

Todd S. Glassey, In Pro Se
305 McGaffigan Mill Road
Boulder Creek, CA. 95006
(408) 890-7321
tglassey@earthlink.net

UNITED STATES COURT OF APPEALS FOR THE DC CIRCUIT

Microsemi Inc, US Government, et Al;,

Appellee,

vs.

Todd S. Glassey, In Pro Se, and ,

Michael E. McNeil, In Pro Se,

Appellants

Case No.: No. 15-1326

APPELLANT/PLAINTIFF GLASSEY's response
to Appellee/Defendants Objection to
motion to Transfer Case to consolidate
with 15-1326 in the Court of Appeals
for the Federal Circuit

**APPELLANT/PLAINTIFF GLASSEY's response to
Appellee/Defendants Objection to motion to Transfer Case to
consolidate with 15-1326 in the Court of Appeals for the
Federal Circuit.**

APPELLANT/PLAINTIFF GLASSEY's response to Appellee/Defendants Objection to motion
to Transfer Case to consolidate with 15-1326 in the Court of Appeals for the Federal Circuit.

.....	1
The dilemma of the Amended Notice of Appeal not properly setting the Final Jurisdiction of the Appeal	2
Within the Context of the Circuit Charters, the Appellants choose the Venue (either Ninth or Federal Circuit) in matters pertaining to Patent Litigations as this one is	2
Patents obtained through fraudulent means and fraudulently promulgated through US Federal Filings in violation of the False Claims Act	3
Foreign Patent Fraud Claims	3
Historically - in re the Appeal.....	3
The Amended Notice of Appeal should have caused the Clerks office to formally notice the Appellate Court in San Francisco of the Filing Error and terminate the proceedings	4
Plaintiff/Appellants have paid for two appeals against the same causes now in two separate circuits.....	4
All parties are represented in both matters before the DC Circuit.....	5

In Conclusion 5

The dilemma of the Amended Notice of Appeal not properly setting the Final Jurisdiction of the Appeal

1. Plaintiff/Appellants are tasked with an interesting dilemma and that is in addressing a loophole failure in Court Policy when an Amended Notice of Appeal properly changes the Target Jurisdiction of the Appellate Court;

Within the Context of the Circuit Charters, the Appellants choose the Venue (either Ninth or Federal Circuit) in matters pertaining to Patent Litigations as this one is.

2. In a US District Court Appeal from a Ninth Circuit District Court there are two options for appeals pertaining to Patent or Patent Related Matters those being the US Court of Appeals for the Federal Circuit (CAFC) or the Ninth Circuit itself. From the CAFC website (<http://www.cafc.uscourts.gov/the-court/court-jurisdiction.html>):

The Federal Circuit is unique among the thirteen Circuit Courts of Appeals. It has nationwide jurisdiction in a variety of subject areas, including international trade, government contracts, patents, certain money claims against the United States government, federal personnel, veterans' benefits, and public safety officers' benefits claims. Appeals to the court come from all federal district courts, the United States Court of Federal Claims, the United States Court of International Trade, and the United States Court of Appeals for Veterans Claims.

3. This Appeal pertains to US and International Trade matters of unlawfully filed Patents in seven nations as well as abandoning those filings to cause intellectual-property damages to Appellant/Plaintiffs.

1
2 **Patents obtained through fraudulent means and fraudulently**
3 **promulgated through US Federal Filings in violation of the False**
4 **Claims Act**

5 4. In regard to US based patent filings, this matter pertains to Patent
6 Content with US63903126 and its Inventorship.

7 5. It also applies to alleged frauds around US6370629 and its Settlement
8 and Shared-Use Release as well as the Sherman and Clayton act frauds
9 used to allegedly extort the 'DDI Patent Settlement' from
10 Appellant/Plaintiffs.

11 **Foreign Patent Fraud Claims**

12 6. In regard to Foreign Patent filings, it likewise pertains to frauds in
13 unlawful filings of both US63903126 in other nations which list parties
14 not involved with the genesis of the Trusted Timing Infrastructure as
15 its inventors, and likewise instances of US6370629 filed in seven
16 foreign jurisdictions which were subsequently abandoned to prevent
17 enforcement even if this litigation is successful;

18 7. As such Plaintiff/Appellants chose to send their matter per the Charter
19 of the Federal Circuit Appellate Court there for adjudication.

20 8. This question of Federal Circuit isn't something Appellee's are
21 generally allowed to interfere with;

22
23 **Historically - in re the Appeal**

24 9. Plaintiff/Appellants improperly filed with the only form available to
25 them from the Court's website which specified Ninth Circuit only.

1 10. That notice of Appeal created this matter 14-17574 before the
2 honored court today.

3 11. Plaintiff/Appellants properly filed an Amended Notice of Appeal
4 correcting the Target Jurisdiction of this Patent specific litigation;

5 12. Rather than consolidating the two matter, that created the
6 separate Court of Appeals in the Federal Circuit matter 15-1326.

7 ***The Amended Notice of Appeal should have caused the Clerks office***
8 ***to formally notice the Appellate Court in San Francisco of the Filing***
9 ***Error and terminate the proceedings***

10 13. Under the simple method of filing the amended notice of appeal
11 citing the Federal Circuit, this matter should have been terminated in
12 the Ninth Circuit; but because of the flaw in the clerks procedures
13 this matter exists now before both Appellate Courts;

14 14. This motion was for consolidation of this matter (Ninth Circuit
15 14-17574) with the CaFC matter 15-1326 and should not have been
16 necessary because of the Amended Notice of Appeal being properly filed
17 within the allotted Time Frame.

18 ***Plaintiff/Appellants have paid for two appeals against the same***
19 ***causes now in two separate circuits.***

20 15. Plaintiff/Appellants have had to spend two filing fee sets
21 herein; And as such requested the Ninth Circuit Clerk per the Amended
22 Notice to terminate and transfer all of this matter including the
23 transcript to the Clerk of the DC Circuit's Appellate Division for
24 processing as the basis of 15-1326 and in so doing refund the
25 duplicated filing fees;

1 **All parties are represented in both matters before the DC Circuit.**

2 16. All parties to this matter have electronic access to the Federal
3 Circuit as well, so there is no loss of access to the courts or their
4 process by having this appeal heard before the Court of Appeals for the
5 Federal Circuit.

6
7
8 **In Conclusion**

9 This matter should have properly been sent to the Court of Appeals for the
10 Federal Circuit as requested. The Amended Notice of Appeal performs that
11 properly and as such this request is timely since the Court itself seems to
12 not have a proper procedure here. We therefore ask this, the Ninth Circuit to
13 properly consolidate this matter (14-17574) in with CaFC 15-1326 so that the
14 entire process may proceed.

15
16
17
18 Dated this 22nd day of March, 2015

19
20 /s/ Todd S. Glassey

21 Todd S. Glassey, In Pro Se
22 305 McGaffigan Mill Road
23 Boulder Creek, CA. 95006
24 (408) 890-7321
25 tglassey@earthlink.net