Inc.*, No. CV-165643 (Santa Cruz Sup.  
14 Ct.).

15 Plaintiffs subsequently commenced a new lawsuit in federal court. *Glassey, et al. v.*  
16 *Symmetricom, Inc.*, No. 3:13-cv-04662-NC (N.D. Cal.) (Judge Nat Cousins). That action was  
17 voluntarily dismissed as well, after an order to show cause regarding subject-matter jurisdiction  
18 was issued.

19 *Pro se* plaintiffs later commenced this action. Their motion for a “three-judge panel” was  
20 denied. Six defendants then moved to dismiss and in an October 2014 order, the first amended  
21 complaint was stricken. Plaintiffs were given one more chance to plead their best and most  
22 plausible case. They were warned that failure to cure the identified deficiencies could result in  
23 dismissal with prejudice (Dkt. No. 109). The initial case management conference was vacated.

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24  
25  
26 \* Mr. Glassey has commenced several actions in our district. See, e.g., *Glassey v. Amano Corp., et al.*,  
27 No. 04-05142 (N.D. Cal. Bankr.) (Judge Marilyn Morgan); *Glassey v. National Institute of Standards &*  
28 *Technologies, et al.*, No. 5:04-cv-02522-JW (N.D. Cal.) (Judge James Ware); *Glassey v. Amano Corporation, et*  
*al.*, No. 5:05-cv-01604-RMW (N.D. Cal.) (Judge Ronald Whyte); *Glassey v. D-Link Corporation*,  
No. 4:06-cv-06128-PJH (N.D. Cal.) (Judge Phyllis Hamilton); *Glassey, et al. v. Symmetricom, Inc.*,  
No. 3:13-cv-04662-NC (N.D. Cal.) (Judge Nat Cousins).

1 An eighty-page second amended complaint was then filed. A week later, plaintiffs filed  
2 six motions. Defendant Internet Society filed a motion to dismiss. Both sides were then invited  
3 to show cause regarding whether the second amended complaint should (or should not) be  
4 stricken. Defendant Microsemi, Inc. then filed a motion to dismiss.

5 In response to the order to show cause, plaintiffs, the United States, and the other  
6 defendants (who have appeared) each filed briefs. This order rules as follows.

7 **1. RENEWED MOTION FOR THREE-JUDGE PANEL.**

8 Plaintiffs' motion is **DENIED**. A prior order denied the original motion for a three-judge  
9 panel (Dkt. No. 70). Now, plaintiffs move again for a three-judge panel. As stated before, no  
10 three-judge panel is required.

11 **2. MOTION TO QUASH FISA OR RELATED WARRANTS.**

12 Plaintiffs' motion is **DENIED**. Plaintiffs move to quash "any existing Intelligence or  
13 Internationally issued FISA or Intelligence Warrants" concerning various "intellectual property."  
14 Plaintiffs do not know if any warrants exist, they forthrightly admit. They instead speculate that  
15 "treason" has occurred and that there is a "seditious conspiracy" by various foreign governments  
16 to refuse to open fraud investigations, and that there "could" be interference with potential  
17 attorney-client relationships. The United States filed an opposition brief (Dkt. No. 158).

18 No motion to quash "FISA or related warrants" could possibly be justified on this record.  
19 The Supreme Court has stated in the FISA context that a mere speculative chain of possibilities  
20 does not suffice to establish Article III standing. *Clapper v. Amnesty International USA*, — U.S.  
21 —, 133 S. Ct. 1138, 1150 (2013). Plaintiffs' theory, to the extent comprehensible, is farfetched.  
22 Their contention that it is possible that FISA warrants may exist and that those warrants (if they  
23 exist) were issued to an unidentified "attorney" which then could create a "conflict of interest"  
24 that offends the Constitution is rejected.

25 **3. MOTION FOR PARTIAL SUMMARY JUDGMENT RE "FRAUD LOSS."**

26 Plaintiffs' motion is **DENIED**. Plaintiffs move to take a multi-trillion dollar "fraud loss" on  
27 their 2014 taxes based on "loss of access" to their "intellectual property rights" based on  
28 "abandoned" patent applications allegedly filed in foreign countries. Plaintiffs point to online

“printouts” from patent offices in Europe, South Africa, Japan, Brazil, Korea, Canada, and Australia. Plaintiffs’ requests for judicial notice, which were not properly authenticated, are **DENIED**.

The United States responds that plaintiffs’ motion should be denied because (1) there is no jurisdiction; (2) there is no evidence the United States waived its sovereign immunity; (3) plaintiffs’ motion was procedurally improper because it was filed before any defendant answered the complaint; and (4) the bare motion lacked any sworn and authenticated support.

*None of the relief demanded by plaintiffs is granted.* This Court lacks jurisdiction over the “tax” matter plaintiffs brought. Since the United States Attorney is already aware of this motion, it will not be referred to their office. The United States Attorney may forward a copy of plaintiffs’ filings and this order to the Internal Revenue Service and any other agencies as appropriate. Plaintiffs’ motion to take a “fraud loss” on their 2014 taxes is **DENIED**.

#### **4. MOTION TO VOID THE DDI AND TTI SETTLEMENTS.**

Plaintiffs state that docket number 123 “replaces” docket number 118. Nevertheless, both briefs have been read.

Plaintiffs move to award themselves “full custody” of two United States patents by moving to “void” the settlement agreements they signed more than fifteen years ago. In short (based on the unauthenticated settlement agreements filed by plaintiffs), in the “DDI settlement,” in exchange for \$300,000, plaintiffs agreed to assign all rights, title, and interest in the “Controlling Access Patent” and patent application to Datum, Inc. Plaintiffs also granted Datum a non-exclusive, irrevocable worldwide license to the “Phase II Technology and derivative thereof” with rights to sublicense (Dkt. No. 121-3). In the “TTI settlement,” in exchange for royalties for the years 2000 through 2002, plaintiffs agreed to disclaim any ownership in or rights to the “Protected Technology,” a term defined at length in the settlement agreement (Dkt. No. 121-2).

To “void” these two settlement agreements, plaintiffs reference two decisions: *Gellman v. Telular Corp.*, 449 F. App’x 941, 945 (Fed. Cir. 2011) and *Talbot v. Quaker-State Oil Ref. Co.*, 104 F.2d 967, 969 (3d Cir. 1939). Plaintiffs’ reliance on *Gellman* and *Talbot* is misplaced.

1 In *Gellman* (an unpublished decision), the Federal Circuit affirmed dismissal for lack of  
2 standing. Plaintiff's late husband was a named co-inventor of the asserted patent. Because all of  
3 the legal owners of the asserted patent were not parties to the action and plaintiff's evidence of  
4 sole ownership was "thin and unsupportive," dismissal was proper. Here too, plaintiffs lack  
5 standing to assert patent infringement. (More on this below.)

6 In *Talbot* (a non-binding decision from 1939), the Third Circuit affirmed dismissal  
7 because of *res judicata*. The Supreme Court of Pennsylvania had previously held that one joint  
8 owner of a patent had the power to grant a license to the patent without the consent of the other  
9 co-owner. That judgment was binding in the later-filed federal lawsuit. Neither *Gellman* nor  
10 *Talbot* support "voiding" the two settlement agreements here.

11 Defendant Microsemi states that it is the current assignee, the "sole owner and the only  
12 party permitted to enforce the two patents at issue" (Opp. 1). It argues that plaintiffs' motion  
13 should be denied because (1) plaintiffs' claims are barred by the four-year statute of limitations;  
14 (2) the second amended complaint relied on the validity of the two settlement agreements  
15 plaintiffs now seek to "void;" (3) no rescission claim was pled in the second amended complaint;  
16 and (4) plaintiffs' motion was procedurally improper because it was filed before any defendant  
17 answered the complaint and before the initial case management conference (Dkt. No. 148).

18 No reasonable juror could find that the settlement agreements plaintiffs signed in 1999  
19 should be "voided" based on the record presented. Indeed, no notice of this "claim for relief" was  
20 provided in the second amended complaint and none of plaintiffs arguments is persuasive. Even  
21 if plaintiffs never received a "countersigned copy" of the settlement agreements for "12 and 3/4  
22 years," plaintiffs sued to enforce those agreements back in 2009. The statute of limitations has  
23 passed.

24 Accordingly, plaintiffs' motion is **DENIED**. To the extent not relied upon, Microsemi's  
25 requests for judicial notice are **DENIED AS MOOT**.

26 **5. MOTION FOR PARTIAL SUMMARY JUDGMENT OF PATENT INVENTORSHIP.**

27 Plaintiffs' motion is **DENIED**. Plaintiffs move to add themselves as named inventors to a  
28 patent and to "reassign" that patent and "all published instances of it" to themselves. As "proof,"

1 plaintiffs argue that the “existence” of their settlement agreements (the very same agreements  
2 they sought to “void” above) purportedly supports removing the named inventors and making  
3 plaintiffs the sole inventors.

4 Defendant Microsemi argues that (1) plaintiffs’ inventorship claim is barred by laches  
5 since the relevant patent issued in 2002; (2) there is no clear and convincing evidence that  
6 plaintiffs contributed to conception of the claimed invention; (3) plaintiffs provided no proof that  
7 “all published instances” of the patent should be “reassigned” to them; and (4) plaintiffs’ motion  
8 was procedurally improper because it was filed before any defendant answered the complaint and  
9 before the initial case management conference (Dkt. No. 156).

10 There is no evidence in the record, let alone clear and convincing evidence, supporting the  
11 relief demanded by plaintiffs. Plaintiffs’ motion is **DENIED**. To the extent not relied upon,  
12 Microsemi’s requests for judicial notice are **DENIED AS MOOT**.

13 **6. MOTION FOR PARTIAL SUMMARY JUDGMENT RE “PERFORMANCE RIGHTS.”**

14 Plaintiffs’ Motion is **DENIED**. To the extent comprehensible, plaintiffs seek “full  
15 PERFORMANCE RIGHTS STANDING against the execution of any program derived from an  
16 IETF Standard containing Plaintiffs’ PHASE-II IPs” (Br. 2). Plaintiffs argue that the Internet  
17 Engineering Task Force (“IETF”) is a “rogue state,” who published standards used by technology  
18 companies, including Apple, Google, Cisco, Microsoft, Oracle, Juniper Networks, and so forth.  
19 Plaintiffs seek copyright protection over the IETF’s publications.

20 Defendant Internet Society is a non-profit corporation and the IETF is an “organized  
21 activity” within it — not a legal entity — defendant clarifies. In any event, Internet Society  
22 argues that no relief can be provided for plaintiffs’ bare motion, which was unsupported by  
23 specific sworn facts. In pertinent part, Internet Society argues that (1) the second amended  
24 complaint failed to allege ownership in any identifiable copyrighted work and (2) plaintiffs failed  
25 to identify any specific publication or standard promulgated by defendant. The “narratives”  
26 plaintiffs larded into the record in no way support the relief demanded, says defendant. Internet  
27 Society also argues that plaintiffs should be ordered to show cause why they should not be  
28

1 declared a vexatious litigant. (No motion to declare plaintiffs a vexatious litigant has been  
2 brought.)

3 None of the relief demanded by plaintiffs is warranted by this record. Plaintiffs have not  
4 shown any specific sworn evidence that they “own” the Internet Society’s publications.  
5 Plaintiffs’ motion is **DENIED**.

6 **7. DISMISSAL OF THE SECOND AMENDED COMPLAINT.**

7 Months have passed and plaintiffs have utterly failed to file a pleading that states a  
8 plausible claim. None of plaintiffs’ pleadings (Dkt. Nos. 1, 6, 112) satisfied *Ashcroft v. Iqbal*,  
9 556 U.S. 662, 678 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007).  
10 Plaintiffs are now on their second amended complaint, after their prior pleading was stricken for a  
11 multitude of defects. At that time, plaintiffs were warned that failure to plead their best and most  
12 plausible case could result in dismissal with prejudice (Dkt. No. 109).

13 It is now hopeless to continue with this lawsuit. There are too many fundamental  
14 problems with plaintiffs’ pleading so only a few will be called out now. *First*, plaintiffs have  
15 failed to establish that the United States has waived its sovereign immunity, or that they have  
16 standing to sue the United States. *Second*, plaintiffs lack standing to assert patent infringement  
17 for even they concede that they do not own the asserted patents. *Third*, plaintiffs’ claims are  
18 time-barred. Most, if not all, of plaintiffs’ claims date back to the 1990s and early 2000s. The  
19 statute of limitations has long passed. *Fourth*, the second amended complaint failed to allege  
20 antitrust injury.


21 Having considered plaintiffs’ second amended complaint, plaintiffs’ oppositions to the  
22 motions to dismiss, and plaintiffs’ response to the order to show cause, this order finds that  
23 granting leave to amend would be futile. Plaintiffs have failed to cure the multitude of defects  
24 previously identified, despite having had an opportunity to review the then-pending six motions  
25 to dismiss and the prior order striking the complaint. Twenty defendants, including the United  
26 States, and seven law firms should not be dragged into incurring the expense of this hopeless and  
27 utterly frivolous lawsuit. Accordingly, defendants’ motions to dismiss and to strike the second  
28 amended complaint are **GRANTED**.

1 **CONCLUSION**

2 For the reasons stated herein, all of plaintiffs' motions are **DENIED**. To the extent not  
3 relied upon, all of plaintiffs' requests for judicial notice are **DENIED**. The second amended  
4 complaint is hereby **STRICKEN**. The entire action is **DISMISSED WITH PREJUDICE**. All hearings  
5 herein (*i.e.*, January 8, 15, and 29) are hereby **VACATED**. Judgment shall be entered in a separate  
6 order.

7  
8 **IT IS SO ORDERED.**

9 Dated: December 29, 2014.

10   
11 WILLIAM ALSUP  
12 UNITED STATES DISTRICT JUDGE  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TODD S. GLASSEY and MICHAEL E. MCNEIL,

Plaintiffs,

No. C 14-03629 WHA

v.

MICROSEMI INC, US GOVERNMENT,  
PRESIDENT OF THE UNITED STATES,  
STATE OF CALIFORNIA, GOVERNOR BROWN,  
THE IETF AND THE INTERNET SOCIETY,  
APPLE INC., CISCO INC., EBAY INC.,  
PAYPAL INC., GOOGLE INC.,  
JUNIPER NETWORKS, MICROSOFT CORP.,  
NETFLIX INC., ORACLE INC., MARK HASTINGS,  
ERIK VAN DER KAAY, AND THALES GROUP,  
and "UNSERVED" DOES,

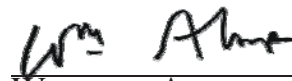
Defendants.

**JUDGMENT**

For the reasons stated in the accompanying order granting motions to dismiss and striking second amended complaint, **FINAL JUDGMENT IS HEREBY ENTERED** in favor of defendants and against plaintiffs. The Clerk **SHALL CLOSE THE FILE**.

**IT IS SO ORDERED.**

Dated: December 29, 2014.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

333 Constitution Avenue, NW  
Washington, DC 20001-2866  
Phone: 202-216-7000 | Facsimile: 202-219-8530

Plaintiff: **Glassey and McNeil In Pro Se**

vs.

Civil Action No. **3:14-CV-03629**

Defendant: **Microsemi Inc, et Al.**

**CIVIL NOTICE OF APPEAL**

Notice is hereby given this 7<sup>th</sup> day of January 2015, that

Glassey and McNeil do hereby Amend the original Notice of Appeal

hereby appeals to the United States Court of Appeals for the District of Columbia Circuit from the

judgement of this court entered on the 29 day of Dec, 2014, in

favor of Defendants (and US Government)

against said Claims of Intellectual Property Fraud Losses and related matters

Todd S. Glassey, In Pro Se

Attorney or Pro Se Litigant

(Pursuant to Rule 4(a) of the Federal Rules of Appellate Procedure a notice of appeal in a civil action must be filed within 30 days after the date of entry of judgment or 60 days if the United States or officer or agency is a party)

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT  
Appeal Information Sheet

United States District Court for the Northern District of California

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TODD S. GLASSEY, et al. v. MICROSEMI INC, et al.

PLAINTIFF(S)	DEFENDANT(S)
Todd Glassey, Michael McNeil	MicroSemi et al

(List all parties. Use asterisk to indicate dismissed or withdrawn parties. Use separate sheet if needed. Explain any discrepancy with caption used on judgment, order or opinion.)

Type of case: Patent

Docket No. 14-3629 WHA

Date of Judgment/Order: 9/25/14, 12/29/14

Cross or related appeal? no

Date of Notice of Appeal: 1/7/15, 2/7/15

Appellant is: ( X ) Plaintiff ( ) Defendant ( ) Other (explain)

---

DOCKET FEE STATUS:

( X ) Paid ( ) Not Paid Billed On: \_\_\_\_\_

U.S. Appeal? Yes ( ) No ( X )

In forma pauperis?

( ) Granted ( ) Denied ( ) Revoked ( ) Pending ( ) Never requested

---

COUNSEL (List name, firm, address and telephone of lead counsel for each party. Indicate party represented.):

See docket

COURT REPORTER: (Name and telephone)

See docket

IMPORTANT: Attach copy of opinion or order appealed from. Forward together with copy of notice of appeal and certified docket entries

ADRMOP,AO279,APPEAL,E-ProSe,ProSe

**U.S. District Court**  
**California Northern District (San Francisco)**  
**CIVIL DOCKET FOR CASE #: 3:14-cv-03629-WHA**  
***Internal Use Only***

Glassey et al v. Microsemi Inc et al  
Assigned to: Hon. William Alsup  
Case in other court: .  
Cause: 28:1338 Patent Infringement

Date Filed: 08/11/2014  
Date Terminated: 12/29/2014  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

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PRO SE

V.

**Defendant**

**Microsemi Inc** I hereby certify that the annexed  
instrument is a true and correct copy  
of the original on file in my office.

ATTEST:  
**RICHARD W. WIEKING**  
Clerk, U.S. District Court  
Northern District of California

by: 

Deputy Clerk

Date: 02/09/2015

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**TERMINATED: 11/13/2014****Defendant****US Department of Transportation**  
**TERMINATED: 11/13/2014****Defendant****US Treasury**  
**TERMINATED: 11/13/2014****Defendant****US Department of Defense**  
**TERMINATED: 11/13/2014**

**Defendant**

**US Intelligence Community**  
*TERMINATED: 11/13/2014*

**Defendant**

**Office of the President of the United States of America**

**Defendant**

**Jerry Brown**  
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**Defendant**

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**Defendant**

**Amano**

**Defendant**

**Bancom Division**

Date Filed	#	Docket Text
08/11/2014	<u>1</u>	COMPLAINT against Digital Delivery Inc, Microsemi Inc, Symmetricom, Inc. (Filing fee \$ 400, Receipt # 34611098298.) SUMMONS ISSUED as to Microsemi Inc. Filed by Todd S. Glassey, Michael E. McNeil. (Attachments: # <u>1</u> Exhibit – Part 1, # <u>2</u> Exhibit – Part 2, # <u>3</u> Exhibit – Part 3, # <u>4</u> Exhibit – Part 4, # <u>5</u> Civil Cover Sheet, # <u>6</u> Summons, # <u>7</u> Letter)(mclS, COURT STAFF) (Filed on 8/11/2014) (Entered: 08/12/2014)
08/11/2014	<u>2</u>	<b>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 11/11/2014. Case Management Conference set for 11/18/2014 10:00 AM. (Attachments: # <u>1</u> Standing Order)(mclS, COURT STAFF) (Filed on 8/11/2014) (Entered: 08/12/2014)</b>
08/12/2014	<u>3</u>	REPORT on the filing or determination of an action regarding Patent Infringement. (cc: form mailed to register). (mclS, COURT STAFF) (Entered: 08/12/2014)
08/18/2014	<u>4</u>	MOTION for Permission for Electronic Case Filing filed by Todd S. Glassey. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Envelope)(mclS, COURT STAFF) (Filed on 8/18/2014) (Entered: 08/18/2014)
08/20/2014	<u>5</u>	<b>ORDER Granting <u>4</u> Motion for Permission for Electronic Case Filing signed by Chief Magistrate Judge Elizabeth D. Laporte. (Attachments: # <u>1</u> Certificate of Service)(shyS, COURT STAFF) (Filed on 8/20/2014) (Entered: 08/20/2014)</b>
08/25/2014	<u>6</u>	AMENDED COMPLAINT against Digital Delivery Inc, Microsemi Inc, Symmetricom, Inc., Datum, Inc., Erik Van Der Kaay, Mark Hastings, Internet Engineering Task Force, Internet Society, The, United States Government, US Department of Commerce, Peter Chen, US Department of Energy, US Department of Transportation, US Treasury, US Department of Defense, US Intelligence Community, Office of the President of the United States of America, Jerry Brown, State of California, Apple Corp., Cisco Corp., eBay, Paypal, Google, Juniper Networks, Microsoft Corporation, Oracle Corp., Thales Group. Filed by Todd S. Glassey, Michael E. McNeil. (Attachments: # <u>1</u> Patents – Part 1, # <u>2</u> Patents – Part 2, # <u>3</u> Patents II, # <u>4</u> Other, # <u>5</u> Contracts)(mclS, COURT STAFF) (Filed on 8/25/2014) (Entered: 08/27/2014)
08/27/2014	<u>7</u>	Summons Issued as to Apple Corp., Cisco Corp., Google, Internet Engineering Task Force, Internet Society, The, Juniper Networks, Microsoft Corporation, Paypal, United States Government, eBay. (mclS, COURT STAFF) (Entered: 08/27/2014)
08/30/2014	<u>8</u>	Proposed Summons. (Glassey, Todd) (Filed on 8/30/2014) (Entered: 08/30/2014)
08/30/2014	<u>9</u>	Proposed Summons. (Attachments: # <u>1</u> Summons peter chen summons, # <u>2</u> Summons Oracle Summons, # <u>3</u> Summons Netflix Summons)(Glassey, Todd) (Filed on 8/30/2014) (Entered: 08/30/2014)
09/02/2014	<u>10</u>	Summons Issued as to Jerry Brown. (mclS, COURT STAFF) (Entered: 09/02/2014)
09/02/2014	<u>11</u>	Summons Issued as to Microsemi Inc. (mclS, COURT STAFF) (Entered: 09/02/2014)
09/02/2014	<u>12</u>	Summons Issued as to Peter Chen. (mclS, COURT STAFF) (Entered: 09/02/2014)
09/02/2014	<u>13</u>	Summons Issued as to Oracle Corp. (mclS, COURT STAFF) (Entered: 09/02/2014)
09/02/2014	<u>14</u>	Summons Issued as to Netflix. (mclS, COURT STAFF) (Entered: 09/02/2014)
09/02/2014	<u>15</u>	First MOTION to Transfer Case ( <i>three judge panel</i> ) filed by Todd S. Glassey. Motion Hearing set for 10/14/2014 09:00 AM in Courtroom 15, 18th Floor, San Francisco before Magistrate Judge Elizabeth D. Laporte. Responses due by 9/16/2014. Replies due by 9/23/2014. (Attachments: # <u>1</u> Declaration for three judge panel)(Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>16</u>	Proposed Order re <u>15</u> First MOTION to Transfer Case ( <i>three judge panel</i> ) by Todd S. Glassey. (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>17</u>	EXHIBITS re <u>6</u> Amended Complaint,, filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit USPTO as issued, # <u>2</u> Exhibit USPTO office actions)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)

09/02/2014	<u>18</u>	EXHIBITS <i>abandoned instances of 629</i> – filed by Todd S. Glassey. (Attachments: # <u>1</u> abandoned, # <u>2</u> abandoned, # <u>3</u> abandoned, # <u>4</u> abandoned, # <u>5</u> abandoned, # <u>6</u> abandoned)(Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>19</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>co-inventor agreement, patent and unauthorized changes</i> . filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Declaration dec re unauthorized changes to structure and content of patent)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>20</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>IETF Notice Index for DO NOT USE and NO LICENSE TO IETF statements</i> filed by Todd S. Glassey. (Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>21</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>Notice to Microsemi on role per 8.4</i> filed by Todd S. Glassey. (Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>22</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>PTO agrees – patent was misfiled and corrects federal record</i> filed by Todd S. Glassey. (Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>23</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>original 992, 629 and 3126 filings</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit 629's original patent, # <u>2</u> Exhibit Unauthorized TTI patent with 629 IP in it, # <u>3</u> Exhibit Canadian and WO filings of 3126 patent)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>24</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>CTI Sale order (bk)</i> filed by Todd S. Glassey. (Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>25</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>Robinson – Datum has no interest</i> filed by Todd S. Glassey. (Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>26</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>3126 patent and PTO</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit Datum TTI extensions, # <u>2</u> Declaration re 3126 patent, # <u>3</u> Exhibit notice to PTO)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>27</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>This document predates any engineering work and proves the TTI was designed by Glassey PRIOR to the Contracting Phase;</i> filed by Todd S. Glassey. (Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>28</u>	EXHIBITS re <u>27</u> Exhibits, <u>6</u> Amended Complaint,,, <i>Declaration from State Lit removed to USDC</i> filed by Todd S. Glassey. (Related document(s) <u>27</u> , <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>29</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>Exhibits from Apple v Samsung show infringements in both iPhone and Samsung Galaxy and other platforms based on how the encrypted modem chip alters the communications channel for the appliance (cellphone)</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit apple v samsung evidence)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>30</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>Def Peter Chen as Symmetricom Atty – claim is he crossed the line and became a party to the alleged fraud.</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/02/2014	<u>31</u>	EXHIBITS re <u>6</u> Amended Complaint,,, <i>DDI and TTI Settlements (account numbers are over a decade closed)</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit second settlement)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/2/2014) (Entered: 09/02/2014)
09/03/2014	<u>32</u>	CLERK'S NOTICE Re: Consent or Declination: Plaintiffs shall file a consent or declination to proceed before a magistrate judge by September 9, 2014 and serve such forms on the defendants. (Attachments: # <u>1</u> Certificate of Service) (shyS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/03/2014)

09/03/2014	<u>33</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Todd S. Glassey.. (Glassey, Todd) (Filed on 9/3/2014) (Entered: 09/03/2014)
09/03/2014	<u>34</u>	SUMMONS Returned Executed by Todd S. Glassey. Apple Corp. served on 8/28/2014, answer due 9/18/2014. (mclS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/04/2014)
09/03/2014	<u>35</u>	SUMMONS Returned Executed by Todd S. Glassey. Microsoft Corporation served on 8/28/2014, answer due 9/18/2014. (mclS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/04/2014)
09/03/2014	<u>36</u>	SUMMONS Returned Executed by Todd S. Glassey. Juniper Networks served on 8/28/2014, answer due 9/18/2014. (mclS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/04/2014)
09/03/2014	<u>37</u>	SUMMONS Returned Executed by Todd S. Glassey. Cisco Corp. served on 8/28/2014, answer due 9/18/2014. (mclS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/04/2014)
09/03/2014	<u>38</u>	SUMMONS Returned Executed by Todd S. Glassey. Internet Society, The served on 8/28/2014, answer due 9/18/2014. (mclS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/04/2014)
09/03/2014	<u>39</u>	SUMMONS Returned Executed by Todd S. Glassey. eBay served on 8/28/2014, answer due 9/18/2014. (mclS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/04/2014)
09/03/2014	<u>40</u>	SUMMONS Returned Executed by Todd S. Glassey. Paypal served on 8/28/2014, answer due 9/18/2014. (mclS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/04/2014)
09/03/2014	<u>41</u>	SUMMONS Returned Executed by Todd S. Glassey. Google served on 8/29/2014, answer due 9/19/2014. (mclS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/04/2014)
09/03/2014	<u>42</u>	SUMMONS Returned Executed by Todd S. Glassey. Internet Engineering Task Force served on 8/28/2014, answer due 9/18/2014. (mclS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/04/2014)
09/03/2014	<u>43</u>	SUMMONS Returned Executed by Todd S. Glassey. Office of the President of the United States of America served on 8/28/2014, answer due 10/27/2014. (mclS, COURT STAFF) (Filed on 9/3/2014) (Entered: 09/04/2014)
09/05/2014	<u>44</u>	SUMMONS Returned Executed by Todd S. Glassey. Oracle Corp. served on 9/4/2014, answer due 9/25/2014. (mclS, COURT STAFF) (Filed on 9/5/2014) (Entered: 09/05/2014)
09/05/2014	<u>45</u>	SUMMONS Returned Executed by Todd S. Glassey. Microsemi Inc served on 9/4/2014, answer due 9/25/2014. (mclS, COURT STAFF) (Filed on 9/5/2014) (Entered: 09/05/2014)
09/05/2014	<u>46</u>	SUMMONS Returned Executed by Todd S. Glassey. Peter Chen served on 9/4/2014, answer due 9/25/2014. (mclS, COURT STAFF) (Filed on 9/5/2014) (Entered: 09/05/2014)
09/05/2014	<u>47</u>	SUMMONS Returned Executed by Todd S. Glassey. Jerry Brown served on 9/4/2014, answer due 9/25/2014. (mclS, COURT STAFF) (Filed on 9/5/2014) (Entered: 09/05/2014)
09/08/2014	<u>48</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge. The Clerk of this Court will now randomly reassign this case to a United States District Judge because one or more of the parties has requested reassignment to a United States District Judge or has not consented to the jurisdiction of a United States Magistrate Judge. The CASE MANAGEMENT CONFERENCE previously scheduled for November 18, 2014 on Magistrate Judge Laporte's calendar will NOT be held. (Attachments: # <u>1</u> Certificate of Service) (shyS, COURT STAFF) (Filed on 9/8/2014) (Entered: 09/08/2014)

09/09/2014	<u>49</u>	<b>ORDER, Case reassigned to Hon. Susan Illston. Magistrate Judge Elizabeth D. Laporte no longer assigned to the case.. Signed by Executive Committee on 9/9/14. (ha, COURT STAFF) (Filed on 9/9/2014) (Entered: 09/09/2014)</b>
09/09/2014		(Court only) ***Deadlines terminated. (ysS, COURT STAFF) (Filed on 9/9/2014) (Entered: 09/10/2014)
09/09/2014	<u>51</u>	SUMMONS Returned Executed by Todd S. Glassey. Netflix served on 9/4/2014, answer due 9/25/2014. (ysS, COURT STAFF) (Filed on 9/9/2014) (Entered: 09/11/2014)
09/10/2014	<u>50</u>	<b>ORDER OF RECUSAL. Signed by Judge Susan Illston on 9/10/14. (Attachments: # <u>1</u> Certificate/Proof of Service)(tfS, COURT STAFF) (Filed on 9/10/2014) (Entered: 09/10/2014)</b>
09/11/2014	<u>52</u>	<b>ORDER, Case reassigned to Hon. William Alsup. Hon. Susan Illston no longer assigned to the case.. Signed by Executive Committee on 9/11/14. (haS, COURT STAFF) (Filed on 9/11/2014) (Entered: 09/11/2014)</b>
09/15/2014	<u>53</u>	EXHIBITS re <u>6</u> Amended Complaint,, <i>Exhibits showing California State refusal to prosecute its own BENINSIG standard here – Political Contributions are key here</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/15/2014) (Entered: 09/15/2014)
09/15/2014	<u>54</u>	EXHIBITS re <u>6</u> Amended Complaint,, <i>California v beninsig prosecution – set public standard for California State – and AG's office</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/15/2014) (Entered: 09/15/2014)
09/15/2014	<u>55</u>	EXHIBITS re <u>6</u> Amended Complaint,, <i>FBI EEA Complaint – DoJ 'squashed' any action here apparently</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit EEA complaint as filed with US DoJ/FBI Major Crimes and SA Manny Alvarez in Sacto. CA office of FBI)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 9/15/2014) (Entered: 09/15/2014)
09/15/2014	<u>56</u>	EXHIBITS re <u>55</u> Exhibits, <u>6</u> Amended Complaint,, <i>Verszion III of the EEA complaint sent to FBI major crimes in 2013 with the recovery of the withheld contract assigning proper control on what today is all secure location based services to GLASSEY and MCNEIL</i> filed by Todd S. Glassey. (Related document(s) <u>55</u> , <u>6</u> ) (Glassey, Todd) (Filed on 9/15/2014) (Entered: 09/15/2014)
09/15/2014	<u>57</u>	EXHIBITS re <u>55</u> Exhibits, <u>53</u> Exhibits, <u>19</u> Exhibits, <u>23</u> Exhibits, <u>6</u> Amended Complaint,, <u>54</u> Exhibits, <i>EPA filing of US6370629 – abandoned with an action done to prevent Plaintiffs from recovery</i> filed by Todd S. Glassey. (Related document(s) <u>55</u> , <u>53</u> , <u>19</u> , <u>23</u> , <u>6</u> , <u>54</u> ) (Glassey, Todd) (Filed on 9/15/2014) (Entered: 09/15/2014)
09/15/2014	<u>58</u>	STIPULATION re <u>6</u> Amended Complaint,, <i>Extending Time to Respond</i> filed by Google. (Shanberg, Stefani) (Filed on 9/15/2014) (Entered: 09/15/2014)
09/16/2014	<u>59</u>	NOTICE of Appearance by James Ching–I Lin (Lin, James) (Filed on 9/16/2014) (Entered: 09/16/2014)
09/17/2014	<u>60</u>	NOTICE of Appearance by Stephen Andrew Chiari (Chiari, Stephen) (Filed on 9/17/2014) (Entered: 09/17/2014)
09/17/2014	<u>61</u>	STIPULATION <i>Extending Time for Defendants eBay and PayPal to Respond to Amended Complaint</i> filed by Paypal, eBay. (Chiari, Stephen) (Filed on 9/17/2014) (Entered: 09/17/2014)
09/18/2014	<u>62</u>	STIPULATION Extending Time to Respond to Amended Complaint by Microsoft Corporation. (Hahm, Eugene) (Filed on 9/18/2014) Modified on 9/18/2014 (dtmS, COURT STAFF). (Entered: 09/18/2014)
09/18/2014		Electronic filing error. Incorrect event used. Correct event is Stipulation without Proposed Order. Corrected by Clerk's Office. No further action is necessary. Re: <u>62</u> Answer to Amended Complaint filed by Microsoft Corporation (dtmS, COURT STAFF) (Filed on 9/18/2014) (Entered: 09/18/2014)

09/18/2014	<u>63</u>	MOTION to Dismiss <i>Plaintiffs' Amended Complaint Pursuant to Fed. R. Civ. P. 12 (B)(6); Memorandum of Points and Authorities in Support</i> filed by Cisco Corp.. Motion Hearing set for 11/20/2014 08:00 AM in Courtroom 8, 19th Floor, San Francisco before Hon. William Alsup. Responses due by 10/2/2014. Replies due by 10/9/2014. (Lin, James) (Filed on 9/18/2014) (Entered: 09/18/2014)
09/18/2014	<u>64</u>	Proposed Order re <u>63</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint Pursuant to Fed. R. Civ. P. 12 (B)(6); Memorandum of Points and Authorities in Support</i> by Cisco Corp.. (Lin, James) (Filed on 9/18/2014) (Entered: 09/18/2014)
09/18/2014	<u>65</u>	NOTICE by Cisco Corp. of <i>Corporate Disclosure Statement Pursuant to Fed. R. Civ. P. 7.1</i> (Lin, James) (Filed on 9/18/2014) (Entered: 09/18/2014)
09/22/2014	<u>66</u>	STIPULATION <i>Joint Stipulation Extending Time to Respond to Amended Complaint</i> filed by Oracle Corp.. (Auyang, Heather) (Filed on 9/22/2014) (Entered: 09/22/2014)
09/22/2014	<u>67</u>	STIPULATION <i>Joint Stipulation Extending Time to Respond to Amended Complaint</i> filed by Microsemi Inc. (Auyang, Heather) (Filed on 9/22/2014) (Entered: 09/22/2014)
09/23/2014	<u>68</u>	CLERK'S NOTICE Scheduling Initial CMC on Reassignment. Case Management Statement due by 11/13/2014. Case Management Conference set for 11/20/2014 08:00 AM in Courtroom 8, 19th Floor, San Francisco. (Attachments: # <u>1</u> Certificate/Proof of Service) (dt, COURT STAFF) (Filed on 9/23/2014) (Entered: 09/23/2014)
09/23/2014	<u>69</u>	<b>SUPPLEMENTAL ORDER TO ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE re <u>68</u> Clerk's Notice. Signed by Judge William Alsup on 10/16/12. (Attachments: # <u>1</u> Certificate/Proof of Service)(dt, COURT STAFF) (Filed on 9/23/2014) (Entered: 09/23/2014)</b>
09/25/2014	<u>70</u>	<b>ORDER DENYING MOTION FOR THREE-JUDGE PANEL AND VACATING HEARING by Judge Alsup re <u>15</u> Motion. (whalc1, COURT STAFF) (Filed on 9/25/2014) (Additional attachment(s) added on 9/25/2014: # <u>1</u> Certificate/Proof of Service) (dt, COURT STAFF). (Entered: 09/25/2014)</b>
09/25/2014	<u>71</u>	NOTICE of Appearance by Jason David Russell (Russell, Jason) (Filed on 9/25/2014) (Entered: 09/25/2014)
09/25/2014	<u>72</u>	<b>Error, Disregard</b> NOTICE by Internet Engineering Task Force, Internet Society, The <i>Certificate of Interested Entities or Persons re FRCP 7.1</i> (Russell, Jason) (Filed on 9/25/2014) Modified on 9/26/2014 (dtmS, COURT STAFF). (Entered: 09/25/2014)
09/25/2014	<u>73</u>	MOTION to Dismiss <i>the Complaint; Memorandum of Points and Authorities in Support Thereof</i> filed by Internet Engineering Task Force, Internet Society, The. Motion Hearing set for 11/20/2014 08:00 AM in Courtroom 8, 19th Floor, San Francisco before Hon. William Alsup. Responses due by 10/9/2014. Replies due by 10/16/2014. (Attachments: # <u>1</u> Proposed Order)(Russell, Jason) (Filed on 9/25/2014) (Entered: 09/25/2014)
09/26/2014		Electronic filing error. Incorrect event used. Correct event is Certificate of Interested Entities. Please re-file in its entirety. Re: <u>72</u> Notice (Other) filed by Internet Engineering Task Force, Internet Society, The (dtmS, COURT STAFF) (Filed on 9/26/2014) (Entered: 09/26/2014)
09/26/2014	<u>74</u>	Certificate of Interested Entities by Internet Engineering Task Force, Internet Society, The (Russell, Jason) (Filed on 9/26/2014) (Entered: 09/26/2014)
10/01/2014	<u>75</u>	NOTICE of Appearance by Crystal Evelyn Lopez (Lopez, Crystal) (Filed on 10/1/2014) (Entered: 10/01/2014)
10/03/2014	<u>76</u>	STIPULATION <i>Extending Time for Defendant Juniper Networks to Respond to Amended Complaint</i> filed by Juniper Networks. (Woodin, Christine) (Filed on 10/3/2014) (Entered: 10/03/2014)
10/09/2014	<u>77</u>	REPLY (re <u>63</u> MOTION to Dismiss) filed by Cisco Corp.. (Lin, James) (Filed on 10/9/2014) Modified on 10/9/2014 (dtmS, COURT STAFF). (Entered: 10/09/2014)
10/09/2014	<u>78</u>	<b>ORDER TO SHOW CAUSE RE CISCOS MOTION TO DISMISS. Response due October 24 at noon.. Signed by Judge Alsup on October 9, 2014. (whalc1,</b>

		<b>COURT STAFF) (Filed on 10/9/2014) (Additional attachment(s) added on 10/10/2014: # 1 Certificate/Proof of Service) (dt, COURT STAFF). (Entered: 10/09/2014)</b>
10/09/2014	<u>79</u>	DECLARATION of Todd Glassey in Opposition to <u>63</u> Motion to Dismiss. filed by Todd S. Glassey. (Glassey, Todd) (Filed on 10/9/2014) Modified on 10/10/2014 (dtmS, COURT STAFF). (Entered: 10/09/2014)
10/09/2014	<u>80</u>	<b>Error, Disregard</b> First MOTION for Extension of Time to File Answer Modified on 10/10/2014 (dtmS, COURT STAFF). (Entered: 10/09/2014)
10/09/2014	<u>81</u>	Response to Order to Show Cause <u>78</u> by Todd S. Glassey. (Glassey, Todd) (Filed on 10/9/2014) Modified on 10/10/2014 (dtmS, COURT STAFF). (Entered: 10/09/2014)
10/09/2014	<u>82</u>	MOTION for Extension of Time to File Opposition to <u>63</u> , <u>73</u> Motions to Dismiss filed by Todd S. Glassey. (Attachments: # <u>1</u> Proposed Order proposed order, # <u>2</u> Declaration)(Glassey, Todd) (Filed on 10/9/2014) Modified on 10/10/2014 (dtmS, COURT STAFF). Modified on 10/10/2014 (dtmS, COURT STAFF). (Entered: 10/09/2014)
10/09/2014	<u>83</u>	RESPONSE re <u>63</u> Motion to Dismiss by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit IETF BCP78, # <u>2</u> Exhibit IETF BCP79, # <u>3</u> Declaration TSG declaration in re CISCO and IETF)(Glassey, Todd) (Filed on 10/9/2014) Modified on 10/10/2014 (dtmS, COURT STAFF). (Entered: 10/09/2014)
10/09/2014	<u>84</u>	RESPONSE re <u>73</u> MOTION to Dismiss by Todd S. Glassey. (Attachments: # <u>1</u> Declaration in re IETF)(Glassey, Todd) (Filed on 10/9/2014) Modified on 10/10/2014 (dtmS, COURT STAFF). Modified on 10/10/2014 (dtmS, COURT STAFF). (Entered: 10/09/2014)
10/10/2014		(Court only) ***Motions terminated: <u>80</u> First MOTION for Extension of Time to File (dtmS, COURT STAFF) (Filed on 10/10/2014) (Entered: 10/10/2014)
10/10/2014	<u>85</u>	<b>ORDER RE MOTION TO EXTEND TIME TO RESPOND by Hon. William Alsup re <u>82</u> Motion.(whalc1, COURT STAFF) (Filed on 10/10/2014) (Additional attachment(s) added on 10/10/2014: # 1 Certificate/Proof of Service) (dt, COURT STAFF). (Entered: 10/10/2014)</b>
10/14/2014	<u>86</u>	CERTIFICATE OF SERVICE by Cisco Corp. (Lin, James) (Filed on 10/14/2014) (Entered: 10/14/2014)
10/17/2014	<u>87</u>	REPLY (re <u>73</u> MOTION to Dismiss <i>the Complaint; Memorandum of Points and Authorities in Support Thereof</i> ) filed by Internet Engineering Task Force, Internet Society, The. (Russell, Jason) (Filed on 10/17/2014) (Entered: 10/17/2014)
10/17/2014	<u>88</u>	Certificate of Interested Entities by eBay (Chiari, Stephen) (Filed on 10/17/2014) (Entered: 10/17/2014)
10/17/2014	<u>89</u>	Certificate of Interested Entities by Paypal (Chiari, Stephen) (Filed on 10/17/2014) (Entered: 10/17/2014)
10/17/2014	<u>90</u>	MOTION to Dismiss <i>Plaintiffs' Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and Memorandum of Points and Authorities In Support Thereof</i> filed by Paypal, eBay. Motion Hearing set for 12/4/2014 08:00 AM in Courtroom 8, 19th Floor, San Francisco before Hon. William Alsup. Responses due by 10/31/2014. Replies due by 11/7/2014. (Attachments: # <u>1</u> Proposed Order)(Chiari, Stephen) (Filed on 10/17/2014) (Entered: 10/17/2014)
10/17/2014	<u>91</u>	CERTIFICATE OF SERVICE by Paypal, eBay re <u>88</u> Certificate of Interested Entities, <u>89</u> Certificate of Interested Entities, <u>90</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and Memorandum of Points and Authorities In Support Thereof</i> (Chiari, Stephen) (Filed on 10/17/2014) (Entered: 10/17/2014)
10/17/2014	<u>92</u>	REPLY (re <u>63</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint Pursuant to Fed. R. Civ. P. 12 (B)(6); Memorandum of Points and Authorities in Support</i> ) filed by Cisco Corp.. (Attachments: # <u>1</u> Exhibit 1)(Lin, James) (Filed on 10/17/2014) (Entered: 10/17/2014)

10/17/2014	<u>93</u>	CERTIFICATE OF SERVICE by Cisco Corp. re <u>92</u> Reply to Opposition/Response, (Lin, James) (Filed on 10/17/2014) (Entered: 10/17/2014)
10/21/2014	<u>94</u>	Second RESPONSE (re <u>63</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint</i> ) filed by Todd S. Glassey. (Glassey, Todd) (Filed on 10/21/2014) Modified on 10/22/2014 (dtmS, COURT STAFF). (Entered: 10/21/2014)
10/21/2014	<u>95</u>	RESPONSE (re <u>90</u> MOTION to Dismiss <i>Plaintiffs' Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and Memorandum of Points and Authorities In Support Thereof</i> ) filed by Todd S. Glassey. (Glassey, Todd) (Filed on 10/21/2014) (Entered: 10/21/2014)
10/22/2014	<u>96</u>	First MOTION for Permission for Electronic Case Filing ( <i>filed for McNeil on my existing ECF account in this matter</i> ). filed by Todd S. Glassey. (Attachments: # <u>1</u> Proposed Order Proposed Order granting McNeil ECF status)(Glassey, Todd) (Filed on 10/22/2014) (Entered: 10/22/2014)
10/22/2014	<u>97</u>	<b>ORDER GRANTING MICHAEL MCNEIL'S MOTION FOR PERMISSION FOR ELECTRONIC CASE FILING</b> by Hon. William Alsup re <u>96</u> Motion for Permission for Electronic Case Filing.(whalc1, COURT STAFF) (Filed on 10/22/2014) (Additional attachment(s) added on 10/23/2014: # <u>1</u> Certificate/Proof of Service) (dt, COURT STAFF). (Entered: 10/22/2014)
10/24/2014	<u>98</u>	STIPULATION re <u>6</u> Amended Complaint,,, <i>FURTHER EXTENDING TIME TO RESPOND</i> filed by Microsemi Inc. (Auyang, Heather) (Filed on 10/24/2014) (Entered: 10/24/2014)
10/24/2014	<u>99</u>	STIPULATION re <u>6</u> Amended Complaint,,, <i>FURTHER EXTENDING TIME TO RESPOND</i> filed by Microsoft Corporation. (Auyang, Heather) (Filed on 10/24/2014) (Entered: 10/24/2014)
10/24/2014	<u>100</u>	STIPULATION re <u>6</u> Amended Complaint,,, <i>FURTHER EXTENDING TIME TO RESPOND</i> filed by Oracle Corp.. (Chin, Lisa) (Filed on 10/24/2014) (Entered: 10/24/2014)
10/28/2014	<u>101</u>	STIPULATION re <u>6</u> Amended Complaint,,, <i>Extending Time to Respond</i> filed by Netflix. (Shanberg, Stefani) (Filed on 10/28/2014) (Entered: 10/28/2014)
10/28/2014	<u>102</u>	NOTICE of Appearance by Warren Metlitzky (Metlitzky, Warren) (Filed on 10/28/2014) (Entered: 10/28/2014)
10/28/2014	<u>103</u>	STIPULATION <i>Re USA's Response To Amended Complaint</i> filed by United States Government. (Metlitzky, Warren) (Filed on 10/28/2014) (Entered: 10/28/2014)
10/29/2014	<u>104</u>	STIPULATION WITH PROPOSED ORDER <i>to Continue Case Mgt Conference</i> filed by Juniper Networks. (Attachments: # <u>1</u> Declaration of Christine Woodin in Support of Joint Stipulation)(Woodin, Christine) (Filed on 10/29/2014) Modified on 10/29/2014 (dtmS, COURT STAFF). (Entered: 10/29/2014)
10/29/2014	<u>105</u>	STIPULATION <i>Further Extending Time for Defendant Juniper Networks to Respond to Amended Complaint</i> filed by Juniper Networks. (Woodin, Christine) (Filed on 10/29/2014) (Entered: 10/29/2014)
10/29/2014	<u>106</u>	Certificate of Interested Entities by Google (Shanberg, Stefani) (Filed on 10/29/2014) (Entered: 10/29/2014)
10/29/2014	<u>107</u>	MOTION to Dismiss <i>Plaintiffs' Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(6) and Memorandum of Points and Authorities In Support Thereof</i> filed by Google. Motion Hearing set for 12/11/2014 08:00 AM in Courtroom 8, 19th Floor, San Francisco before Hon. William Alsup. Responses due by 11/12/2014. Replies due by 11/19/2014. (Attachments: # <u>1</u> Proposed Order)(Shanberg, Stefani) (Filed on 10/29/2014) (Entered: 10/29/2014)
10/29/2014	<u>108</u>	NOTICE of Appearance by Jennifer J Schmidt (Schmidt, Jennifer) (Filed on 10/29/2014) (Entered: 10/29/2014)
10/30/2014	<u>109</u>	<b>ORDER STRIKING COMPLAINT AND VACATING HEARINGS re <u>63</u> , <u>73</u> , <u>90</u> , <u>104</u> , and <u>107</u> .. Signed by Judge Alsup on October 30, 2014.</b> (whalc1, COURT STAFF) (Filed on 10/30/2014) (Entered: 10/30/2014)

10/30/2014		(Court only) Set/Reset Deadlines: Amended Pleadings due by 11/13/2014. (dtmS, COURT STAFF) (Filed on 10/30/2014) (Entered: 10/30/2014)
11/12/2014	<u>110</u>	AMENDED COMPLAINT <i>SECOND AMENDED COMPLAINT</i> against All Defendants. Filed by Todd S. Glassey. (Glassey, Todd) (Filed on 11/12/2014) (Entered: 11/12/2014)
11/12/2014	<u>111</u>	CERTIFICATE OF SERVICE by Todd S. Glassey re <u>110</u> Amended Complaint <i>POS for mailed copy to California</i> (Glassey, Todd) (Filed on 11/12/2014) (Entered: 11/12/2014)
11/13/2014	<u>112</u>	Corrected Second AMENDED COMPLAINT against All Defendants. Filed by Todd S. Glassey. (Glassey, Todd) (Filed on 11/13/2014) Modified on 11/13/2014 (dtmS, COURT STAFF). (Entered: 11/13/2014)
11/13/2014		(Court only) *** Party US Department of Commerce, US Department of Defense, US Department of Energy, US Department of Transportation, US Intelligence Community, US Treasury, Peter Chen and Datum, Inc. terminated. (dtmS, COURT STAFF) (Filed on 11/13/2014) (Entered: 11/13/2014)
11/13/2014		(Court only) ***Party Amano and Bancom Division added. (dtmS, COURT STAFF) (Filed on 11/13/2014) (Entered: 11/13/2014)
11/17/2014	<u>113</u>	<b>Error, See Entry 114</b> Request for Judicial Notice re <u>6</u> Amended Complaint,,, <i>includes OSC hearing before Judge Cousins</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit shows all eight patent filings including KOREA)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 11/17/2014) Modified on 11/17/2014 (dtmS, COURT STAFF). (Entered: 11/17/2014)
11/17/2014	<u>114</u>	<b>Error, See Entry 115</b> Request for Judicial Notice re <u>6</u> Amended Complaint,,, <i>see a;sp EXHIBITS from Docket 6</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit Au print out showing newly found au and kr filings)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 11/17/2014) Modified on 11/17/2014 (dtmS, COURT STAFF). (Entered: 11/17/2014)
11/17/2014	<u>115</u>	Request for Judicial Notice re <u>6</u> Amended Complaint,,, <i>replaces docket 114–115 (bad Adobe filter causing various errors)</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Proposed Order replaces docket 114–115, # <u>2</u> Exhibit newly found au filing, # <u>3</u> Exhibit newly found kr filing)(Related document(s) <u>6</u> ) (Glassey, Todd) (Filed on 11/17/2014) (Entered: 11/17/2014)
11/18/2014	<u>116</u>	<b>ORDER DENYING PLAINTIFFS REQUESTS FOR JUDICIAL NOTICE re <u>115</u> Request for Judicial Notice.. Signed by Judge Alsup on November 18, 2014. (whalc1, COURT STAFF) (Filed on 11/18/2014) (Entered: 11/18/2014)</b>
11/18/2014	<u>117</u>	CLERK'S NOTICE Scheduling Hearing. Case Management Statement due by 1/8/2015. Case Management Conference set for 1/15/2015 11:00 AM in Courtroom 8, 19th Floor, San Francisco. (dt, COURT STAFF) (Filed on 11/18/2014) (Entered: 11/18/2014)
11/21/2014	<u>118</u>	MOTION TALBOT/GELLMAN REVIEW OF DDI AND TTI SETTLEMENTS AND ORDER VOIDING THEM filed by Todd S. Glassey. (Attachments: # <u>1</u> Supplement Memo of Panda Regarding Rescission in Cal – if VOID is denied RESCISSION is ACTIVATED, # <u>2</u> Proposed Order Proposed Order Voiding Settlements)(Glassey, Todd) (Filed on 11/21/2014) Modified on 11/24/2014 (ysS, COURT STAFF). (Entered: 11/21/2014)
11/21/2014	<u>119</u>	Request for Judicial Notice re <u>118</u> First MOTION for Hearing re <u>6</u> Amended Complaint,,, <i>for ORDER Voiding SETTLEMENT AGREEMENTS transcript</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Proposed Order)(Related document(s) <u>118</u> ) (Glassey, Todd) (Filed on 11/21/2014) (Entered: 11/21/2014)
11/21/2014	<u>120</u>	Second Request for Judicial Notice in support re <u>118</u> Motion <i>for ORDER Voiding SETTLEMENT AGREEMENTS Conformed US Patent and full instances of Foreign filings – Conformed copies are being ordered for the cort.</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration, # <u>3</u> Exhibit US conformed copy of

		US6370629, # <u>4</u> Exhibit Abandoned AU Filing, # <u>5</u> Exhibit Abandoned BR Filing, # <u>6</u> Exhibit Abandoned CA Filing, # <u>7</u> Exhibit Abandoned EU Filing, # <u>8</u> Exhibit Abandoned JP Filing, # <u>9</u> Exhibit Abandoned KR Filing, # <u>10</u> Exhibit Abandoned ZA Filing, # <u>11</u> Exhibit Report on AU patent as example – all non US instances abandoned)(Related document(s) <u>118</u> ) (Glassey, Todd) (Filed on 11/21/2014) Modified on 11/24/2014 (ysS, COURT STAFF). (Entered: 11/21/2014)
11/22/2014	<u>121</u>	Supplemental Evidence – Contacts for Docket re <u>118</u> Motion for <i>ORDER Voiding SETTLEMENT AGREEMENTS</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit FIDUCIARY RETAINER AGREEMENT for filing US6370629, # <u>2</u> Exhibit Settlement Agreement – Trusted Timing Infrastructure – for review and declared as VOID or rescinded under Motion Supporting Precedent, # <u>3</u> Exhibit Settlement Agreement – US6370629 – for review and declared as VOID or rescinded under Motion Supporting Precedent)(Related document(s) <u>118</u> ) (Glassey, Todd) (Filed on 11/22/2014) Modified on 11/24/2014 (ysS, COURT STAFF). (Entered: 11/22/2014)
11/23/2014	<u>122</u>	First MOTION for Judgment on Partial Findings for <i>IRC165 Fraud Loss Filings</i> filed by Todd S. Glassey. Motion Hearing set for 12/26/2014 08:00 AM before Hon. William Alsup. Responses due by 12/8/2014. Replies due by 12/15/2014. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit abandoned Australian Filing, # <u>3</u> Exhibit Abandoned Brazilian Filing, # <u>4</u> Exhibit Abandoned Canadian Filing, # <u>5</u> Exhibit Abandoned Japanese Filing, # <u>6</u> Exhibit Abandoned South African Filing, # <u>7</u> Exhibit conformed US patent, # <u>8</u> Exhibit Exhibit showing Cannon demanding release for South African Filing, # <u>9</u> Exhibit Co inventor Agreement)(Glassey, Todd) (Filed on 11/23/2014) (Entered: 11/23/2014)
11/23/2014	<u>123</u>	Re–notice of MOTION for Partial Summary Judgment for <i>ORDER Voiding SETTLEMENT AGREEMENT re DDI (US6370629) SETTLEMENT AND TTI (US6393126) SETTLEMENT</i> filed by Todd S. Glassey. Motion Hearing set for 12/26/2014 08:00 AM before Hon. William Alsup. Responses due by 12/8/2014. Replies due by 12/15/2014. (Attachments: # <u>1</u> Proposed Order proposed order granting, # <u>2</u> Exhibit supporting dec, # <u>3</u> Supplement Rescission related P&A for if Voiding is denied, # <u>4</u> Exhibit DDI Coinventor agreement, # <u>5</u> Exhibit Target for Voiding, # <u>6</u> Exhibit Target for VOIDING)(Glassey, Todd) (Filed on 11/23/2014) Modified on 11/24/2014 (ysS, COURT STAFF). (Entered: 11/23/2014)
11/24/2014	<u>124</u>	STIPULATION <i>JOINT STIPULATION EXTENDING TIME TO RESPOND TO AMENDED COMPLAINT</i> filed by Google. (Shanberg, Stefani) (Filed on 11/24/2014) (Entered: 11/24/2014)
11/24/2014	<u>125</u>	<i>Corrected Joint Stipulation Extending Time to Respond to <u>110</u> Amended Complaint</i> filed by Google, Netflix. (Shanberg, Stefani) (Filed on 11/24/2014) Modified on 11/25/2014 (ysS, COURT STAFF). (Entered: 11/24/2014)
11/25/2014	<u>126</u>	CLERK'S NOTICE Rescheduling Hearing, Set/Reset Deadlines as to <u>123</u> First MOTION for Partial Summary Judgment for <i>ORDER Voiding SETTLEMENT AGREEMENTS</i> , <u>118</u> First MOTION for Hearing re <u>6</u> Amended Complaint, for <i>ORDER Voiding SETTLEMENT AGREEMENTS</i> , <u>122</u> First MOTION for Judgment on Partial Findings for <i>IRC165 Fraud Loss Filings</i> . Motion Hearing set for 1/15/2015 08:00 AM before Hon. William Alsup. Case Management Conference set for 1/15/2015 08:00 AM in Courtroom 8, 19th Floor, San Francisco. (Attachments: # <u>1</u> Certificate/Proof of Service) (dt, COURT STAFF) (Filed on 11/25/2014) (Entered: 11/25/2014)
11/25/2014		(Court only) ***Deadlines terminated. Administrative only. (dt, COURT STAFF) (Filed on 11/25/2014) (Entered: 11/25/2014)
11/25/2014	<u>127</u>	NOTICE of Appearance by David R. Eberhart (Eberhart, David) (Filed on 11/25/2014) (Entered: 11/25/2014)
11/25/2014	<u>128</u>	NOTICE of Appearance by Alexander Bok–Sing Parker (Parker, Alexander) (Filed on 11/25/2014) (Entered: 11/25/2014)
11/25/2014	<u>129</u>	<i>JOINT STIPULATION EXTENDING TIME FOR APPLE INC. TO RESPOND TO THE SECOND AMENDED COMPLAINT</i> filed by Apple Corp.. (Eberhart, David) (Filed on 11/25/2014) Modified on 11/26/2014 (ysS, COURT STAFF). (Entered: 11/25/2014)

11/25/2014	<u>130</u>	STIPULATION re <u>129</u> Stipulation <i>CORRECTED JOINT STIPULATION EXTENDING TIME FOR APPLE INC. TO RESPOND TO THE SECOND AMENDED COMPLAINT</i> filed by Apple Corp.. (Parker, Alexander) (Filed on 11/25/2014) (Entered: 11/25/2014)
11/25/2014	<u>131</u>	Certificate of Interested Entities by Apple Corp. (Eberhart, David) (Filed on 11/25/2014) Modified on 12/1/2014 (dtmS, COURT STAFF). (Entered: 11/25/2014)
11/25/2014	<u>132</u>	Rule 7.1 Disclosure Statement. by Apple Corp.. (Eberhart, David) (Filed on 11/25/2014) Modified on 11/26/2014 (ysS, COURT STAFF). Modified on 12/1/2014 (dtmS, COURT STAFF). (Entered: 11/25/2014)
11/25/2014	<u>133</u>	STIPULATION re <u>112</u> Amended Complaint <i>Extending Time to Respond to Second Amended Complaint</i> filed by Paypal, eBay. (Chiari, Stephen) (Filed on 11/25/2014) (Entered: 11/25/2014)
11/25/2014	<u>134</u>	STIPULATION <i>Extending Time for Defendant Juniper Networks to Respond to Amended Complaint</i> filed by Juniper Networks. (Woodin, Christine) (Filed on 11/25/2014) (Entered: 11/25/2014)
11/25/2014	<u>135</u>	STIPULATION re <u>110</u> Amended Complaint ( <i>Joint Stipulation Extending Time for Defendant Cisco Systems, Inc. to Respond to Second Amended Complaint</i> ) filed by Cisco Corp.. (Lin, James) (Filed on 11/25/2014) (Entered: 11/25/2014)
11/25/2014	<u>136</u>	STIPULATION re <u>112</u> Amended Complaint <i>Extending USA's Time To Respond</i> filed by United States Government. (Metlitzky, Warren) (Filed on 11/25/2014) (Entered: 11/25/2014)
11/25/2014		Set/Reset Deadlines as to <u>118</u> First MOTION for Hearing re <u>6</u> Amended Complaint, <i>for ORDER Voiding SETTLEMENT AGREEMENTS</i> . Motion Hearing set for 1/15/2015 08:00 AM in Courtroom 8, 19th Floor, San Francisco before Hon. William Alsup. (dt, COURT STAFF) (Filed on 11/25/2014) (Entered: 12/08/2014)
11/29/2014	<u>137</u>	First MOTION to Quash <i>FISA or related Intel Warrant</i> filed by Todd S. Glassey. Motion Hearing set for 1/15/2015 08:00 AM before Hon. William Alsup. Responses due by 12/15/2014. Replies due by 12/22/2014. (Attachments: # <u>1</u> Proposed Order)(Glassey, Todd) (Filed on 11/29/2014) (Entered: 11/29/2014)
11/29/2014	<u>138</u>	MOTION for Empaneling of a Three Judge Panel. filed by Todd S. Glassey. (Attachments: # <u>1</u> Declaration Declaration in Support, # <u>2</u> Proposed Order)(Glassey, Todd) (Filed on 11/29/2014) Modified on 12/1/2014 (dtmS, COURT STAFF). (Entered: 11/29/2014)
11/29/2014	<u>139</u>	First MOTION for Partial Summary Judgment <i>Performance Rights award</i> filed by Todd S. Glassey. Motion Hearing set for 1/29/2015 08:00 AM before Hon. William Alsup. Responses due by 12/15/2014. Replies due by 12/22/2014. (Attachments: # <u>1</u> Supplement, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Glassey, Todd) (Filed on 11/29/2014) (Entered: 11/29/2014)
11/30/2014	<u>140</u>	EXHIBITS re <u>117</u> Clerk's Notice, <u>121</u> Affidavit in Support of Motion,, <u>6</u> Amended Complaint,, <u>120</u> Request for Judicial Notice,, <u>122</u> First MOTION for Judgment on Partial Findings <i>for IRC165 Fraud Loss Filings</i> , <u>139</u> First MOTION for Partial Summary Judgment <i>Performance Rights award</i> , <u>118</u> First MOTION for Hearing re <u>6</u> Amended Complaint,, <i>for ORDER Voiding SETTLEMENT AGREEMENTS</i> , <u>112</u> Amended Complaint filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit IETF BCP78 – Participation Standards, # <u>2</u> Exhibit BCP79 – IP Rights conveyance and development, # <u>3</u> Exhibit Report on the 20 Filings made to notice IETF to cease and desist use of Plaintiffs PHASE–II IP in their standards, # <u>4</u> Declaration IETF infringement actions – 35 USC 271(a))(Related document(s) <u>117</u> , <u>121</u> , <u>6</u> , <u>120</u> , <u>122</u> , <u>139</u> , <u>118</u> , <u>112</u> ) (Glassey, Todd) (Filed on 11/30/2014) (Entered: 11/30/2014)
11/30/2014	<u>141</u>	First MOTION for Partial Summary Judgment <i>correct inventorship on us6393126</i> filed by Todd S. Glassey. Motion Hearing set for 1/15/2015 08:00 AM before Hon. William Alsup. Responses due by 12/15/2014. Replies due by 12/22/2014. (Attachments: # <u>1</u> Proposed Order proposed order granting inventorship on US6393126 to Plaintiffs, # <u>2</u> Declaration Second version of dec, # <u>3</u> Exhibit LE Complaint filed in re the use of this system by the Military and Intel communities, # <u>4</u> Declaration Counterfeiting analisis, # <u>5</u> Exhibit TTI Settlement Agreement)(Glassey,

		Todd) (Filed on 11/30/2014) (Entered: 11/30/2014)
12/01/2014		Set/Reset Deadlines as to <u>138</u> Motion Appoint 3 Judge Panel. Responses due by 12/15/2014. Replies due by 12/22/2014. Motion Hearing set for 1/15/2015 08:00 AM in Courtroom 8, 19th Floor, San Francisco before Hon. William Alsup. (dtmS, COURT STAFF) (Filed on 12/1/2014) (Entered: 12/01/2014)
12/01/2014		Set/Reset Deadlines as to <u>118</u> MOTION for Hearing for ORDER Voiding SETTLEMENT AGREEMENTS. Responses due by 12/5/2014. Replies due by 12/12/2014. Motion Hearing set for 12/19/2014 08:00 AM in Courtroom 8, 19th Floor, San Francisco before Hon. William Alsup. (dtmS, COURT STAFF) (Filed on 12/1/2014) (Entered: 12/01/2014)
12/01/2014	<u>142</u>	MOTION to Dismiss <i>Second Amended Complaint</i> filed by Internet Engineering Task Force, Internet Society, The. Motion Hearing set for 1/8/2015 08:00 AM in Courtroom 8, 19th Floor, San Francisco before Hon. William Alsup. Responses due by 12/15/2014. Replies due by 12/22/2014. (Attachments: # <u>1</u> Proposed Order)(Russell, Jason) (Filed on 12/1/2014) (Entered: 12/01/2014)
12/05/2014	<u>143</u>	RESPONSE (re <u>118</u> First MOTION for Hearing re <u>6</u> Amended Complaint,,, <i>for ORDER Voiding SETTLEMENT AGREEMENTS</i> ) filed byUnited States Government. (Metlitzky, Warren) (Filed on 12/5/2014) (Entered: 12/05/2014)
12/05/2014	<u>144</u>	Certificate of Interested Entities by Microsemi Inc <i>Defendant Microsemi Corporation's Fed. R. Civ. P. 7.1 Corporate Disclosure Statement and Civ. L.R. 3-16 Certification of Interested Parties</i> (Hahm, Eugene) (Filed on 12/5/2014) (Entered: 12/05/2014)
12/05/2014	<u>145</u>	RESPONSE (re <u>118</u> First MOTION for Hearing ) filed byMicrosemi Inc. (Hahm, Eugene) (Filed on 12/5/2014) Modified on 12/8/2014 (dtmS, COURT STAFF). (Entered: 12/05/2014)
12/05/2014	<u>146</u>	Request for Judicial Notice re <u>145</u> Opposition/Response to Motion, filed byMicrosemi Inc. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Related document(s) <u>145</u> ) (Hahm, Eugene) (Filed on 12/5/2014) Modified on 12/8/2014 (dtmS, COURT STAFF). (Entered: 12/05/2014)
12/08/2014	<u>147</u>	CLERK'S NOTICE Confirming Rescheduling. Motion Talbot/Gellman Review of DDI and TTI Settlements and Order Voiding Them previously set for hearing on 12/19/2014 has been rescheduled to 1/15/2015. <b>This is a text only docket entry, there is no document associated with this notice.</b> (dt, COURT STAFF) (Filed on 12/8/2014) (Entered: 12/08/2014)
12/08/2014	<u>148</u>	RESPONSE (re <u>123</u> First MOTION for Partial Summary Judgment <i>for ORDER Voiding SETTLEMENT AGREEMENTS</i> ) filed byMicrosemi Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B part 1, # <u>3</u> Exhibit B part 2)(Hahm, Eugene) (Filed on 12/8/2014) (Entered: 12/08/2014)
12/08/2014	<u>149</u>	RESPONSE (re <u>122</u> First MOTION for Judgment on Partial Findings <i>for IRC165 Fraud Loss Filings</i> ) filed byUnited States Government. (Metlitzky, Warren) (Filed on 12/8/2014) (Entered: 12/08/2014)
12/09/2014	<u>150</u>	STIPULATION <i>EXTENDING TIME FOR DEFENDANT ORACLE CORPORATION TO RESPOND TO THE SECOND AMENDED COMPLAINT [DKT. 112]</i> filed by Oracle Corp.. (Chin, Lisa) (Filed on 12/9/2014) (Entered: 12/09/2014)
12/09/2014	<u>151</u>	STIPULATION <i>EXTENDING TIME FOR DEFENDANT MICROSOFT CORPORATION TO RESPOND TO THE SECOND AMENDED COMPLAINT [DKT. 112]</i> filed by Microsoft Corporation. (Chin, Lisa) (Filed on 12/9/2014) (Entered: 12/09/2014)
12/11/2014	<u>152</u>	<b>ORDER TO SHOW CAUSE. Show Cause Response due by 12/19/2014 at noon.. Signed by Judge Alsup on December 11, 2014. (whalc1, COURT STAFF) (Filed on 12/11/2014) (Additional attachment(s) added on 12/12/2014: # <u>1</u> Certificate/Proof of Service) (dt, COURT STAFF). (Entered: 12/11/2014)</b>
12/11/2014	<u>153</u>	MOTION to Dismiss <i>Second Amended Complaint [Dkt 112]</i> filed by Microsemi Inc. Motion Hearing set for 1/15/2014 08:00 AM in Courtroom 8, 19th Floor, San

		Francisco before Hon. William Alsup. Responses due by 12/26/2014. Replies due by 1/2/2015. (Attachments: # <u>1</u> Proposed Order)(Hahm, Eugene) (Filed on 12/11/2014) (Entered: 12/11/2014)
12/14/2014	<u>154</u>	RESPONSE (re <u>142</u> MOTION to Dismiss <i>Second Amended Complaint</i> , <u>139</u> First MOTION for Partial Summary Judgment <i>Performance Rights award</i> ) filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit sampling of just 20 infringing protocols)(Glassey, Todd) (Filed on 12/14/2014) (Entered: 12/14/2014)
12/15/2014	<u>155</u>	RESPONSE (re <u>139</u> First MOTION for Partial Summary Judgment <i>Performance Rights award</i> ) in <i>Opposition</i> filed by Internet Engineering Task Force, Internet Society, The. (Russell, Jason) (Filed on 12/15/2014) (Entered: 12/15/2014)
12/15/2014	<u>156</u>	RESPONSE (re <u>141</u> First MOTION for Partial Summary Judgment <i>correct inventorship on us6393126</i> ) in <i>Opposition</i> filed by Microsemi Inc. (Attachments: # <u>1</u> Request for Judicial Notice)(Hahm, Eugene) (Filed on 12/15/2014) (Entered: 12/15/2014)
12/15/2014	<u>157</u>	RESPONSE (re <u>138</u> First MOTION for Hearing re <u>112</u> Amended Complaint <i>For Appointment of Three Judge Panel</i> ) IN <i>OPPOSITION</i> filed by Apple Corp.. (Parker, Alexander) (Filed on 12/15/2014) (Entered: 12/15/2014)
12/15/2014	<u>158</u>	RESPONSE (re <u>137</u> First MOTION to Quash <i>FISA or related Intel Warrant</i> ) filed by United States Government. (Metlitzky, Warren) (Filed on 12/15/2014) (Entered: 12/15/2014)
12/18/2014	<u>159</u>	Response to Order to Show Cause <u>152</u> Order,, Set Deadlines, by Todd S. Glassey. (Glassey, Todd) (Filed on 12/18/2014) (Entered: 12/18/2014)
12/19/2014	<u>160</u>	RESPONSE TO ORDER TO SHOW CAUSE by United States Government . (Metlitzky, Warren) (Filed on 12/19/2014) (Entered: 12/19/2014)
12/19/2014	<u>161</u>	RESPONSE TO ORDER TO SHOW CAUSE by Cisco Corp. [DKT. 152] WHY PLAINTIFFS' SECOND AMENDED COMPLAINT [DKT. 112] SHOULD BE STRICKEN. (Lin, James) (Filed on 12/19/2014) (Entered: 12/19/2014)
12/22/2014	<u>162</u>	REPLY (re <u>142</u> MOTION to Dismiss <i>Second Amended Complaint</i> ) filed by Internet Engineering Task Force, Internet Society, The. (Russell, Jason) (Filed on 12/22/2014) (Entered: 12/22/2014)
12/22/2014	<u>163</u>	REPLY (re <u>138</u> First MOTION for Hearing re <u>112</u> Amended Complaint <i>For Appointment of Three Judge Panel</i> ) filed by Todd S. Glassey. (Glassey, Todd) (Filed on 12/22/2014) (Entered: 12/22/2014)
12/22/2014	<u>164</u>	<b>Error, See Entry 168</b> REPLY (re <u>141</u> First MOTION for Partial Summary Judgment <i>correct inventorship on us6393126</i> ) filed by Todd S. Glassey. (Glassey, Todd) (Filed on 12/22/2014) Modified on 12/23/2014 (dtmS, COURT STAFF). (Entered: 12/22/2014)
12/22/2014	<u>165</u>	REPLY (re <u>123</u> First MOTION for Partial Summary Judgment <i>for ORDER Voiding SETTLEMENT AGREEMENTS</i> ) filed by Todd S. Glassey. (Glassey, Todd) (Filed on 12/22/2014) (Entered: 12/22/2014)
12/22/2014	<u>166</u>	REPLY (re <u>139</u> First MOTION for Partial Summary Judgment <i>Performance Rights award</i> ) filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit USPTO Program copyright program)(Glassey, Todd) (Filed on 12/22/2014) (Entered: 12/22/2014)
12/22/2014	<u>167</u>	RESPONSE (re <u>142</u> MOTION to Dismiss <i>Second Amended Complaint</i> ) filed by Todd S. Glassey. (Glassey, Todd) (Filed on 12/22/2014) (Entered: 12/22/2014)
12/23/2014	<u>168</u>	REPLY (re <u>141</u> First MOTION for Partial Summary Judgment <i>correct inventorship on us6393126</i> ) <i>CORRECTION FOR PACER 164</i> filed by Todd S. Glassey. (Glassey, Todd) (Filed on 12/23/2014) (Entered: 12/23/2014)
12/24/2014	<u>169</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Eberhart, David) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/24/2014	<u>170</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3–5 d) (Parker, Alexander) (Filed on 12/24/2014) (Entered: 12/24/2014)

12/24/2014	<u>171</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>Plaintiffs ADR Certification</i> (Glassey, Todd) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/24/2014	<u>172</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by United States</i> (Metlitzky, Warren) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/24/2014	<u>173</u>	NOTICE of Appearance by Jonathan S Kagan (Kagan, Jonathan) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/24/2014	<u>174</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by Juniper Networks, Inc.</i> (Kagan, Jonathan) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/24/2014	<u>175</u>	Certificate of Interested Entities by Juniper Networks (Kagan, Jonathan) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/24/2014	<u>176</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by Microsemi Corporation</i> (Auyang, Heather) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/24/2014	<u>177</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by Microsoft Corporation</i> (Auyang, Heather) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/24/2014	<u>178</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by Oracle Corporation</i> (Auyang, Heather) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/24/2014	<u>179</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by Cisco Corp.</i> (Lin, James) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/24/2014	<u>180</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Russell, Jason) (Filed on 12/24/2014) (Entered: 12/24/2014)
12/26/2014	<u>181</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by Google Inc.</i> (Marder, Eugene) (Filed on 12/26/2014) (Entered: 12/26/2014)
12/26/2014	<u>182</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by Netflix, Inc.</i> (Marder, Eugene) (Filed on 12/26/2014) (Entered: 12/26/2014)
12/26/2014	<u>183</u>	RESPONSE (re <u>153</u> MOTION to Dismiss <i>Second Amended Complaint [Dkt 112]</i> ) filed by Todd S. Glassey. (Glassey, Todd) (Filed on 12/26/2014) (Entered: 12/26/2014)
12/26/2014	<u>184</u>	EXHIBITS re <u>120</u> Request for Judicial Notice,,, <u>112</u> Amended Complaint <i>Supporting Patent filing info from Brazil, EU and Canadian Patent Offices</i> filed by Todd S. Glassey. (Attachments: # <u>1</u> Exhibit Canada Patent Prosecution History, # <u>2</u> Exhibit EP0997808A3 File Wrapper – uncertified, # <u>3</u> Exhibit Brazil Correspondence file, # <u>4</u> Exhibit Brazil Administrative processing wrapper)(Related document(s) <u>120</u> , <u>112</u> ) (Glassey, Todd) (Filed on 12/26/2014) (Entered: 12/26/2014)
12/29/2014	<u>185</u>	<b>ORDER GRANTING MOTIONS TO DISMISS, STRIKING SECOND AMENDED COMPLAINT, DENYING ALL PENDING MOTIONS FOR SUMMARY JUDGMENT, AND VACATING ALL HEARINGS by Judge Alsup re <u>118</u> Motion ; <u>122</u> Motion for Judgment ; <u>123</u> Motion for Partial Summary Judgment; <u>137</u> Motion to Quash; <u>138</u> Motion ; <u>139</u> Motion for Partial Summary Judgment; <u>141</u> Motion for Partial Summary Judgment; <u>142</u> Motion to Dismiss; <u>153</u> Motion to Dismiss. (whalc1, COURT STAFF) (Filed on 12/29/2014) (Entered: 12/29/2014)</b>
12/29/2014	<u>186</u>	<b>JUDGMENT. Signed by Judge Alsup on December 29, 2014. (whalc1, COURT STAFF) (Filed on 12/29/2014) (Entered: 12/29/2014)</b>
12/29/2014	<u>187</u>	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Todd S. Glassey. (Appeal fee FEE NOT PAID.) (Attachments: # <u>1</u> Exhibit Order Denying Motions, # <u>2</u> Exhibit Dismissal)(Glassey, Todd) (Filed on 12/29/2014) (Entered: 12/29/2014)
12/29/2014		(Court only) ***Civil Case Terminated. (dtmS, COURT STAFF) (Filed on 12/29/2014) (Entered: 12/30/2014)
12/30/2014	<u>188</u>	Request for payment of docket fee to appellant (cc to USCA) (dtmS, COURT STAFF) (Filed on 12/30/2014) (Entered: 12/30/2014)
12/30/2014	<u>189</u>	REPORT on the determination of an action regarding Patent (cc: form mailed to register). (dtmS, COURT STAFF) (Filed on 12/30/2014) (Entered: 12/30/2014)

12/31/2014		USCA Appeal Fees received \$ 505 receipt number 34611101794 re <u>187</u> Notice of Appeal filed by Todd S. Glassey (dtmS, COURT STAFF) (Filed on 12/31/2014) (Entered: 01/02/2015)
01/07/2015	<u>190</u>	USCA Case Number <del>14-17574</del> for <u>187</u> Notice of Appeal filed by Todd S. Glassey. (dtmS, COURT STAFF) (Filed on 1/7/2015) (Entered: 01/07/2015)
01/07/2015	<u>191</u>	AMENDED NOTICE OF APPEAL by Todd S. Glassey <i>Motion to fix improper filing in Ninth Circuit – this is a DC Circuit case.</i> Appeal Record due by 2/6/2015. (Attachments: # <u>1</u> Improperly filed Notice of Appeal, # <u>2</u> Motion to Appellate Court to correct Filing, # <u>3</u> Declartation in support, # <u>4</u> Memorandum in re Tax Matters where NO RETURN WAS FILED (automatic DC Circuit only standing), # <u>5</u> ECF POS notice)(Glassey, Todd) (Filed on 1/7/2015) (Entered: 01/07/2015)
02/07/2015	<u>192</u>	AMENDED NOTICE OF APPEAL by Todd S. Glassey as to <u>186</u> Judgment, Terminate Deadlines and Hearings, <u>185</u> Order on Motion for Hearing,, Order on Motion for Judgment on Partial Findings,, Order on Motion for Partial Summary Judgment,, Order on Motion to Quash,,,,,, Order on Motion to Dismiss,,, . Appeal Record due by 3/9/2015. (Attachments: # <u>1</u> Exhibit Webpage showing only link on CAND Site points to Ninth Circuit Appeal form, # <u>2</u> Exhibit Only Appeal form available from Website requires appeal to Ninth Circuit, # <u>3</u> Exhibit USDC Dismissal being appealed, # <u>4</u> Exhibit Original form we tried to file and were told by clerks that this was wrong form.)(Glassey, Todd) (Filed on 2/7/2015) (Entered: 02/07/2015)
02/09/2015	<u>193</u>	Corrected NOTICE OF APPEAL to the Federal Circuit as to <u>70</u> Order on Motion to Transfer Case, <u>185</u> Order on Motion for Hearing, Order on Motion for Judgment on Partial Findings, Order on Motion for Partial Summary Judgment, Order on Motion to Quash, Order on Motion to Dismiss, <u>186</u> Judgment by Todd S. Glassey, Michael Edward McNeil. Appeal Record due by 3/11/2015. Fee \$505 Previously Paid on 12/31/14. (Attachments: # <u>1</u> Previous Notice of Appeal filed 1-7-15)(dtmS, COURT STAFF) (Filed on 2/9/2015) (Entered: 02/09/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TODD S. GLASSEY and MICHAEL E. MCNEIL,

Plaintiffs,

No. C 14-03629 WHA

v.

MICROSEMI INC, US GOVERNMENT,  
PRESIDENT OF THE UNITED STATES,  
STATE OF CALIFORNIA, GOVERNOR BROWN,  
THE IETF AND THE INTERNET SOCIETY,  
APPLE INC., CISCO INC., EBAY INC.,  
PAYPAL INC., GOOGLE INC.,  
JUNIPER NETWORKS, MICROSOFT CORP.,  
NETFLIX INC., ORACLE INC., MARK HASTINGS,  
ERIK VAN DER KAAY, AND THALES GROUP,  
and "UNSERVED" DOES,

Defendants.

**ORDER GRANTING MOTIONS  
TO DISMISS, STRIKING  
SECOND AMENDED  
COMPLAINT, DENYING ALL  
PENDING MOTIONS FOR  
SUMMARY JUDGMENT, AND  
VACATING HEARINGS**

Two *pro se* plaintiffs seek to obtain millions of dollars in damages for the "largest fraud loss in history" based on allegations they say "sounded Looney originally." Nevertheless, they have sued more than twenty defendants, including the United States. Plaintiffs claim to own the intellectual property rights to "a part of virtually all networking systems in use globally" and that their rights "control most online commerce in the US today."

A week after filing their second amended complaint, plaintiffs filed six "dispositive" motions, including a motion to take a multi-trillion dollar loss on their 2014 taxes and a motion to assign themselves patent rights they admit they do not own.

Having reviewed the more than 1,000 pages larded in the record by plaintiffs, this order rules as follows. For the reasons stated herein, all claims are **DISMISSED WITH PREJUDICE**.

The motions to dismiss are **GRANTED**. All of plaintiffs' motions are **DENIED**.

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\*

1        *Pro se* plaintiffs are Todd Glassey and Michael McNeil.\* Defendants include the United  
2 States, the “State of California,” individuals, and many technology companies — including,  
3 Apple Inc., Cisco Inc., eBay Inc., Google Inc., Juniper Networks Inc., Microsemi Inc., Microsoft  
4 Corp., Netflix Inc., Oracle Corp., PayPal Inc., and more. The United States has appeared and at  
5 least seven law firms were retained for this matter.

6        In essence, to the extent comprehensible, the eighty-page second amended complaint  
7 alleged that plaintiffs assigned their intellectual property rights to an entity called Datum Inc. in  
8 1999 via two settlement agreements. Defendant Microsemi Corp. is now the assignee of the  
9 patents referenced in the second amended complaint.

10        After the settlement agreements were signed — approximately seven years later —  
11 plaintiffs commenced a lawsuit in Santa Cruz Superior Court, alleging malpractice, breach of  
12 contract, and other claims arising from the settlement agreements. Plaintiffs then voluntarily  
13 dismissed the lawsuit. *McNeil, et al. v. Symmetricom, Inc.*, No. CV-165643 (Santa Cruz Sup.  
14 Ct.).

15        Plaintiffs subsequently commenced a new lawsuit in federal court. *Glassey, et al. v.*  
16 *Symmetricom, Inc.*, No. 3:13-cv-04662-NC (N.D. Cal.) (Judge Nat Cousins). That action was  
17 voluntarily dismissed as well, after an order to show cause regarding subject-matter jurisdiction  
18 was issued.

19        *Pro se* plaintiffs later commenced this action. Their motion for a “three-judge panel” was  
20 denied. Six defendants then moved to dismiss and in an October 2014 order, the first amended  
21 complaint was stricken. Plaintiffs were given one more chance to plead their best and most  
22 plausible case. They were warned that failure to cure the identified deficiencies could result in  
23 dismissal with prejudice (Dkt. No. 109). The initial case management conference was vacated.

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25  
26        \* Mr. Glassey has commenced several actions in our district. See, e.g., *Glassey v. Amano Corp., et al.*,  
27 No. 04-05142 (N.D. Cal. Bankr.) (Judge Marilyn Morgan); *Glassey v. National Institute of Standards &*  
28 *Technologies, et al.*, No. 5:04-cv-02522-JW (N.D. Cal.) (Judge James Ware); *Glassey v. Amano Corporation, et*  
*al.*, No. 5:05-cv-01604-RMW (N.D. Cal.) (Judge Ronald Whyte); *Glassey v. D-Link Corporation*,  
No. 4:06-cv-06128-PJH (N.D. Cal.) (Judge Phyllis Hamilton); *Glassey, et al. v. Symmetricom, Inc.*,  
No. 3:13-cv-04662-NC (N.D. Cal.) (Judge Nat Cousins).

1 An eighty-page second amended complaint was then filed. A week later, plaintiffs filed  
2 six motions. Defendant Internet Society filed a motion to dismiss. Both sides were then invited  
3 to show cause regarding whether the second amended complaint should (or should not) be  
4 stricken. Defendant Microsemi, Inc. then filed a motion to dismiss.

5 In response to the order to show cause, plaintiffs, the United States, and the other  
6 defendants (who have appeared) each filed briefs. This order rules as follows.

7 **1. RENEWED MOTION FOR THREE-JUDGE PANEL.**

8 Plaintiffs' motion is **DENIED**. A prior order denied the original motion for a three-judge  
9 panel (Dkt. No. 70). Now, plaintiffs move again for a three-judge panel. As stated before, no  
10 three-judge panel is required.

11 **2. MOTION TO QUASH FISA OR RELATED WARRANTS.**

12 Plaintiffs' motion is **DENIED**. Plaintiffs move to quash "any existing Intelligence or  
13 Internationally issued FISA or Intelligence Warrants" concerning various "intellectual property."  
14 Plaintiffs do not know if any warrants exist, they forthrightly admit. They instead speculate that  
15 "treason" has occurred and that there is a "seditious conspiracy" by various foreign governments  
16 to refuse to open fraud investigations, and that there "could" be interference with potential  
17 attorney-client relationships. The United States filed an opposition brief (Dkt. No. 158).

18 No motion to quash "FISA or related warrants" could possibly be justified on this record.  
19 The Supreme Court has stated in the FISA context that a mere speculative chain of possibilities  
20 does not suffice to establish Article III standing. *Clapper v. Amnesty International USA*, — U.S.  
21 —, 133 S. Ct. 1138, 1150 (2013). Plaintiffs' theory, to the extent comprehensible, is farfetched.  
22 Their contention that it is possible that FISA warrants may exist and that those warrants (if they  
23 exist) were issued to an unidentified "attorney" which then could create a "conflict of interest"  
24 that offends the Constitution is rejected.

25 **3. MOTION FOR PARTIAL SUMMARY JUDGMENT RE "FRAUD LOSS."**

26 Plaintiffs' motion is **DENIED**. Plaintiffs move to take a multi-trillion dollar "fraud loss" on  
27 their 2014 taxes based on "loss of access" to their "intellectual property rights" based on  
28 "abandoned" patent applications allegedly filed in foreign countries. Plaintiffs point to online

“printouts” from patent offices in Europe, South Africa, Japan, Brazil, Korea, Canada, and Australia. Plaintiffs’ requests for judicial notice, which were not properly authenticated, are **DENIED**.

The United States responds that plaintiffs’ motion should be denied because (1) there is no jurisdiction; (2) there is no evidence the United States waived its sovereign immunity; (3) plaintiffs’ motion was procedurally improper because it was filed before any defendant answered the complaint; and (4) the bare motion lacked any sworn and authenticated support.

*None of the relief demanded by plaintiffs is granted.* This Court lacks jurisdiction over the “tax” matter plaintiffs brought. Since the United States Attorney is already aware of this motion, it will not be referred to their office. The United States Attorney may forward a copy of plaintiffs’ filings and this order to the Internal Revenue Service and any other agencies as appropriate. Plaintiffs’ motion to take a “fraud loss” on their 2014 taxes is **DENIED**.

#### **4. MOTION TO VOID THE DDI AND TTI SETTLEMENTS.**

Plaintiffs state that docket number 123 “replaces” docket number 118. Nevertheless, both briefs have been read.

Plaintiffs move to award themselves “full custody” of two United States patents by moving to “void” the settlement agreements they signed more than fifteen years ago. In short (based on the unauthenticated settlement agreements filed by plaintiffs), in the “DDI settlement,” in exchange for \$300,000, plaintiffs agreed to assign all rights, title, and interest in the “Controlling Access Patent” and patent application to Datum, Inc. Plaintiffs also granted Datum a non-exclusive, irrevocable worldwide license to the “Phase II Technology and derivative thereof” with rights to sublicense (Dkt. No. 121-3). In the “TTI settlement,” in exchange for royalties for the years 2000 through 2002, plaintiffs agreed to disclaim any ownership in or rights to the “Protected Technology,” a term defined at length in the settlement agreement (Dkt. No. 121-2).

To “void” these two settlement agreements, plaintiffs reference two decisions: *Gellman v. Telular Corp.*, 449 F. App’x 941, 945 (Fed. Cir. 2011) and *Talbot v. Quaker-State Oil Ref. Co.*, 104 F.2d 967, 969 (3d Cir. 1939). Plaintiffs’ reliance on *Gellman* and *Talbot* is misplaced.

1 In *Gellman* (an unpublished decision), the Federal Circuit affirmed dismissal for lack of  
2 standing. Plaintiff's late husband was a named co-inventor of the asserted patent. Because all of  
3 the legal owners of the asserted patent were not parties to the action and plaintiff's evidence of  
4 sole ownership was "thin and unsupportive," dismissal was proper. Here too, plaintiffs lack  
5 standing to assert patent infringement. (More on this below.)

6 In *Talbot* (a non-binding decision from 1939), the Third Circuit affirmed dismissal  
7 because of *res judicata*. The Supreme Court of Pennsylvania had previously held that one joint  
8 owner of a patent had the power to grant a license to the patent without the consent of the other  
9 co-owner. That judgment was binding in the later-filed federal lawsuit. Neither *Gellman* nor  
10 *Talbot* support "voiding" the two settlement agreements here.

11 Defendant Microsemi states that it is the current assignee, the "sole owner and the only  
12 party permitted to enforce the two patents at issue" (Opp. 1). It argues that plaintiffs' motion  
13 should be denied because (1) plaintiffs' claims are barred by the four-year statute of limitations;  
14 (2) the second amended complaint relied on the validity of the two settlement agreements  
15 plaintiffs now seek to "void;" (3) no rescission claim was pled in the second amended complaint;  
16 and (4) plaintiffs' motion was procedurally improper because it was filed before any defendant  
17 answered the complaint and before the initial case management conference (Dkt. No. 148).

18 No reasonable juror could find that the settlement agreements plaintiffs signed in 1999  
19 should be "voided" based on the record presented. Indeed, no notice of this "claim for relief" was  
20 provided in the second amended complaint and none of plaintiffs arguments is persuasive. Even  
21 if plaintiffs never received a "countersigned copy" of the settlement agreements for "12 and 3/4  
22 years," plaintiffs sued to enforce those agreements back in 2009. The statute of limitations has  
23 passed.

24 Accordingly, plaintiffs' motion is **DENIED**. To the extent not relied upon, Microsemi's  
25 requests for judicial notice are **DENIED AS MOOT**.

26 **5. MOTION FOR PARTIAL SUMMARY JUDGMENT OF PATENT INVENTORSHIP.**

27 Plaintiffs' motion is **DENIED**. Plaintiffs move to add themselves as named inventors to a  
28 patent and to "reassign" that patent and "all published instances of it" to themselves. As "proof,"

1 plaintiffs argue that the “existence” of their settlement agreements (the very same agreements  
2 they sought to “void” above) purportedly supports removing the named inventors and making  
3 plaintiffs the sole inventors.

4 Defendant Microsemi argues that (1) plaintiffs’ inventorship claim is barred by laches  
5 since the relevant patent issued in 2002; (2) there is no clear and convincing evidence that  
6 plaintiffs contributed to conception of the claimed invention; (3) plaintiffs provided no proof that  
7 “all published instances” of the patent should be “reassigned” to them; and (4) plaintiffs’ motion  
8 was procedurally improper because it was filed before any defendant answered the complaint and  
9 before the initial case management conference (Dkt. No. 156).

10 There is no evidence in the record, let alone clear and convincing evidence, supporting the  
11 relief demanded by plaintiffs. Plaintiffs’ motion is **DENIED**. To the extent not relied upon,  
12 Microsemi’s requests for judicial notice are **DENIED AS MOOT**.

13 **6. MOTION FOR PARTIAL SUMMARY JUDGMENT RE “PERFORMANCE RIGHTS.”**

14 Plaintiffs’ Motion is **DENIED**. To the extent comprehensible, plaintiffs seek “full  
15 PERFORMANCE RIGHTS STANDING against the execution of any program derived from an  
16 IETF Standard containing Plaintiffs’ PHASE-II IPs” (Br. 2). Plaintiffs argue that the Internet  
17 Engineering Task Force (“IETF”) is a “rogue state,” who published standards used by technology  
18 companies, including Apple, Google, Cisco, Microsoft, Oracle, Juniper Networks, and so forth.  
19 Plaintiffs seek copyright protection over the IETF’s publications.

20 Defendant Internet Society is a non-profit corporation and the IETF is an “organized  
21 activity” within it — not a legal entity — defendant clarifies. In any event, Internet Society  
22 argues that no relief can be provided for plaintiffs’ bare motion, which was unsupported by  
23 specific sworn facts. In pertinent part, Internet Society argues that (1) the second amended  
24 complaint failed to allege ownership in any identifiable copyrighted work and (2) plaintiffs failed  
25 to identify any specific publication or standard promulgated by defendant. The “narratives”  
26 plaintiffs larded into the record in no way support the relief demanded, says defendant. Internet  
27 Society also argues that plaintiffs should be ordered to show cause why they should not be  
28

1 declared a vexatious litigant. (No motion to declare plaintiffs a vexatious litigant has been  
2 brought.)

3 None of the relief demanded by plaintiffs is warranted by this record. Plaintiffs have not  
4 shown any specific sworn evidence that they “own” the Internet Society’s publications.  
5 Plaintiffs’ motion is **DENIED**.

6 **7. DISMISSAL OF THE SECOND AMENDED COMPLAINT.**

7 Months have passed and plaintiffs have utterly failed to file a pleading that states a  
8 plausible claim. None of plaintiffs’ pleadings (Dkt. Nos. 1, 6, 112) satisfied *Ashcroft v. Iqbal*,  
9 556 U.S. 662, 678 (2009) and *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007).  
10 Plaintiffs are now on their second amended complaint, after their prior pleading was stricken for a  
11 multitude of defects. At that time, plaintiffs were warned that failure to plead their best and most  
12 plausible case could result in dismissal with prejudice (Dkt. No. 109).

13 It is now hopeless to continue with this lawsuit. There are too many fundamental  
14 problems with plaintiffs’ pleading so only a few will be called out now. *First*, plaintiffs have  
15 failed to establish that the United States has waived its sovereign immunity, or that they have  
16 standing to sue the United States. *Second*, plaintiffs lack standing to assert patent infringement  
17 for even they concede that they do not own the asserted patents. *Third*, plaintiffs’ claims are  
18 time-barred. Most, if not all, of plaintiffs’ claims date back to the 1990s and early 2000s. The  
19 statute of limitations has long passed. *Fourth*, the second amended complaint failed to allege  
20 antitrust injury.


21 Having considered plaintiffs’ second amended complaint, plaintiffs’ oppositions to the  
22 motions to dismiss, and plaintiffs’ response to the order to show cause, this order finds that  
23 granting leave to amend would be futile. Plaintiffs have failed to cure the multitude of defects  
24 previously identified, despite having had an opportunity to review the then-pending six motions  
25 to dismiss and the prior order striking the complaint. Twenty defendants, including the United  
26 States, and seven law firms should not be dragged into incurring the expense of this hopeless and  
27 utterly frivolous lawsuit. Accordingly, defendants’ motions to dismiss and to strike the second  
28 amended complaint are **GRANTED**.

1 **CONCLUSION**

2 For the reasons stated herein, all of plaintiffs' motions are **DENIED**. To the extent not  
3 relied upon, all of plaintiffs' requests for judicial notice are **DENIED**. The second amended  
4 complaint is hereby **STRICKEN**. The entire action is **DISMISSED WITH PREJUDICE**. All hearings  
5 herein (*i.e.*, January 8, 15, and 29) are hereby **VACATED**. Judgment shall be entered in a separate  
6 order.

7  
8 **IT IS SO ORDERED.**

9 Dated: December 29, 2014.

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11 WILLIAM ALSUP  
12 UNITED STATES DISTRICT JUDGE  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TODD S. GLASSEY and MICHAEL E. MCNEIL,

Plaintiffs,

No. C 14-03629 WHA

v.

MICROSEMI INC, THE IETF AND ISOC, AND  
THE US GOVERNMENT AND INDUSTRY  
PARTNERS (INCLUDING BUT NOT LIMITED  
TO APPLE, CISCO, EBAY/PAYPAL, GOOGLE,  
JUNIPER NETWORKS, MICROSOFT,  
NETFLIX, AND ORACLE), USPTO ALJ PETER  
CHEN ESQ., AND TWO INDIVIDUALS (MARK  
HASTINGS AND ERIK VAN DER KAAY) AS  
"NAMED DOES,"

Defendants.

**ORDER DENYING MOTION  
FOR THREE-JUDGE PANEL  
AND VACATING HEARING**


*Pro se* plaintiff Todd Glassey filed a "motion for three judge panel," invoking Section 2284 of Title 28 of the United States Code. Section 2284(a) states:

A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.

The issues raised in the complaint, to the extent comprehensible, do not require a three-judge panel pursuant to Section 2284(a). Accordingly, this motion is **DENIED**. The motion identifies an October 14 hearing date. The October 14 hearing is hereby **VACATED**.

**IT IS SO ORDERED.**

Dated: September 25, 2014.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

TODD S GLASSEY et al,  
Plaintiff,

Case Number: CV14-03629 WHA

**CERTIFICATE OF SERVICE**

v.

MICROSEMI INC et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 25, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael E. McNeil  
P.O. Box 604  
Felton, CA 95018-0640

Todd S. Glassey  
305 McGaffigan Mill Road  
Boulder Creek, CA 95006

Dated: September 25, 2014

Richard W. Wieking, Clerk  
By: Dawn Toland, Deputy Clerk



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6 IN THE UNITED STATES DISTRICT COURT  
7  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9  
10 TODD S. GLASSEY and MICHAEL E. MCNEIL,

11 Plaintiffs,

No. C 14-03629 WHA

12 v.

13 MICROSEMI INC, US GOVERNMENT,  
14 PRESIDENT OF THE UNITED STATES,  
15 STATE OF CALIFORNIA, GOVERNOR BROWN,  
16 THE IETF AND THE INTERNET SOCIETY,  
17 APPLE INC., CISCO INC., EBAY INC.,  
18 PAYPAL INC., GOOGLE INC.,  
19 JUNIPER NETWORKS, MICROSOFT CORP.,  
20 NETFLIX INC., ORACLE INC., MARK HASTINGS,  
21 ERIK VAN DER KAAY, AND THALES GROUP,  
22 and "UNSERVED" DOES,

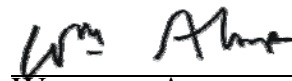
23 Defendants.  
24  
25 \_\_\_\_\_/

**JUDGMENT**

26 For the reasons stated in the accompanying order granting motions to dismiss and  
27 striking second amended complaint, **FINAL JUDGMENT IS HEREBY ENTERED** in favor of  
28 defendants and against plaintiffs. The Clerk **SHALL CLOSE THE FILE**.

**IT IS SO ORDERED.**

Dated: December 29, 2014.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE