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United States District Court  
For the Northern District of California

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 KAAJ) AS "NAMED  
DOES,"

**ORDER STRIKING COMPLAINT  
AND VACATING HEARINGS**

Defendants.

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**INTRODUCTION**

Two *pro se* plaintiffs allege that "the entire world has become an infringer" based on a technology that allegedly controls "most all online commerce globally." They have sued a litany of individuals and entities, including numerous technology companies, federal agencies, the Governor of California, and the President of the United States. Six defendants have filed motions to dismiss. No defendants have filed an answer. For the reasons stated herein, the first amended complaint is hereby **STRICKEN**.

1 **STATEMENT**

2 *Pro se* plaintiffs are Todd S. Glassey and Michael E. McNeil.\* The first amended  
3 complaint alleges as follows.

4 In October 1998, plaintiffs say they entered into an agreement in which Digital Delivery,  
5 Inc. (“DDI”) allegedly agreed to submit a “Controlling Access” patent application. DDI then  
6 became a wholly-owned subsidiary of Datum, Inc., which then commenced a lawsuit against  
7 plaintiffs (and Glassey-McNeil Technologies), which settled. In pertinent part, as part of that  
8 settlement in 1999, plaintiffs say they agreed to assign all rights to the “Controlling Access”  
9 patent and “Phase II Technology” to Datum. U.S. Patent Nos. 6,370,629 and 6,393,126 issued in  
10 2002. Datum was identified as the assignee on the face of both patents.

11 In October 2013, Mr. Glassey and Mr. McNeil (via counsel) commenced an action against  
12 Symmetricom, Inc., which allegedly acquired the “assets and liabilities of Datum” in 2002.  
13 *Glassey, et al. v. Symmetricom, Inc.*, No. 3:13-cv-04662-NC (N.D. Cal.) (Judge Nat Cousins)  
14 (Dkt. Nos. 1, 40, 45). The action was voluntarily dismissed without prejudice, after an order to  
15 show cause regarding subject-matter jurisdiction issued.

16 In August 2014, Mr. Glassey and Mr. McNeil — now proceeding *pro se* — commenced  
17 this action. The first amended complaint is fifty pages. In essence, to the extent comprehensible,  
18 it alleges that Datum interfered with plaintiffs’ efforts to license the “Phase II Technology, as  
19 embodied in the ’629 Patent” (Amd. Compl. ¶ 122). The agreements from the late 1990s were  
20 allegedly “breached” by defendant Microsemi Inc. The “Phase II Technology” was and is  
21 allegedly “inside the machines” adopted by the “Internet Engineering Task Force” (“IETF”), a  
22 “global standards organization.” “The functional result is that everyone using the Local Area  
23 Networking Protocols outside the Internet is also an infringer” (Amd. Compl. ¶¶ 37–39).

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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 Nathanael Cousins).

1 The “World’s Internet Standards [have] created three billion daily infringers” and the “net-effect  
2 is this single Patent now controls (or there are claims for) most all online commerce globally.”  
3 The antitrust laws allegedly have been violated to prevent plaintiffs from exploiting their “global  
4 monopoly.” Numerous federal agencies, including the Department of Commerce, Department of  
5 Energy, Department of Transportation, Department of the Treasury, Department of Defense, and  
6 so forth, allegedly use “infringing technologies.” Cisco Systems, Inc., Google Inc., Microsoft  
7 Corp., Oracle Corp., eBay, Inc., PayPal, Inc., Microsemi Inc., and others are also referenced in  
8 the pleading (Amd. Compl. ¶¶ 17, 18, 163).

9 The pleading further alleges that this dispute implicates “national security.” It speculates  
10 that the President of the United States issued a “National Security Letter” to cover up a “fraud”  
11 and that this letter “may have been” served on the “California Judiciary” (Amd. Compl. ¶¶  
12 188–91). This action was reassigned to the undersigned judge in September 2014.

13 Plaintiff Mr. Glassey then filed a motion for a “three-judge panel,” which was denied. He  
14 also larded the record with voluminous “exhibits” (Dkt. Nos. 17–31, 53–57).

15 Now, Cisco Systems, Inc., the Internet Society (and the Internet Engineering Task Force),  
16 eBay Inc., PayPal, Inc., and Google Inc. move to dismiss the first amended complaint. Mr.  
17 Glassey opposes (Dkt. Nos. 79, 80, 81, 82, 83, 84, 94, 95). Although he failed to obtain prior  
18 permission to file a sur-reply, it has been reviewed. Other defendants that have appeared have  
19 filed stipulations to extend the time to respond to the operative pleading. For example, the  
20 deadline for the United States to respond is currently December 11. *No defendant has filed an*  
21 *answer*. The parties (that have appeared) have also filed a stipulation to continue the November  
22 20 case management conference.

23 **ANALYSIS**

24 The first amended complaint suffers from so many deficiencies that it would be hopeless  
25 to proceed. This order will only address a few of the fundamental difficulties.

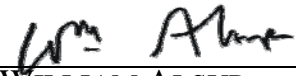
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1 so may well result in dismissal with prejudice. Plaintiffs must plead their best and most plausible  
2 case and further opportunities to plead will not likely be allowed. This order resolves docket  
3 numbers 63, 73, 90, 104, and 107.

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5 **IT IS SO ORDERED.**

6 Dated: October 30, 2014.

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9 WILLIAM ALSUP  
10 UNITED STATES DISTRICT JUDGE