UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MATTHEW ROBERT YOUNG
Appellant

9th Cir. Case No. 09-35164

District Court Case No. 3:08-cv-01496-BR

vs.

INTEL CORPORATION, STEVE JOBS
Appellee

APPELLANT'S INFORMAL BRIEF

1. Jurisdiction

a. Timeliness of Appeal:

(I) Date of entry of judgment or order of lower court: January 29th, 2009

(ii) Date of service of any motion made after judgment (other than for fees and costs): February 11th, 2009

(iii) Date of entry of order deciding motion February 18th, 2009

(iv) Date notice of appeal filed February 18th, 2009

(v) For prisoners, date you gave notice of appeal to prison authorities February 10th, 2009

b. IF POSSIBLE, PLEASE ATTACH ONE COPY OF EACH OF THE FOLLOWING:

1. The order from which you are appealing
2. The district court's entry of judgment
3. The district court docket sheet

Case No. 09-35164

2. What are the facts of your case?

District Court Judge Anna J. Brown, violated clearly established Rules of Laws of the Civil Justice Reform Act of 1990. by entering court order to Dismiss Appellant's Civil action, Young v. Nooth, et al, Case No. 08-cv-1138-PK which was assigned to magistrate Judge Paul Papak, on December 10th, 2008.

When Appellant Brought a complaint against Intel corporation and Steve Jobs, District Judge Brown, got her self assigned the this case also.

Appellant asked her to recuse her self, because she already illegally entered a court order, where she had no Jurisdiction to do so, but instead she entered yet another court to Dismiss this complaint also with Directive to Amend the complaint in a manner not possible for the Appellant to do.

When Appellant began seeking complaint proceedings against District Judge Brown, she immediately returned the First Civil action of Young v. Nooth, et al., Case no. 08-cv-1138-PK, back over to magistrate Paul Papak, in order to Appear to be presiding only on the Intel case, which is

Case No. 09-35164-2. Facts of the case

a Highly Questionable Act in itself, because a magistrate Judge cannot go back and revisit a Decision of a united States District Court Judge, even if he/she felt that the order of the District court Judge was in error. This very Act therefore Binds the magistrate Judge to a meeting of the Minds Agreement, where he can no Longer Follow any Course of own findings.

Appellant petitioned the Senior most High Ranking United States District court Judge, Owen M. Panner, for help, to stop District court Judge Brown, from violating the Civil Justice Reform Act of 1990, and to bring a complaint against her, and Twice he said that he was powerless to do anything. SEE Attached Exhibits 1 and 2.

If then the Senior most high Ranking District Judge, cannot do the very thing a underling is Doing. Where Does She get the Authorization to Do them. SEE Attached Exhibits 3 and 4.

Case No. 09-35164-

3. What did you ask the district court to do (for example, award damages, give injunctive relief, etc.)?

Recuse District Court Judge Anna J. Brown.

4. State the claim or claims you raised at the district court.

That District Judge Anna J. Brown, wrongfully entered a Court order in a case that She was not assigned to, then got Her Self Assigned to another case Brought by Appellant. And that in doing so She violated the Civil Justice Reform Act of 1990, and when asked She should have Recused herself, but she refused to do so.

5. What issues are you raising on appeal?

That this United States Appeals Court, should Assume the entire Jurisdiction of this Civil action for the very reason that where the Appeal taken, is Directed at the performance

Continued next page 3(a)

Case No. 09-35164-Issues Raised on Appeal

of a District Court Judge who refuses to recruse herself, where Appellant brought Legitiment grounds to challenge the District Judge's professional interest in the case.

Then the entire case comes under the Jurisdictional Scope of the Appeal, to provide appropriate Scrutiny of the reason (s) why the District Judge Appears to have a want of personal control over the out come of the case, Such as having Stocks and Bonds in Intel Corporation.

The focus of the Appellate Scrutiny must weigh the nature of the Civil action in its entirity in view of the ruling of the District Judge.

Even a cursery review of the claims raised in the Complaint against Intel Corporation, and the challenge posed to Intel therein is without Argument, a fixed win for Appellant. SEE Attached complaint as Exhibit 5, page 6, 7, and 8.

In Fact all through out the entire complaint, Appellant continuously Stated and restated that the complaint is Brought on the grounds of Intellectual Property infringement, of a patentable invention, and Copyrightable work of commercially valuable products.

District Judge Brown, stated in her court order;

Case No. 09-35164 - Issues Raised on Appeal

> Plaintiff appears to bring claims for patent infringment, copyright infringment and violation of (1) 42 USC §§ 1983, 1985, 1986, (2) Oregon's Unfair Trade Practices Act, Oregon Revised Statute §§ 646.605-646.652, and (3) Oregon's Trade Secrets Act, Oregon Revised Statutes §§ 646.461-646.475.
> Page 2, District court order Exhibit 4, Attached.

The District court reading of the complaint, can at best be Described as Gross misinturpertation, then District Judge Brown goes further to order Appellant to Amend the complaint and bring his patent number and copyright number.

Why District Judge Brown, only chose to focus on the 42 USC §§§ 1983, 1985 and 1986 Federal codes, is a question Appellant would like this Appellate court to Answer. When the complaint clearly has other Statute, or Federal codes to rely upon. Title 18 USC § 1028, Title 15 USC § 1713, Title 28 USC §1338, §1343, and § 2201, on page 5 of the complaint Appellant clearly maps out the essence of the Jurisdictional ground in the follow:

> QUESTIONS OF THE CHARACTER OF THE CLAIM AND ADDMISSIBILITY OF THE NATURE AND WEIGHT

Case No. 09-35164 ISSUES RAISED ON APPEAL

OF SUPPORTING EVIDENCE

7) Pro se plaintiff intends to bring into focus the central characteristics of pro se plaintiff's claims as they are supported by such evidence that when viewed under the uniform Administration of the Laws of the United States do establish themselves as factual contentions, and further brings them within the scope of these applicable Laws, as to the sufficiency of the substance of their subject matter, as the required elements need to establish his complaint as an appropriate pleading within the scope, and Design of Title 28 USC § 2201, providing that any court of the United States upon the filing of an appropriate pleading may declare the rights of the parties and other legal relations of any interested party seeking such declaration, page 5, of complaint.

How could the District Court possibly have Misthis part of Appellant's complaint? which is why pro se Appellant moved to Recuse District Court Judge Brown, she did the exact same thing in Appellant's Civil action Young v. Nooth, et at., Case No. 08-cv-1138-PK, to which she was not Assigned to.

Appellant's complaint Clearly Sets out Claims and Facts of which Appellant can't fact prove. See page 6 of the Complaint.

7) a) Pro se plaintiff's factual contentions are such that at an evidentiary hearing pro se plaintiff will prove that there exist absolutely no opposing genuine issues of any

material facts to even remotely challenge the truthfulness of their probative value.

b) Pro se plaintiff makes this declaration: [THAT], IF anyone in the world today can come before this court, at an evidentiary hearing, and present to this court a creditable challenge, (which would be during an Evidentiary Hearing Held Before this court, wherein ALL of the parties are provided time chance and the opportunity to present to this court the actual applications for these commercially valuable products), which are known as the [Core-2 Duo micro Processor, and virtual Technology,] allegedly invented by Intel corporation, then pro se plaintiff agrees to be HELD liable for the Ten Thousand Dollar [$10,000.00] civil fine fees. But first here is pro se plaintiff's standing upon factual contention as require in part by FRCP Rule 11, which pertains to the proprietary information, the actual trade secrets of the true application of the [Core-2 Duo micro processor, and virtual Technology,] of which Intel corporation only know of the potential Application of these Technological products, as Intel corporation was provided by Steve Jobs, and not it's true Technological Trade secret, that will make these commercially valuable Technology products work, and perform to their fullest ability and capacities.

c) Pro se plaintiff is the only person in the world at present who knows how to make both the [Core-2 Duo micro

processor, and the Virtual Technology] work, and pro se plaintiff can in fact come before this U.S. District Court and prove it by a factual DEMONSTRATION.

8) Pro se plaintiff further brings this civil action under the Federal Jurisdiction of this U.S. District Court pursuant to the Federal Rules of Evidence Rules 104 (a)(b) & (e), Rules 106, 201 (b) on Kind of Facts, (d) when mandatory (e) opportunity to be heard and (f) time for taking notice; Rules 301, 302, 401 402, and 404, FRCP Rules B, C, D and E.

Again Appellant is requesting this Appellate Court to Address why would District Court Judge Brown, ignore these issues, facts, statements, and claims clearly stated with emphasis added in the complaint? And move to Dismiss the complaint with prejudice, there is Absolutely no grounds for Judge Brown's court order, when pro se plaintiff clearly alleged claims that he can in fact prove.

District Court Judge Brown, Should have Recused herself, after she violated the Civil Judicial Reform Act of 1990. Chief Judge Ancer L. Haggerty, errored when he failed to removed District Judge Brown, and failed as a chief Judge, pursuant to Ninth Circuit Court of Appeals Rule 11 (3); when he failed to appoint a Special committee to review the complaint, and failed to Notify Complainant Appellant of

his right to petition the Judicial Council for a review of the disposition as provided by Rule 18.

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6. Did you present all these issues to the district court?

Yes / If not, why?
Yes/No

7. What law supports these issues on appeal? (You may, but need not, refer to cases and statutes.)

Ninth circuit court of Appeals Rule 11 (3), Rule 18.

Case No. 09-35164

8. Do you have any other cases pending in this court? If so, give the name and docket number of each case. Yes Docket case no. 09-35088

9. Have you filed any previous cases which have been decided by this court? If so, give the name and docket number of each case.

Non have Been Decided yet

10. For prisoners, did you exhaust all administrative remedies for each claim prior to filling your complaint in the district court?

Complaint not file against prison administration

March 31st, 2009
DATE

Matthew Robert Young
SIGNATURE

~~777 Stanton~~
ADDRESS

~~777~~ Stanton Blvd.
Ontario, OR 97914

CERTIFICATE OF SERVICE

Case Name: MATTHEW R. YOUNG v. INTEL CORPORATION

Case No.: 09-35164

IMPORTANT: You must send a copy of ALL documents filed with the court and any attachments to counsel for ALL parties in this case. You must also file a certificate of service with this court telling us that you have done so. You may use this certificate of service as a master copy, fill in the title of the document you are filing and attach it at the back of each filing with the court. Please list below the names and addresses of the parties who were sent a copy of your document and the dates on which they were served. Be sure to sign the statement below. You must attach a copy of the certificate of service to each of the copies and the copy you file with the court.

I certify that a copy of the INFORMAL BRIEF w/ EXHIBITS
(Name of document you are filing,
i.e., opening brief, motion, etc.)

and any attachments was served, either in person or by mail, on the persons listed below.

Matthew Robert Young
Signature
Notary NOT required

Name	Address	Date Served
Intel corporation	2111 NE 25th Ave JF3-147 Hillsboro, OR 97124	April 2nd, 2009

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MATTHEW ROBERT YOUNG,

Plaintiff,

v.

INTEL CORPORATION and STEVE JOBS,

Defendants,

Civil No. 08-1496-BR

ORDER

MATTHEW ROBERT YOUNG
#6242666
Snake River Correctional Institution
777 Stanton Blvd.
Ontario, OR 97914

Plaintiff, *Pro Se*

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HAGGERTY, Chief Judge:

Plaintiff filed this action on December 29, 2008. The action was assigned randomly to The Honorable Anna J. Brown. On January 13, 2009, the court granted plaintiff's application to proceed *in forma pauperis*, but dismissed plaintiff's Complaint without prejudice and with leave to re-file upon curing deficiencies in the pleadings. *See* Opinion and Order of January 13, 2009 [5].

On January 14, 2009, plaintiff advanced a Motion to Recuse [6], arguing that the court had demonstrated a "malicious moral turpitude" toward plaintiff. Plaintiff also referenced another matter plaintiff has brought that is assigned to another Judge. The Motion to Recuse was referred to me.

The undersigned has performed an independent examination of the Record of this litigation. Under 28 U.S.C. § 455(a), a federal judge must be recused "in any proceeding in which his [or her] impartiality might reasonably be questioned." Such decisions are evaluated by asking whether "an objective, disinterested observer fully informed of the underlying facts . . . [could] entertain significant doubt that justice would be done absent recusal . . . ." *United States v. Lovaglia*, 954 F.2d 811, 815 (2nd Cir. 1992) (citing *DeLuca v. Long Island Lighting Co., Inc.*, 862 F.2d 427, 428-29 (2nd Cir. 1988)). Recusal becomes proper where there exists "a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." 28 U.S.C. § 455(b)(1).

A reviewing court must consider whether a judge's alleged bias or prejudice stems from an extrajudicial source. *United States v. Faul*, 748 F.2d 1204, 1211 (8th Cir. 1984). Without

evidence of a deep-seated antagonism that would have made fair judgment impossible, recusal motions should be denied. *See Liteky v. United States*, 510 U.S. 540, 555 (1994).

Plaintiff has provided no basis or factual allegations that support recusal. Plaintiff seeks the recusal of Judge Brown because of prior rulings and makes no showing of any "extrajudicial source" of alleged prejudice. Judicial rulings alone "almost never constitute a valid basis for a bias or partiality motion." *Liteky,* 510 U.S. at 555. "In and of themselves . . . [judicial rulings] cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism required . . . when no extrajudicial source is involved." *Id.*

This court has reviewed the rulings issued by Judge Brown and finds no basis to suspect that she harbors any personal bias against plaintiff or that there is any objectively reasonable basis to question her impartiality. This court has conducted an independent examination of the matter and is confident that the management of this action by Judge Brown will be sufficiently sensitive and reasonable. There is no substantive appearance of judicial impropriety and no grounds presented that support the plaintiff's request for recusal.

CONCLUSION

Plaintiff's Motion to Recuse [6] is DENIED.

IT IS SO ORDERED.

DATED this 29 day of January, 2009.

ANCER L. HAGGERTY
United States District Judge

ORIGINAL

Print Name: Matthew R. Young
Sid # 6242666
777 Stanton Blvd.
Ontario, OR 97914

UNITED STATES DISTRICT COURT FOR THE

DISTRICT OF OREGON

File Number 08-1496-BR

MATTHEW ROBERT YOUNG,

Plaintiff,

vs.

NOTICE OF APPEAL

INTEL CORPORATION and STEVE JOBS,

Defendants.

Notice is hereby given that Matthew Robert Young, in the above named case, hereby appeal to the United States Court of Appeals for the Ninth Circuit from the (final judgment)(from an order (describing it)) entered in this action on the 29 day of January, 2009.

Dated this 10 day of February, 2009.

Respectfully Submitted,

Matthew R. Young
(Signature)
Print Name: Matthew R. Young
Sid # 6242666
777 Stanton Blvd.
Ontario, OR 97914

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Dear Clerk of the Court.

'09 FEB 18 15:16 USDC-ORP

Hi, My name is Matthew Young, R., I am the Plaintiff in the civil action of Young v. Intel corporation, and Steve Jobs, 08-cv-1496-BR.

I request that You File my enclosed notice of Appeal, with the Ninth circuit court of Appeals, and in the district court record, Appeal from the Judgment order Chief Judge Ancer L. Haggery on my request to recusal Judge Anna J. Brown. entered January 29, 2009.

Thank You

Respectfully submitted

Matthew R. Young

APPEAL

U.S. District Court
District of Oregon (Portland)
CIVIL DOCKET FOR CASE #: 3:08-cv-01496-BR
Internal Use Only

Young v. Intel Corporation et al
Assigned to: Judge Anna J. Brown
Cause: 42:1983 Civil Rights Act

Date Filed: 12/29/2008
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Matthew Robert Young

represented by **Matthew Robert Young**
6242666 LEGAL MAIL
SRCI
777 Stanton Blvd.
Ontario, OR 97914
PRO SE

V.

Defendant

Intel Corporation

Defendant

Steve Jobs

Date Filed	#	Docket Text
12/29/2008	1	Application for Leave to Proceed IFP. Filed by Matthew Robert Young. (ecp) (Entered: 12/31/2008)
12/29/2008	2	Complaint. Jury Trial Requested: Yes.Filed by Matthew Robert Young against Intel Corporation, Steve Jobs. (ecp) (Entered: 12/31/2008)
12/29/2008	3	Declaration and Affidavit of Mailing. Filed by Matthew Robert Young. (ecp) (Entered: 12/31/2008)
12/30/2008	4	**Notice of Case Assignment:** This case is assigned to Judge Anna J. Brown. (ecp) (Entered: 12/31/2008)
01/13/2009	5	Opinion and Order - The Court GRANTS Plaintiff's Application to Proceed In Forma Pauperis 1 and DISMISSES Plaintiff's Complaint without prejudice.Plaintiff may file an amended complaint to cure the deficiencies noted

		above no later than February 12, 2009. The Court advises Plaintiff that failure to file an amended complaint by February 12, 2009, shall result in the dismissal ofthis proceeding with prejudice. Signed on 1/12/2009 by Judge Anna J. Brown.(See formal Opinion and Order, 9-pages) (ecp) (Entered: 01/14/2009)
01/14/2009	6	Motion to Recuse. Filed by Matthew Robert Young. (ecp) (Entered: 01/15/2009)
01/29/2009	7	**ORDER:** Denying Motion to Recuse 6 . (see 3 page Order).(copy of order sent to Plaintiff). Signed on 1/29/09 by Judge Ancer L. Haggerty. (ljl) (Entered: 02/02/2009)
02/11/2009	8	Motion for Extension of Time. Filed by Matthew Robert Young. (ljl) (Entered: 02/18/2009)
02/18/2009	9	**ORDER** by Judge Anna J. Brown. Granting Plaintiff's Motion for Extension of Time 8 . Plaintiff's Amended Complaint shall be filed no later than 5/11/2009, or this matter will be dismissed on that date pursuant to the Court's Opinion and Order issued 1/13/2009. (sm) (Entered: 02/18/2009)
02/18/2009	10	Notice of Appeal to the 9th Circuit from Order on motion to recuse 7 , entered on 2/2/2009 Filing fee in amount of $ 455 collected. No fee collected. IFP granted on 1/13/2009 5 . Filed by Matthew Robert Young. (ecp) (Entered: 02/19/2009)
02/24/2009		Notification of Appeal 10 sent to USCA for the 9th Circuit and to counsel along with a copy of the docket sheet. (tomg) (Entered: 02/24/2009)

UNITED STATES DISTRICT COURT

District of Oregon

Matthew Robert Young,

Plaintiff(s)

vs. **Case No: 3:08-CV-1496-BR**

Intel Corporation et al,

Defendant(s).

Civil Case Assignment Order

(a) Presiding Judge: The above referenced case has been filed in the US District Court for the District of Oregon and is assigned for all further proceedings to:

Presiding Judge	**Hon. Anna J. Brown**
Presiding Judge's Suffix Code*	**BR**

*These letters must follow the case number on all future filings.

(b) Courtroom Deputy Clerk: Questions about the status or scheduling of this case should be directed to Steven Minetto at (503) 326-8053 or steven_minetto@ord.uscourts.gov

(c) Civil Docket Clerk: Questions about CM/ECF filing requirements or docket entries should be directed to Joei Lattz at (503) 326-8027 or joei_lattz@ord.uscourts.gov and Elizabeth Potter at (503) 326-8061 or elizabeth_potter@ord.uscourts.gov.

(d) Place of Filing: Pursuant to LR 3.4(b) all conventionally filed documents must be submitted to the Clerk of Court, Room 740, Mark O. Hatfield United States Courthouse, 1000 S.W. Third Avenue, Portland, Oregon 97204. (See also LR 100.4)

(e) District Court Website: Information about local rules of practice, CM/ECF electronic filing requirements, and other related court information can be accessed on the court's website at www.ord.uscourts.gov.

(f) Consent to a Magistrate Judge: In accordance with 28 U.S.C. Sec. 636(c) and Fed. R. Civ. P. 73, all United States Magistrate Judges in the District of Oregon are certified to exercise civil jurisdiction in assigned cases and, with the consent of the parties, may also enter final orders on dispositive motions, conduct trial, and enter final judgment which may be appealed directly to the United States Court of Appeals for the Ninth Circuit.

Parties are encouraged to consent to the jurisdiction of a Magistrate Judge by signing and filing the Consent to Jurisdiction by a United States Magistrate Judge (a copy of the consent form is included with this assignment order). There will be no adverse consequences if a party elects not to file a consent to a Magistrate Judge.

Additional information about United States Magistrate Judges in the District of Oregon can be found on the court's website at www.ord.uscourts.gov.

Dated: December 30, 2008

/s/ M. Kenney
By: M. Kenney, Deputy Clerk

For: **Sheryl S. McConnell, Clerk of Court**

United States District Court
DISTRICT OF OREGON
827 United States Courthouse
1000 SW Third Avenue
Portland, Oregon 97204-2902

213 United States Courthouse
310 West Sixth Street
Medford, Oregon 97501-2710

Chambers of
OWEN M. PANNER
Senior United States District Judge

January 14, 2009.

Matthew R. Young
777 Stanton Blvd.
Ontario, OR 97914

Dear Mr. Young:

This will acknowledge receipt of your letter of January 5, 2009. I note your letter indicates the date of January 5, 2008, but the envelope indicates that it was sent in 2009.

I do not have authority to remove another federal judge from a case, nor do I have authority to reinstate a case being handled by another judge.

Sincerely,

Owen M Panner

OWEN M. PANNER

Appellant Exhibit 1

United States District Court
DISTRICT OF OREGON

827 United States Courthouse
1000 SW Third Avenue
Portland, Oregon 97204-2902

213 United States Courthouse
310 West Sixth Street
Medford, Oregon 97501-2710

Chambers of
OWEN M. PANNER
Senior United States District Judge

January 30, 2009.

Matthew R. Young
777 Stanton Blvd.
Ontario, OR 97914

Dear Mr. Young:

This will acknowledge receipt of your letter of January 21, 2009.

I do not have authority to remove another federal judge from a case, nor do I have authority to reinstate a case being handled by another judge.

Sincerely,

Owen M. Panner

OWEN M. PANNER

Appellant Exhibit 2

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MATTHEW ROBERT YOUNG,

Plaintiff,

v.

MARK NOOTH, Superintendent of SRCI, MAX WILLIAMS, Director of ODOC, HARDY MYERS, OR State Attonery General, LESTER R. HUNTSINGER, Senior Asst. Attorney General, JULIE E. FRANTZ, Multnomah County Circuit Court Judge, PATRICIA SULLIVAN, Malheur County Circuit Court Judge, BURDETTE J. PRATT, Malheur County Circuit Court Judge, and DEPARTMENT OF RISK MANAGEMENT ADMINISTRATIVE SERVICES INMATE CLAIMS,

Defendants.

CV. 08-1138-PK

ORDER TO DISMISS

BROWN, Judge.

Plaintiff, an inmate at the Snake River Correctional Institution ("SRCI"), brings this civil rights action pursuant to 42 U.S.C. § 1983. However, for the reasons set forth below,

App. Ex. 3

plaintiff's Complaint (#2) is dismissed without prejudice to his right to file an amended complaint in accordance with this Order.

BACKGROUND

Plaintiff's allegations in Claims I and IV relate to his contention that the maximum sentence he could have received after pleading guilty to two counts of Robbery in the First Degree and one count of Burglary in the First Degree is 90 months. Plaintiff insists this is so because he neither waived his right to have a jury make the factual findings needed to support consecutive sentences, nor consented to judicial fact finding. Accordingly, petitioner argues the sentencing court had no jurisdiction to impose a sentence greater than the statutory maximum of 90 months.

Plaintiff's allegations in Claims II and III relate to his contention that he received constitutionally ineffective assistance of state-appointed trial counsel and that the Attorney General's office has admitted to this fact.

In Claim V, plaintiff alleges medical personnel at Two Rivers Correctional Institution and SRCI acted with deliberate indifference to his serious lower back injury when they denied and delayed appropriate treatment and surgery.

In Claim VI ("Claim V" in the Complaint), plaintiff apparently alleges that while he was in disciplinary segregation at SRCI, a corrections officer, without cause, disposed of some 30

App. Ex. 3

irreplaceable photographs of his deceased father and his personal phone book that held contact information for his family members.

In addition, plaintiff alleges he was denied access to the courts in violation of his Constitutional rights when Ms. Linn, the legal librarian at SRCI, and Ms. Roberts, an Institutional Business Manager at SRCI, submitted false orders for copying services on his behalf, double charged him for certain copy jobs, and charged him for copies made at Eastern Oregon Correctional Institution (where plaintiff states he has not been in 14 years). Plaintiff contends these actions unlawfully depleted his inmate account and prevented him from filing his Writ of Mandamus in the Oregon Supreme Court because he could not pay the filing fee. Plaintiff seeks declaratory, injunctive, and monetary relief.

STANDARDS

Notwithstanding the payment of any filing fee or portion thereof, the court shall dismiss a case at any time if it determines that:

> (B) the action . . .
>
> > (I) is frivolous or malicious;
> >
> > (ii) fails to state a claim on which relief may be granted; or
> >
> > (iii) seeks monetary relief against a defendant who is immune from such relief.

28 U.S.C. §§ 1915(e)(2).

App. Ex. 3

"In federal court, dismissal for failure to state a claim is proper 'only if it is clear that no relief could be granted under any set of facts that could be proved consistent with the allegations.'" Cervantes v. City of San Diego, 5 F.3d 1273, 1274 (9th Cir. 1993) (quoting Hishon v. King & Spalding, 467 U.S. 69, 73 (1984)); Tanner v. Heise, 879 F.2d 572, 576 (9th Cir. 1989). In making this determination, this court accepts all allegations of material fact as true and construes the allegations in the light most favorable to the nonmoving party. Tanner, 879 F.2d at 576.

In civil rights cases involving a Plaintiff proceeding *pro se*, this court construes the pleadings liberally and affords the Plaintiff the benefit of any doubt. McGuckin v. Smith, 974 F.2d 1050, 1055 (9th Cir. 1992), overruled on other grounds by WMX Tech., Inc. v. Miller, 104 F.3d 1133, 1136 (9th Cir. 1998); Karim-Panahi v. Los Angeles Police Dept., 839 F.2d 621, 623 (9th Cir. 1988).

Before dismissing a *pro se* civil rights complaint for failure to state a claim, this court supplies the Plaintiff with a statement of the complaint's deficiencies. McGuckin, 974 F.2d at 1055; Karim-Panahi, 839 F.2d at 623-24; Eldridge v. Block, 832 F.2d 1132, 1136 (9th Cir. 1987). A *pro se* litigant will be given leave to amend his or her complaint unless it is absolutely clear that the deficiencies of the complaint cannot be cured by amendment.

App. Ex. 3

Karim-Panahi, 839 F.2d at 623; Lopez v. Smith, 203 F.3d 1122, 1130-31 (9th Cir. 2000).

DISCUSSION

Plaintiff's claims that the sentencing court unlawfully imposed a sentence greater than the statutory maximum (Claims I and IV), and his claims that he was denied effective assistance of trial counsel and that the state admits this fact (Claims II and III), while raising federal constitutional issues, also indirectly challenge the validity of plaintiff's conviction and sentence.

Accordingly, if plaintiff prevailed on these claims, it would imply the invalidity of his underlying conviction and sentence. Plaintiff cannot bring such claims in a Section 1983 action unless he can prove that his conviction and sentence have already been reversed on direct appeal, expunged by executive order, or otherwise declared invalid in a state collateral proceeding or by issuance of a federal writ of habeas corpus. Heck v. Humphrey, 512 U.S. 477, 486-87 (1994); Harvey v. Waldron, 210 F.3d 1008, 1013 (9th Cir. 2000). He has not made such an allegation, therefore Claims I through IV of plaintiff's Complaint (#2) are dismissed with leave to re-file should he succeed in invalidating his underlying conviction and sentence.

In addition, to the extent plaintiff's claim regarding the unjustified disposal of his photographs and phone book is one for emotional injury (Claim VI), the Prison Litigation Reform Act

App. Ex. 3

while making this claim pro se plaintiff sought no relief therefore

states that "[n]o Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury while in custody without prior showing of physical injury." 42 U.S.C. § 1997e(e); see also 28 U.S.C. § 1346(b)(2)(similar provision added to the Federal Tort Claims Act). Plaintiff does not allege that he was physically injured when the corrections officer disposed of his belongings.

Finally, though plaintiff's Eighth Amendment medical claim (Claim V) and his access to courts claim are cognizable in a § 1983 action, he has failed to name the appropriate defendants in the caption of his Complaint as is required under Rule 10(a) of the Federal Rules of Civil Procedure.

CONCLUSION

Based on the foregoing, IT IS ORDERED that Claims I through IV and Claim VI of plaintiff's Complaint (#2) are DISMISSED for failure to state a claim. The dismissal of Claims I through IV is without prejudice to plaintiff's right to re-file should he succeed in invalidating his underlying conviction and sentence. Claim V and plaintiff's access to courts claim are dismissed without prejudice to plaintiff's right to file an amended complaint curing

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App. Ex. 3

the noted deficiency in the caption and proceeding on these Eighth Amendment medical (Claim V) and access to court claims only.

IT IS SO ORDERED.

DATED this 10th day of December, 2008.

ANNA J. BROWN
United States District Judge

App. Ex. 3

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MATTHEW ROBERT YOUNG,

Plaintiff,

v.

INTEL CORPORATION and STEVE JOBS,

Defendants,

08-CV-1496-BR

OPINION AND ORDER

MATTHEW ROBERT YOUNG
#6242666
Snake River Correctional Institution
777 Stanton Blvd.
Ontario, OR 97914

Plaintiff, *Pro Se*

App. Ex. 4

BROWN, Judge.

IT IS ORDERED that the provisional *in forma pauperis* status given Plaintiff Matthew Robert Young is confirmed. For the reasons set forth below, however, the Court dismisses Plaintiff's Complaint without service of process on the ground that Plaintiff fails to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e).

BACKGROUND

Plaintiff brings this action *pro se*. Plaintiff alleges Defendant Intel Corporation has marketed and sold products that "belong to . . . plaintiff, without . . . plaintiff's knowledge." Plaintiff appears to bring claims for patent infringement, copyright infringement, and violation of (1) 42 U.S.C. §§ 1983, 1985, and 1986; (2) Oregon's Unfair Trade Practices Act, Oregon Revised Statutes §§ 646.605-646.652; and (3) Oregon's Trade Secrets Act, Oregon Revised Statutes §§ 646.461-646.475.

STANDARDS

When a party is granted leave to proceed *in forma pauperis*, the court shall dismiss the case at any time if the court determines "the action . . . (ii) fails to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2). Dismissal under Federal Rule of Civil Procedure 12(b)(6) for failure to state a

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claim is proper only if the pleadings fail to allege enough facts so as to demonstrate a plausible entitlement to relief. *Bell Atlantic v. Twombly*, 127 S. Ct. 1955, 164-65 (2007).

> While a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations, a plaintiff's obligation to provide the "grounds" of his "entitle[ment] to relief" requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do. Factual allegations must be enough to raise a right to relief above the speculative level on the assumption that all the allegations in the complaint are true (even if doubtful in fact).

Id. at 1964-65. In making this determination, the court must accept all allegations of material fact as true and construes the allegations in the light most favorable to the nonmoving party. *Abagninin v. AMVAC Chem. Corp.* 545 F.3d 733, 737 (9th Cir. 2008). In actions involving plaintiffs proceeding *pro se*, the court construes the pleadings liberally and affords the plaintiff the benefit of any doubt. *Aguasin v. Mukasey*, No. 05-70521, 2008 WL 4750618, at *1 (9th Cir. Oct. 30, 2008)(citing *Agyeman v. I.N.S.*, 296 F.3d 871, 878 (9th Cir. 2002)).

Before the court dismisses a *pro se* complaint for failure to state a claim, the court must provide the plaintiff with a statement of the complaint's deficiencies and give the plaintiff leave to amend the complaint unless it is clear the deficiencies of the complaint cannot be cured by amendment. *Rouse v. United States Dep't of State*, 548 F.3d 871, 881-82 (9th Cir. 2008).

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DISCUSSION

I. Plaintiff's patent-infringement and copyright-infringement claims.

As noted, Plaintiff appears to bring claims against Defendants for patent infringement and copyright infringement.

A patent holder has the right to "exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States." 35 U.S.C. § 154(a)(1). A party infringes the patent if, "without authority," it "makes, uses, offers to sell, or sells any patented invention, within the United States." 35 U.S.C. § 271(a).

"[T]o succeed in a copyright infringement claim, 'a plaintiff must show that he or she owns the copyright and that defendant copied protected elements of the work.'" *Jada Toys, Inc. v. Mattel, Inc.*, 518 F.3d 628, 636 (9th Cir. 2008)(quoting *Cavalier v. Random House, Inc.*, 297 F.3d 815, 822 (9th Cir. 2002)).

Plaintiff does not allege he owns a patent or a copyright on the device at issue but instead states only that his device is "patentable" and "copyrightable." Plaintiff, therefore, has not alleged a required element for patent and copyright infringement claims (*i.e.*, that he is the owner of a valid patent and/or copyright on the device at issue).

The Court, therefore, dismisses Plaintiff's patent-

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infringement and copyright-infringement claims for failure to state a claim.

II. Plaintiff's claims under 42 U.S.C. §§ 1983, 1985, and 1986.

Plaintiff alleges in the title of his Motion that he brings claims against Defendants under §§ 1983, 1985, and 1986.

A. Plaintiff's § 1983 claim.

42 U.S.C. § 1983 provides:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law.

Section 1983 creates a private right of action against persons who, acting under color of law, violate federal constitutional or statutory rights. *Nelson v. Campbell*, 541 U.S. 637, 643 (2004). To prevail on a claim under § 1983, a plaintiff must establish (1) the defendant acted under color of law and (2) the action resulted in the deprivation of a constitutional right or federal statutory right. *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002).

"The purpose of § 1983 is to deter state actors from using the badge of their authority to deprive individuals of their federally guaranteed rights." *McDade v. West*, 223 F.3d 1135, 1139-40 (9th Cir. 2000).

"The traditional definition of acting under color

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> of state law requires that the defendant in a § 1983 action have exercised power 'possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law.'" *West v. Atkins*, 487 U.S. 42, 48 (1988)(quoting *United States v. Classic*, 313 U.S. 299, 326 (1941)); *see also Griffin v. Maryland*, 378 U.S. 130, 135 (1964). "It is firmly established that a defendant in a § 1983 suit acts under color of state law when he abuses the position given to him by the State. Thus, generally, a public employee acts under color of state law while acting in his official capacity or while exercising his responsibilities pursuant to state law." *West*, 487 U.S. at 49-50 (citations omitted).
>
> The acts, therefore, must be performed while the officer is acting, purporting, or pretending to act in the performance of his or her official duties. *See Van Ort v. Estate of Stanewich*, 92 F.3d 831, 838 (9th Cir. 1996); *see also Monroe v. Pape*, 365 U.S. 167, 171 (1961), *overruled on other grounds by Monell*, 436 U.S. at 658 ("There can be no doubt . . . that Congress has the power to enforce provisions of the Fourteenth Amendment against those who carry a badge of authority of a State and represent it in some capacity, whether they act in accordance with their authority or misuse it.").

Id.

Here Plaintiff does not allege either Intel Corporation or Steve Jobs acted or purported to act in the performance of some official state duty or that either Defendant is a "state actor" within the meaning of § 1983. The Court, therefore, concludes Plaintiff has not stated a claim under § 1983.

Accordingly, the Court dismisses Plaintiff's claims against Defendants for violation of § 1983.

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B. Plaintiff's §§ 1985 and 1986 claims.

Although Plaintiff does not specify the subsection of § 1985 under which he intends to bring a claim, it appears from the text of his Complaint that he intends to bring a claim against Defendants for conspiracy under § 1985(3), which prohibits conspiracies to deprive "any person or class of persons of the equal protection of the laws."

A claim under § 1985(3) must be premised on racial or class-based animus that demonstrates an invidious discriminatory motivation. *RK Ventures, Inc. v. City of Seattle*, 307 F.3d 1045, 1056 (9th Cir. 2002). In addition, the rights protected under § 1986 are those that are safeguarded by § 1985. Accordingly, a violation of § 1986 depends upon a predicate violation of § 1985. *Sanchez v. City of Santa Ana*, 936 F.2d 1027, 1040 (9th Cir. 1990) (citing *Mollnow v. Carlton*, 716 F.2d 627, 632 (9th Cir. 1983)). *See also Loehr v. Ventura County Cmty. Coll. Dist.*, 743 F.2d 1310, 1320 (9th Cir. 1984)(same).

Plaintiff does not allege any racial or class-based animus. The Court, therefore, concludes Plaintiff has not stated a claim for violation of either § 1985 or, by extension, § 1986.

Accordingly, the Court dismisses Plaintiff's claims against Defendants for violation of §§ 1985 and 1986.

III. Plaintiff's state-law claims.

Plaintiff alleges claims against Defendants for violation of

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Oregon's Unfair Trade Practices Act and Trade Secrets Act.

28 U.S.C. § 1367(a) provides a district court with original jurisdiction over any civil action "shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy." Nonetheless, 28 U.S.C. § 1367(c)(3) provides the district court has discretion to decline to exercise supplemental jurisdiction over state-law claims if the district court has dismissed all claims over which it had original jurisdiction.

District courts may decline to exercise jurisdiction over supplemental state-law claims in the interest of judicial economy, convenience, fairness, and comity. *Mendoza v. Zirkle Fruit Co.*, 301 F.3d 1163, 1174 (9th Cir. 2002)(citing *City of Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156, 172-73 (1997)). "'[I]n the usual case in which all federal-law claims are eliminated before trial, the balance of factors . . . will point toward declining to exercise jurisdiction over the remaining state-law claims.'" *Satey v. JPMorgan Chase & Co.*, 521 F.3d 1087, 1091 (9th Cir. 2008)(quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988)).

The Court has dismissed all of Plaintiff's claims over which the Court has original jurisdiction. This case is at an early stage in the proceedings, and Plaintiff's Complaint has not yet

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been served on Defendants. The Court, therefore, concludes the balance of factors in this matter presently favors declining to exercise supplemental jurisdiction over Plaintiff's remaining state-law claims.

Accordingly, the Court dismisses Plaintiff's claims against Defendants for violation of Oregon's Unfair Trade Practices Act and Trade Secrets Act.

CONCLUSION

For these reasons, the Court **GRANTS** Plaintiff's Application to Proceed *In Forma Pauperis* (#1) and **DISMISSES** Plaintiff's Complaint **without prejudice.**

Plaintiff may file an amended complaint to cure the deficiencies noted above no later than February 12, 2009. The Court advises Plaintiff that failure to file an amended complaint by February 12, 2009, shall result in the dismissal of this proceeding with prejudice.

IT IS SO ORDERED.

DATED this 12th day of January, 2009.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge

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COPY

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF OREGON

MATTHEW ROBERT YOUNG,

Plaintiff,

v.

INTEL CORPORATION,

Defendant,

v.

STEVE JOBS,

Third Party Defendant.

Civil Action No. 3:08-CV-1496-BR

DEMAND FOR JURY TRIAL

REQUEST EXTRODINARY HEARING

CIVIL RIGHTS COMPLAINT BROUGHT UNDER
TITLE 18 USC § 1028, TITLE 15 USC § 1713
TITLE 28 USC § 1338, § 1343, AND § 2201 CREATING
A REMEDY FOR PROPERTY IN CONTROVERCY
TITLE 42 USC § 1983, § 1985, AND § 1986
FRCP RULE B, C, D, AND E ACTION IN REM,
QUASI IN REM, IN PERSONAM, ACTION IN PERSONAM
CLAIMING VIOLATION OF INTELLECTUAL PROPERTY
INFRINGEMENT OF A PATENTABLE INVENTION, AND
COPYRIGHTABLE WORK, TRADE SECERTS AND UNFAIR
COMPETITION OF THE COMMERCIALLY VALUABLE PRODUCT
PRO SE PLAINTIFF SEEKS OR DEMANDS COMPENSATION
OF FIVE BILLION DOLLARS [5,000,000,000.00] AND SEEKS A
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

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1) Pro se plaintiff, Matthew Robert Young, is a State prisoner confined in the Oregon Department of Corrections, Snake River Correctional Institution, located at 777 Stanton Blvd., in Ontario, OR 97914. Pro se plaintiff herein invokes his Constitutional Rights as a Citizen of the United States of America, to bring this civil action, action in rem, in quasi rem, in personam, as an action in personam as allowed pursuant to **FRCP Rule B, C, D,** and **E** and further as provided by **Title 28 USC § 2201** allowing for the creation of a remedy in a case of an actual controversy over personal property as provided by and allowed under **Title 28 USC § 1338,** in the form of personal intellectual property that is a Trade Secret Right of a commercially valuable product created from pro se plaintiff's intellectual property design of an abstract patentable, and copyrightable invention and works. Pro se plaintiff further claims that these Acts were committed in violation of his clearly established Federally protected Constitutional Rights Against lawful seizure of his personal property, under the **Fourth [4th],** and **fourteenth [14th] Amendments** to the Constitution of the United States. Pro se plaintiff seeks and demands **Five Billion [$5,000,000,000.00] dollars** compensation from **Intel corporation** for receiving of his stolen personal property, transporting of his personal property in the interstate commerce, the aiding in actual concealing of his personal property, and withholding of stolen goods from their rightful owner, even **AFTER** Intel Corporation had been made aware with full knowledge, that pro se plaintiff is the rightful owner, and original inventor of these commercially valuable products, **Therefore** pro se plaintiff prays that the United States District Court will Issue a Judgment Awarding pro se plaintiff the sum demanded above. Pro se plaintiff notes for the purpose of Legal factual contentions that the act of receiving stolen property, as prescribed pursuant to the laws under **66 Am. Jur. 2d** on receiving stolen property that it is not necessary

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that **Intel Corporation** be in manual possession or touching of the stolen goods, that any exercising of control or dominion over them is sufficient to constitute a receiving. For this cause pro se plaintiff claims unfair competition, theft of personal property, concealment of personal property, fraud, and monopoly, and unfair trade practice. For this purpose pro se plaintiff further seeks and prays for injunctive relief, in the form of a United States District Court, restraining Intel Corporation, and any of its subsidiaries, associates, or Business partners from seeking, making developing or in any way distributing for profit or otherwise public use, any technological computerized device, application, tool, or commercialize product that incorporates or uses in any way the [**Core-2 Duo Virtualized Technology**].

2) Pro se plaintiff request pursuant to **FRCP Rule 54** for Judgment of All Costs, and Court filing fees, attorney's fees, and all other cost and distributions that may incur herein.

3) This Civil Action is brought in the United States District Court located at:

United States District Court for the District of Oregon
Mark O. Hatfield U.S. Courthouse,
1000 S.W. Third Avenue
Portland, OR 97204

a) This United States District Court has Jurisdiction to hear and decide these matters and issues in controversy and to award pro se plaintiff the amount and sum sought herein pursuant to **Title 28 U.S.C. § 1332, § 1337, §1338, §1343, § 2201, § 2202** and **Title 42 U.S.C § 1983, § 1985**, and further under **Title U.S.C. § 1986.** Pro se plaintiff reserves the right to amend this jurisdiction pursuant to **Title 28 USC § 1653.**

b) Pro se plaintiff **Matthew Robert Young** is [a citizen of Oregon]. The defendant **Intel Corporations** is [a citizen of Oregon] [a corporation incorporated under the Laws of Oregon, with its principle place of business in Oregon]. The amount in controversy is **Five Billion**

Dollars [$ 5,000,000,000.00] without interest and costs which exceeds the sum or value specified by **Title 28 U.S.C. § 1332,**

c) Steve **Jobs** is a [citizen of California] and here after the filing of this complaint, will be omitted as a party, until such time as **Intel corporation** moves to include him as a third party defendant, enjoining pro se plaintiff in a cause raising the claim of Fraud, and material misrepresentation with respect to information not included in the statement of property purchased or received form **Mr. Steve Jobs.**

d) The third party defendant **Steve Jobs** will hereafter be omitted as a party, in that at this time **Mr. Jobs** [is not subject to this Court's jurisdiction] and therefore cannot be made a party, without depriving this Court of subject matter jurisdiction in this cause of action, Because to the best of pro se plaintiff's knowledge, **Mr. Jobs** was [a resident of the state of California] when he defrauded **Intel Corporation**, about where, and from whom he actually acquired the *Designs*, and *Schematics* from, which **Intel Corporation** actually then developed the [**Core-2 Duo, Virtual Technology**], from.

e) *Therefore it is **Intel Corporation**'s position to enjoin pro se plaintiff in a separate action against Steve Jobs, unless this court allows **Intel Corporation** to do so in this civil action, pursuant to **LR (Local Rules) 14 (a) – (a),** Holding that a defending party, may as a third party plaintiff, cause to be served with Summons and Complaint, a person who is not a party, **(which here after Steve Jobs, will be omitted as a Party)** as a person liable for the plaintiff claims against the defending party. **FRCP 14 (a).***

PLAINTIFF

4) **Matthew Robert Young** is the plaintiff proceeding in pro se, in this civil action, **Date**

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of birth July 4th 1965, place of birth Albuquerque, New Mexico. Pro se plaintiff is currently being unlawfully held and restrained of his liberty and freedom in the Snake River Correctional Institution, which is located at 777 Stanton Blvd., Ontario, OR 97914, which subject matter is currently being brought on a separate civil action in this **United States District Court, Civil No. 08-1138-PK.**

DEFENDANTS

5) **Intel Corporation** is the liable Defendant in this civil action, and is a Corporation within the jurisdiction of this United States District Court, and for the purpose of this civil action to be held liable of the laws cited and raised here. **Intel Corporation** is considered a citizen for the purpose of this civil action, and made subject to liability pursuant to **Title 28 USC §1332©(1), and Title 42 USC §1985, § 1986,** and is located at **2111 N.E. 25th Ave., Hillsboro, OR 97124.**

6) **Steve Jobs** is the third party defendant, and is in fact liable to **Intel Corporation,** he is Located in California.

QUESTIONS OF THE CHARACTER OF THE CLAIMS AND ADDMISSIBILITY OF THE NATURE AND WEIGHT OF SUPPORTING EVIDENCE

7) Pro se plaintiff intends to bring into focus the central characteristics of pro se plaintiff's claims as they are supported by such evidence that when viewed under the Uniform Administration of the Laws of the United States, do establish themselves as factual contentions, and further brings them within the scope of these applicable Laws, as to the sufficiency of the substance of their subject matter, as the required elements needed to establish his compliant as an appropriate pleading within the scope, and Design of **Title 28 USC § 2201,** providing that any court of the United States, upon the filing of an appropriate pleading may declare the rights of

the parties and other legal relations of any interested party seeking such declaration.

a) Pro se plaintiff's factual contentions are such that, at an evidentiary hearing pro se plaintiff will prove that there exist absolutely no opposing genuine issues of any material facts to even remotely challenge the truthfulness of their probative value.

b) Pro se plaintiff make this declaration: [**THAT**], ***If anyone in the world today can come before this Court, at an evidentiary hearing, and present to this Court a creditable challenge, (which would be during an Evidentiary Hearing Held Before this Court, wherein All of the parties are provided time chance and the opportunity to present to this court the actual applications for these commercially valuable products)***, which are known as the [**Core-2 Duo Micro Processor, and Virtual Technology**], allegedly invented by **Intel Corporation**, then pro se plaintiff agrees to be **HELD** *liable* for the **Ten Thousand Dollar [$10,000.00]** civil fine fees. ***But first*** here is pro se plaintiff's standing upon factual contention as required in part by **FRCP Rule 11**, which pertains to [***the proprietary information, the actual trade secrets]*** of the true application of the **[Core-2 Duo micro processor, and Virtual Technology]**, of which **Intel Corporation** only knows the potential Applications of these Technology products, as **Intel Corporation** was provided by **Mr. Steve Jobs**, and not it true Technological ***Trade Secret Designs*** that will make these commercially valuable Technology products work, and perform to their *fullest ability*, and *capacities*.

c) Pro se plaintiff is the only person in the world at present who knows how to make both the [**Core-2 Duo micro processor, and the Virtual Technology**] work, and pro se plaintiff can in fact come before this U S District Court and prove it by a factual ***DEMONSTRATION.***

8) Pro se plaintiff further brings this civil action under the federal jurisdiction of this U S

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District Court pursuant to the **Federal Rules of Evidence Rules 104 (a)(b) & (e), Rules 106, 201 (b) on kinds of facts, (d) when mandatory (e) opportunity to be heard and (f) time for taking notice; Rule 301, 302, 401, 402 and 404 FRCP Rules B, C, D and E.**

a) It is pro se plaintiff's intent to further bring into focus here, the central ideal of the characteristic of pro se plaintiff argument substantiating his claims, as they are supported by such evidence that under the uniform administration of the Laws governing, do establish his claims as factual contentions that are the subject matter, of the type of substance that is required in order to establish this complaint as an appropriate pleading that declare the Rights under the Laws that mandates other legal relations..

b) Pro se plaintiff ***declares*** here that this action is a **JUST** cause, and not for harassment purposes, further Pro se plaintiff makes in his ***declaration*** a request for this United States District Court to **HOLD** a simple ***exemplary test*** under seal of this court, for this Court have pro se plaintiff brought before It to give a Demonstration for this Court in person, exactly just how the computer [**Technology** which **Intel Corporation** calls **Virtual Technology** the **Micro Processor** which **Intel Corporation** calls **core 2 – DUO]**, works and to seal this ***proprietary information*** which pro se plaintiff will Demonstrate for this Court, to be products that were in fact Developed, Manufactured, and Built from pro se plaintiff's personal intellectual property to which **ONLY** pro se plaintiff's Holds the **FULL** Knowledge of the [***proprietary information trade secret.]***

c) pro se plaintiff, further request that this United States District Court Order that **Intel Corporation** bring in it's *best* and *brightest engineers*, Before this Court under the same sealed Hearing conditions as pro se plaintiff is Brought, and have *anyone* of them, or *anyone in the*

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world, who **Intel corporation** can find who can Demonstrate for this District Court, the Actual Application of how the [**Virtual Technology or Core 2 – DUO**] actually works, if they (*can*) then as stated above, under the federal laws governing civil actions pro se plaintiff (*shall be)*, if he fails to Demonstrate his ***trade secret***, be held liable to the defendant(s) for **Ten Thousand Dollars [$10,000.00]** and to this requirement pro se plaintiff is two hundred percent **(200%)** in agreement with this. **HOWEVER** when **Intel Corporation** *FAILS* to give a Demonstration, pro se plaintiff **DEMANDS** just compensation of **Five Billion dollars [$5,000,000,000.00]** and any and all ***Patents, copyrights, Trademarks, Monies, Money Contrasts, Transactions, Records and all Documentation, Agreements, Trades, Stocks, Bonds, and any other business conducted or engaged*** in concerning the [**Core 2 – DUO**, and **Virtual Technology**] and **ALL MONEY PROFITS** made received and profited there form, once pro se plaintiff demonstrates for this United States District Court the fact of his Ownership as the Original Inventor of these Technological commercially valuable products.

QUESTIONS OF LIBALITY

9) In assessing the question of liability pro se plaintiff first turns to the supreme law of the **LORD GOD OF HOST**, because these are in fact the very same Laws upon which this Land of America, and the United States was founded upon and herein will further serve to clarify when a person is liable for their actions, and further establishes When they do wrong without knowing it and when they Knowingly do wrong and continues to do so with little regard for the fact that the Act or Acts of the wrongful conduct violates the Laws governing them [Note: ***This is not a legal argument***] but rather it is pro-se plaintiff's intent to bring into focus grounds upon which relief may be Granted, and Monetary Damages Awarded, in that this is an extraordinary

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civil action created as allowed pursuant to **Title 28 USC § 2201.**

a) In **Romans** Ch. 3, v. 19 & 20 THE **LORD GOD OF HOST** Declares

> v. 19 ***Now we know that what things so ever the law saith, it saith to them to them who are under the law: that every mouth may be stopped and all the world may become guilty before God.***
>
> v. ***20 Therefore by the deeds of the law there shall no flesh be justified in His sight: for by the law is the knowledge of sin.***

b) So it follows that ***liability*** is upon to those who are under the ***Law*** and who have ***knowledge*** of it.

c) Intel Corporation is liable to pro se plaintiff because as a citizens of the United States, resident citizens of the State of Oregon, **Intel Corporation** operates and conduct it's Business Transactions and affairs under the Laws enacted by the House of Congress of the United States, the Constitution of the State of Oregon, and the Oregon Administrative Rules, and Statutory Laws of the State of Oregon

d) Intel Corporation, in order to be incorporated, and to operate and conduct any Business Transaction or Affairs must first be Licensed, and Insured to do so, with Knowledge and understanding of the Laws governing Corporations and their Liabilities.

e) Pro se plaintiff has in fact communicated and established himself to **Intel Corporation** as the rightful owner and the original creator, inventor of the [**Core-2 Duo Micro Processor**], and [**Virtual Technology**] that **Intel Corporation** has in fact been marketing and selling for monetary financial profit on the commerce and trade interstate commercial world market, with full knowledge and understanding that the technological products, merchandise goods, or property in controversy does in fact belong to pro se plaintiff, without pro se plaintiff's

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permission, authorization or consent to do so, and without ever once paying pro se plaintiff any monies, and or sharing any of the profits with pro se plaintiff, or offering pro se plaintiff any form of ***just*** **Compensation Stocks, Bonds, Shares, etc.**

STATEMENTS OF CLAIMS CAUSE OF ACTION

CLAIM I

10) In **March** or **April** of **2003**, pro se plaintiff, sent a copy of the Designs and Schematics, of his intellectual property, a patentable invention, and copyrightable work, to wit; a ***Hacker proof, Virus proof*** Computer, with ***Multi phase Microprocessors***, which pro se plaintiff calls **[LANCELOT],** for it impervious ability to being Hacked into and its ability to fight off Viruses, to **Steve Jobs**, at **Apple Computer**, in California, but did not send **Mr. Jobs**, the ***proprietary information***, which is the ***Trade Secret.*** See Attached Exhibits Marked **PRO SE PL. EX.** 1.

a) Pro se plaintiff requested that **Mr. Jobs**, Help and Assistance him in developing and Marketing, his intellectual property patentable invention, or buy it from pro se plaintiff for **Two Hundred and Fifty Million Dollars [$ 250,000,000.00]**, and that upon receiving a contractual signed agreement, then pro se plaintiff would agree to sent to **Mr. Jobs**, the ***Proprietary Information***, the ***Trade Secrets*** on how to make this computer Technology work.

b) Steve Jobs, never replied to pro se plaintiff.

CLAIM II

11) In the latter part of that same year, **2003, Steve Jobs,** took pro se plaintiff's ***intellectual property*** patentable inventions, to **Intel Corporation.** The exact nature and extent of the Agreement between **Mr. Jobs,** and **Intel Corporation** is not known to pro se plaintiff at this

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time.

a) It remains however a fact that **Mr. Steve Jobs**, *Defrauded* **Intel Corporation**, by not totally Disclosing to, and Informing **Intel Corporation** just where exactly he got it, and from whom he actually did get the ***Designs*** and ***Schematics*** for the **Dual-Core/ Core-2 Duo Microprocessor,** and **Virtual Technology**.

CLAIM III

12) In **June** of **2006, Intel Corporation's** senior vice president **Mr. Pat Gelsinger,** is seen being photographed in the Oregonian News Paper, Holding in his left hand, a computer mother board, which **Intel Corporation** later termed **Virtual Technology.** With the help of **EMC** Corporation's **VMware Inc.** unit, who **Intel Corporation** paid **Two Hundred Eighteen Million Dollars,[$ 218,000,000.00]** to **HELP Intel Corporation**, to try figure out pro se plaintiff's ***proprietary information, Trade Secrets,*** See Attached Exhibit Marked **PRO SE PL. EX.** 2+6

a) Pro se plaintiff can in fact come Before this U S District Court, and prove conclusively that the computer mother board, which **Mr. Gelsinger**, is holding in his hand, in the News Paper is in fact a product created and manufactured from pro se plaintiff's ***intellectual property Design,*** patentable invention, of [**LANCELOT**] the ***Hacker proof, Virus Proof computer***. See Attached Exhibits Marked **PRO SE PL. EX.** 1.

b) Intel corporation has publicly Announced that **Intel Corporation** rolled out the first dual-core microprocessor in the latter part of 2005, and in that same Public Announcement, stated that **Intel Corporation** is seeking **HELP** from *universities* and *programmers*, to **HELP Intel Corporation [SOLVE the multithreading]** problems that Intel cooks up. See Attached

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Exhibit Marked **PRO SE PL. EX. 3**. This is in fact an explicit **PLEA** from **Intel Corporation** *albeit an implicit* **PLEA** by **Intel Corporation** for any one to **HELP Intel Corporation** try to figure out how to make this Technology work.

CLAIM IV

13) after learning that that computer microchips Grossed over **Two Hundred and Forty Six Billion Dollars [$ 246,000,000,000.00]** world wide in 2006, pro se plaintiff In **February** 2007, sent to **Intel Corporation** a letter of acknowledgment and ownership of the [**Core-2 Duo Processor** and **Virtual Technology**], in which pro se plaintiff made certain demands, and placing certain restrictions, and obligations on any *Letters, Response, Reply, Communiqués*, or interacting *Missives*, to which **Intel Corporation** did in fact, in large part complied with, which in turn was an Act by **Intel Corporation** establishing that **Intel Corporation's** does in fact Acknowledge that pro se plaintiff is the Rightful owner of, and original inventor and creator of the [**Dual core / Core-2 Duo Microprocessor, and the Virtual Technology**].

a) In his Communiqué to **Intel Corporation,** Pro se plaintiff addressed **Intel Corporation** in this manner;

> Dear **Intel Corporation**;
>
> Does this look familiar? Well it should. It is the **Hacker Proof, Virus Proof** Computer, that I invented, which I Call [**LANCELOT**]. I showed it to **Steve Jobs**, at **Apple Computer**, and asked him for **Two Hundred** and **Fifty Million Dollars,** he took it to you at **Intel**, and you built it but you do not know how to turn it on.
>
> So here is what you are going to do. You are going to Agree to pay me **Seventy Percent (70 %)** every thing that You Gross Off of it, and then I will tell you how to turn It on and make it do what I Designed it to do.

MATTHEW ROBERT YOUNG
Plaintiff in pro se
SID No. 6242666
777 Stanton Blvd
Ontario, OR 97914

App. Ex. 5

You have **30 days** to **Respond**, on **Bonded paper**, ***with* your *Signature written in Blue ink***, or I am going to send copies Of my schematics to **AMD (Advance Micro Devices)** and Tell them how it works for next to nothing.

b) Intel Corporation responded exactly in the manner **DEMANDED** by pro se plaintiff, meeting the required conditions, and obligations placed on the Response by pro se plaintiff, See Attached Exhibit Marked **PRO SE PL. EX.** 4.

c) Pro se plaintiff request that this U. S. District Court pay special Attention to the fact the even though, **Intel Corporation** did ***not*** agree to pay pro se plaintiff **Seventy Percent (70%)** **Intel Corporation** ***Never*** once ***Denied*** nor even tried to ***Challenge*** pro se plaintiff's position as the Rightful Owner, and Original Creator, and Inventor of the **Dual-Core Microprocessor**, and the **Computer mother board,** latter call **Virtual Technology,** seen being Held in the hand of **Intel Corporation's** senior vice president **Mr. Pat Gelsinger**. See Attached Exhibit Marked **PRO SE PL. EX.** 4+7

d) When **Intel Corporation** replied within Two and one half weeks, in the manner **DEMANDED** by pro se plaintiff, pro se plaintiff, wrote to **Intel Corporation** a second time, and in this *Communiqué* pro se plaintiff did not address **Intel Corporation** so harshly, and made **Intel Corporation**, what pro se plaintiff believed to be a ***fair*** proposition, which was stated to this effect;

Dear **Intel Corporation:**

Thank you for responding in the Manner that I requested,
And since you did it may not have been your fault and that you
may not have known that **Steve Jobs** lied to you, so here is my
Offer to you, Sign a Contractual Agreement with me where
Intel Corporation will agree to pay me **Fifteen Percent (15%)**
Of every thing that you make on my Hacker Proof, and Virus
Proof Computer [**LANCELOT**], and also *sign a Contractual*

MATTHEW ROBERT YOUNG
Plaintiff in pro se
SID No. 6242666
777 Stanton Blvd
Ontario, OR 97914

App. EX. 5

Agreement to manufacture build, and Market for me, my Computer Chip Microprocessor, [TRADWAY].
Please note that the **SAME** Conditions apply here, ***30 days,*** with ***Your signature in Blue ink*** on ***Bonded paper.***

e) **Intel Corporation** Responded just as pro se plaintiff Requested, within **Three (3) weeks**, on **Bonded paper**, with the **Signature in Blue ink.** See Attached Exhibit Marked **PRO SE PL. EX.** 5 ,

f) Again pro se plaintiff Request that this U.S. District Court pay special attention to the fact that *AGAIN* **Intel Corporation** did not Challenge or Deny that pro se plaintiff is the Rightful owner of this Technology.

CLAIM V

a) According to various News Paper Publications, **Intel Corporation** has Made over **Fifty Billion Dollars [$ 50,000,000,000.00]** profit off of pro se plaintiff's intellectual property patentable invention, which **Intel Corporation** calls **[Core 2, Duo Processor]** alone, and pro se plaintiff can not even guess how much **Intel Corporation** has made off of pro se plaintiff's intellectual property patentable invention, which **Intel Corporation** calls **[Virtual Technology]**

b) But **HERE IS A FACTUAL CONTENTION, AND ISSUE AT LAW, AT COMMON LAW, Intel Corporation** would **NOT HAVE** this *Money, Profits, Stocks, Bonds,* and position as the *Main supplier*, and *principal provider* of the Worlds *Computer Microchips*, HAD Steve Jobs NOT provided **Intel Corporation**, a copy of pro se plaintiff's Intellectual Property Designs, and Schematics from which **Intel Corporation** then manufactured the Dual Core Multiphase Microchip Processor.

c) Even after pro se plaintiff has **CONCLUSIVELY PROVEN** to **Intel Corporation**

MATTHEW ROBERT YOUNG
Plaintiff in pro se
SID No. 6242666
777 Stanton Blvd
Ontario, OR 97914

App. Ex. 5

that he is in fact the Rightful Owner, and the Original Inventor of this Technology, **Intel Corporation** continues to violate pro se plaintiff's Constitutional, and Common Law Rights to enjoy the Fruits of his labor, **Intel Corporation** in its unfair trade practice, continues even after becoming aware that pro se plaintiff is the rightful owner, and original inventor of this technology, knowingly conceal, withhold, transfer in interstate commerce, sell on the world commercial market for the sole purpose of illegally profiting from pro se plaintiff's personal intellectual property patentable inventions, and copyrightable works without pro se plaintiff's approval, authorization, consent, and against pro se plaintiff's wants and desires, without being ***Grateful*** or ***showing*** any ***consideration*** to the fact that had it not been for pro se plaintiff's ***intellectual property patentable invention designs and schematics,*** **Intel Corporation** would ***NOT*** be the ***World leader*** in computer microchips Today, **AMD (Advanced Micro Devices),** or **Micron Technology** could have just as easily have been the ***World Leader*** in manufacturing computer microchip processors with pro se plaintiff's intellectual property patentable inventions. See Attached Exhibit Marked **PRO SE PL. EX.** 7+10

RELIEF SOUGHT

THERFORE Pursuant to the United States Code Amendments cited above in this civil action, with emphasis at **Title 28 USC § 1343 (a) (1) (2) (3),** and (4), **§ 1338,** and **§ 2201;** This United States District Court has the Authority and needed Jurisdiction to Render Judgments, and Issue Orders directed at and to the parties here in this civil action, and to ORDER that an Extraordinary Hearing be Held, and Conducted wherein the parties must perform under seal record of this U S District Court a Demonstration of the Actual Trade Secrets the Proprietary Information pertaining to the Commercially Valuable Products called **Dual Core, Core 2 Duo**

MATTHEW ROBERT YOUNG
Plaintiff in pro se
SID No. 6242666
777 Stanton Blvd
Ontario, OR 97914

App. Ex. 5

Micro Processor, and the Computer Technology called **Virtual Technology.**

MATTHEW ROBERT YOUNG, The Clamant Plaintiff proceeding in pro se, **DEMANDS** Just Compensation Awards in the Sum and Amount of **Five Billion Dollars, [$ 5,000,000,000.00]** for the unauthorized use and profits made from pro se plaintiff's intellectual personal property patentable invention, and copyrightable works.

Pro se plaintiff further DEMANDS Compensatory Awards of ALL of the Patents, Copyrights, Trademarks, Proceeds Monies, Stocks, Bonds, Securities, and Contracts, Agreements, and any and ALL Business DEALS made generated and or agreed to in regards to the Commercially Valuable Products called Core 2 Duo, and Virtual Technology.

Pro se plaintiff Request that this United States Court Issue and Injunction prohibiting **Intel Corporation** its subsidiaries', Business partners, Associates, and or any person or Citizen within this Courts Jurisdiction to Order World wide from manufacturing, building, marketing, selling or otherwise pertaining to the Technology stated and mentioned in this civil action.

Executed on this 17 day of December, 2008

Matthew R. Young

MATTHEW ROBERT YOUNG
Pro se plaintiff

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed and Dated this 17 **Day of** December, 2008

Matthew R. Young

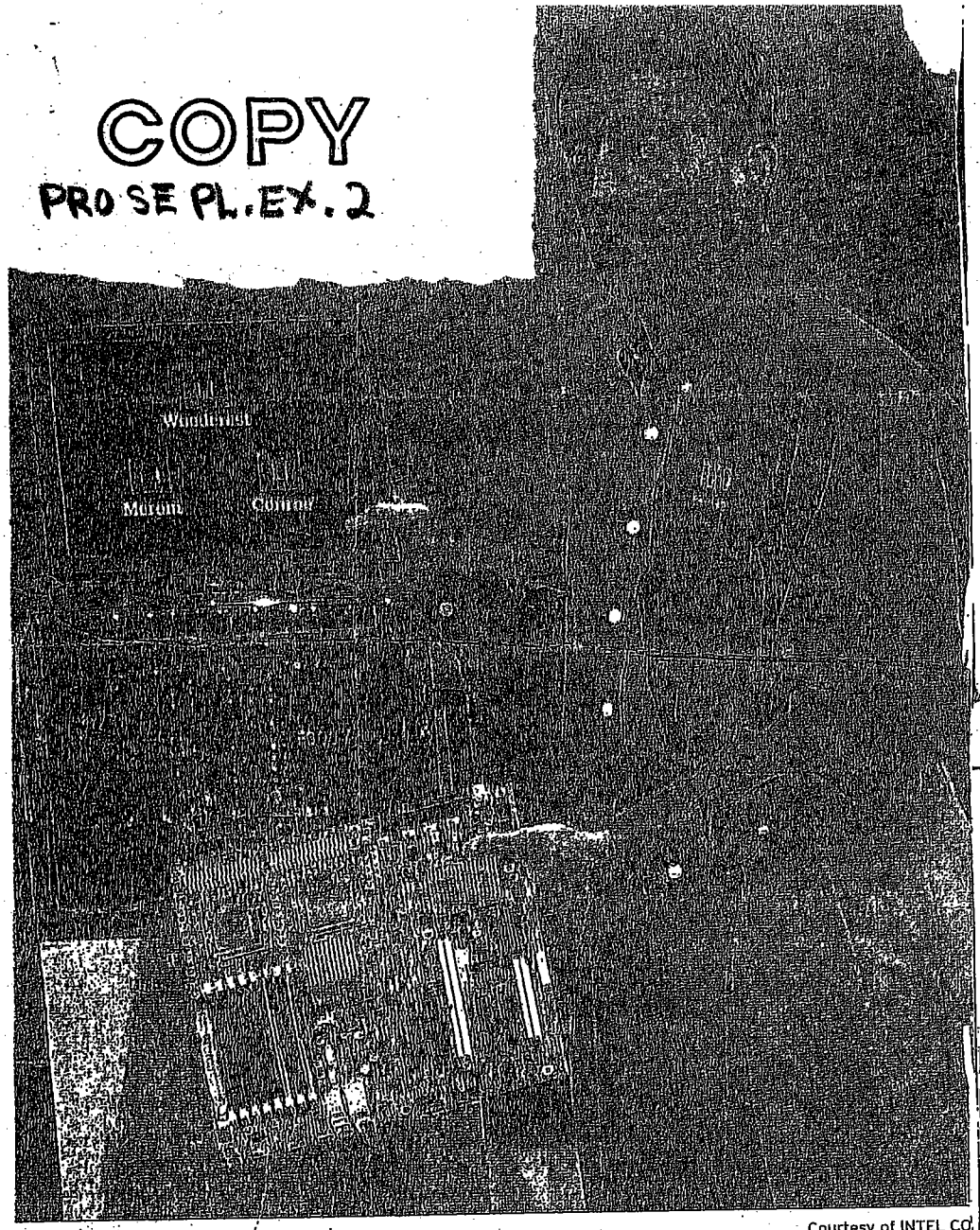
MATTHEW ROBERT YOUNG

MATTHEW ROBERT YOUNG
Plaintiff in pro se
SID No. 6242666
777 Stanton Blvd
Ontario, OR 97914

APP. EX. 5

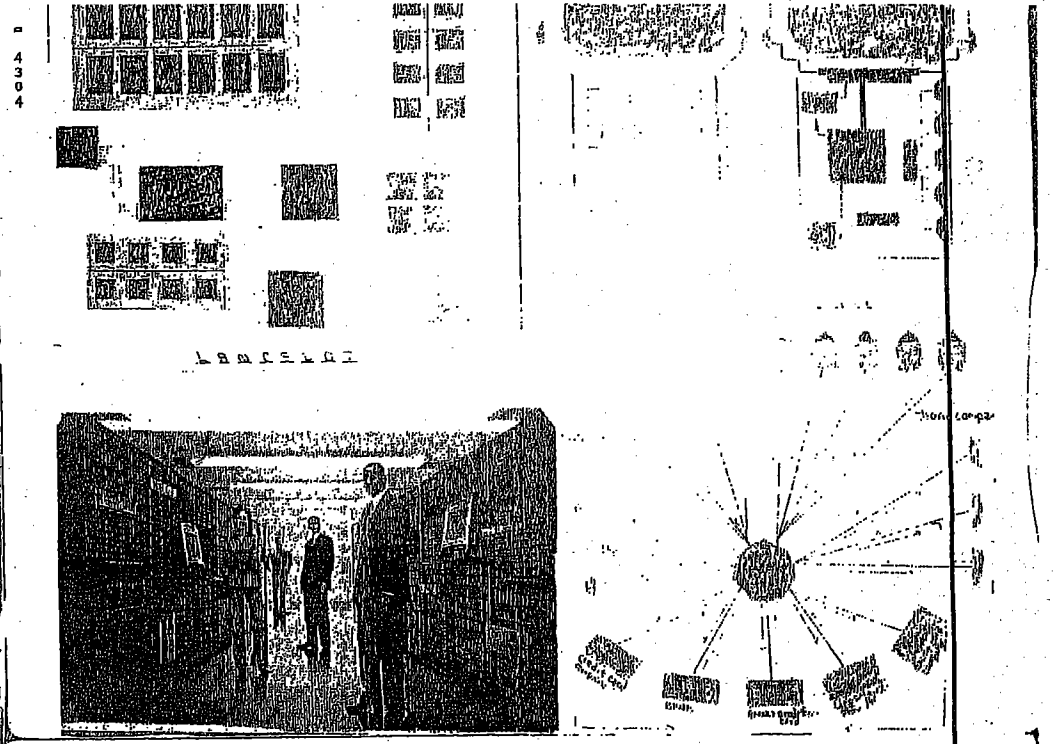
COPY

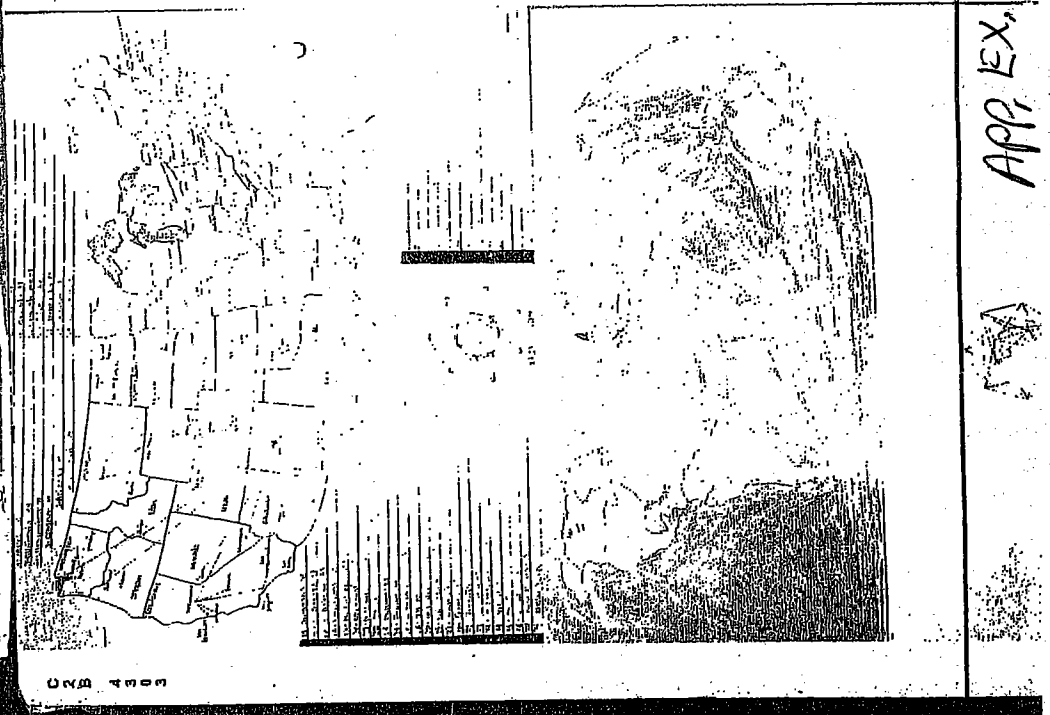
PRO SE PL. EX. 2



Courtesy of INTEL CO

ntel Senior Vice President Pat Gelsinger shows off the company's new dual-core technology uesday in San Francisco. The chip maker says its newest generation of microprocessors will form better and use less energy than existing Pentium 4 chips.





APP EX. 5

Exhibit PLAT NO. 02

ORIGINAL

Fig. 1-2

Fig. 15

Fig. 14

Fig. 12

Fig. 13

Fig. 9

Fig. 10

Fig. 11

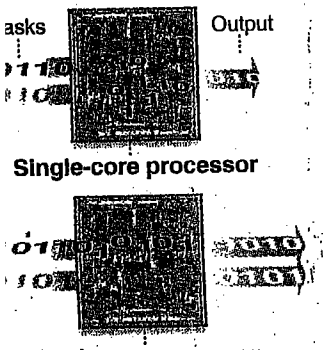
Fig. 4

Fig. 5-6-7&8

APP. EX. 5

Two-brain chip

Intel's dual-core processors have two digital engines on one piece of silicon, enabling faster multiple-computing tasks.



Single-core processor

Dual-core processor

SOURCE: Intel The Associated Press

Chips: Intel will rely on others to write programs

Continued from Page D1

be as much as a decade behind hardware development.

Intel rolled out its first dual-core microprocessors late last year, and said this week that it plans to update them with a new energy-saving chip architecture in the third quarter of 2006. By the end of this year, Intel said, nearly three-quarters of all the microprocessors it makes will use dual-core technology.

Sometime in 2007, Intel plans to introduce "quad-core" chips with four microprocessors. In time, the company hopes to put dozens or perhaps hundreds of microprocessors on chips. Computers with such power might be able to drive and steer a car, for example, or perform other tasks well beyond the scope of today's technology.

But it's not going to happen right away. Intel said this week that it will move conservatively to introduce eight-core chips — and beyond — because computers can't yet use them.

Multi-core chips must be programmed to coordinate their work and access to computer memory, so the work of each processor doesn't conflict with the work of another. Intel calls such programming, which instructs multiple processors to work in parallel, "multi-threading."

While Intel has overcome the basic hardware challenge behind multi-core chips, it will have to rely on other companies to write such programs. As encouragement Wednesday, Intel highlighted the work of Pixar Animation Studios, which has developed computer software that takes advantage of the additional computing power multi-core chips provide to produce more detailed animation.

Intel introduced new development tools for programmers Wednesday, too, and said it will work with universities to teach multi-core programming. It also announced promotional contests to pique developers' interest, promising $5,000 prizes to programmers who solve multi-threading problems that Intel cooks up.

Multi-core chips bring to challenges to mainstream computing that had previously been confined to theory and to the specialized

PRO SE PL. EX. 3

COPY

App. Ex. 5

Intel Corporation
2111 N. E. 25th Ave.
JF3-147
Hillsboro, OR 97124

COPY

March 2, 2007

Mr. Matthew Young
SID No. 6242666
777 Stanton Blvd.
Ontario, OR 97914

Re: *Young - Lancelot*
Our Ref.: 2007-001728

Dear Mr. Young:

We have received the materials you provided to us in connection with the above-referenced matter. After consideration and review of the submitted documents, Intel has determined not to pursue this matter.

Thank you for your interest in Intel Corporation and for bringing this opportunity to our attention.

Sincerely,

Gwen Olds

Gwen Olds
Outside Submissions Coordinator

PRO SE PL. EX. 4

GO/dc

APP. EX. 5

Intel Corporation
2111 N. E. 25th Ave.
JF3-147
Hillsboro, OR 97124

COPY

July 18, 2007

Mr. Matthew Young R.
Oregon Department of Corrections - Inmate Mail
Snake River - SID 6242666
777 Stanton Blvd.
Ontario, OR 97914

Re: *Lancelot*
Our Ref.: 2007-001728

Dear Mr. Young R.:

We have received the materials you provided to us in connection with the above-referenced matter. After consideration and review of the submitted documents, Intel has determined not to pursue this matter.

Thank you for your interest in Intel Corporation and for bringing this opportunity to our attention.

Sincerely,

David Connor
Outside Submissions Coordinator

PRO SE PL. EX. 5

App. Ex. 5

Intel to Invest in Virtualization Leader

By Don Clark

Chip giant **Intel** Corp., in agreeing to invest $218.5 million in **EMC** Corp.'s VMware Inc. unit, provided evidence that a hit technology called virtualization is spawning new alliances and posing challenges to **Microsoft** Corp.

The deal, announced yesterday, comes as VMware is preparing for a closely watched initial public offering. It also coincides with a growing debate about whether virtualization helps or hurts computer security—and whether Microsoft is misusing software licenses to slow its spread.

Intel, of Santa Clara, Calif., said its venture-capital arm will pay $23 a share for a stake representing 2.5% of VMware's common shares after the offering. The companies, already partners, said they will broaden work on joint marketing and technology development. An Intel executive will become a director of VMware, a Palo Alto, Calif., company that expects to raise $741.4 million from the offering.

Virtualization uses software that emulates the features of a computer, making it easier to run multiple operating systems and application programs on a single machine. That benefits companies by using a greater portion of servers' computing capacity, reducing the need to buy additional systems.

The program between the operating system and the hardware—called a virtual machine—can be used to partition PCs so viruses and other malicious programs can't attack sensitive parts of a system. Intel, though it plans to keep collaborating with Microsoft, also wants to help computer makers build in what it calls security "appliances"—specialized software, encapsulated along with a stripped-down operating system by a virtual machine, that could guard against dangerous software.

"We firmly believe that virtualization is a key technology to solving a whole bunch of problems," said Steve Grobman, an Intel director of business-client architecture.

But one concern is whether hackers could create virtualization software that boots up before a computer's operating system to secretly perform mischief, said Oliver Friedrichs, director of emerging technologies in Symantec Corp.'s security-response unit. Symantec is working with Intel on virtualization-based products and believes such malicious code could be detected.

Microsoft, which has cited VMware as an emerging competitor, added language to the licensing agreements for two consumer versions of its Windows Vista operating system that bars users from using virtualization. More costly versions of Windows Vista weren't covered by the prohibition.

The policy irked competitors, including VMware and Parallels Inc., a unit of **SWsoft** Inc. that offers a popular program that helps users of **Apple** Inc.'s Macintosh system run Microsoft Windows. Microsoft caused further consternation last month by informing reporters and analysts it was about to relax the restrictions—and then reversing that decision shortly before it was due to be announced. A draft announcement explained the proposed policy change as a response to customer "feedback"—but so did a subsequent Microsoft statement saying it was dropping the change.

Competitors and some analysts are skeptical about Microsoft statements that it was motivated by security concerns. They suggest it hopes to slow customer adoption of virtualization until it introduces more sophisticated products.

Though virtualization could help sell more Microsoft operating systems, it could also shift more control over the basic functions of PCs from the company to computer makers, said Neil MacDonald, an analyst with market researcher Gartner Inc.

A spokesman for Microsoft declined to comment on its recent flip-flop or the criticisms of its licensing policy, stating only that it "has reassessed the Windows virtualization policy and decided that we will maintain the original policy announced last fall."

PRO SE PL. EX 6

COPY

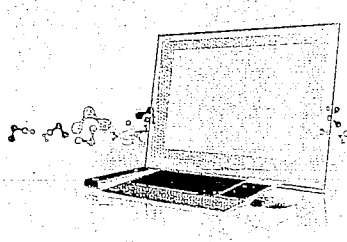
APP. EX. 5

SONY

Sony® recommends Windows Vista® Home Premium

Watch computer.

The Sony VAIO® LT PC/HDTV with Intel® Core™ 2 Duo processor.
Born out of Sony HD technology. Learn more at **sony.com/hdna**



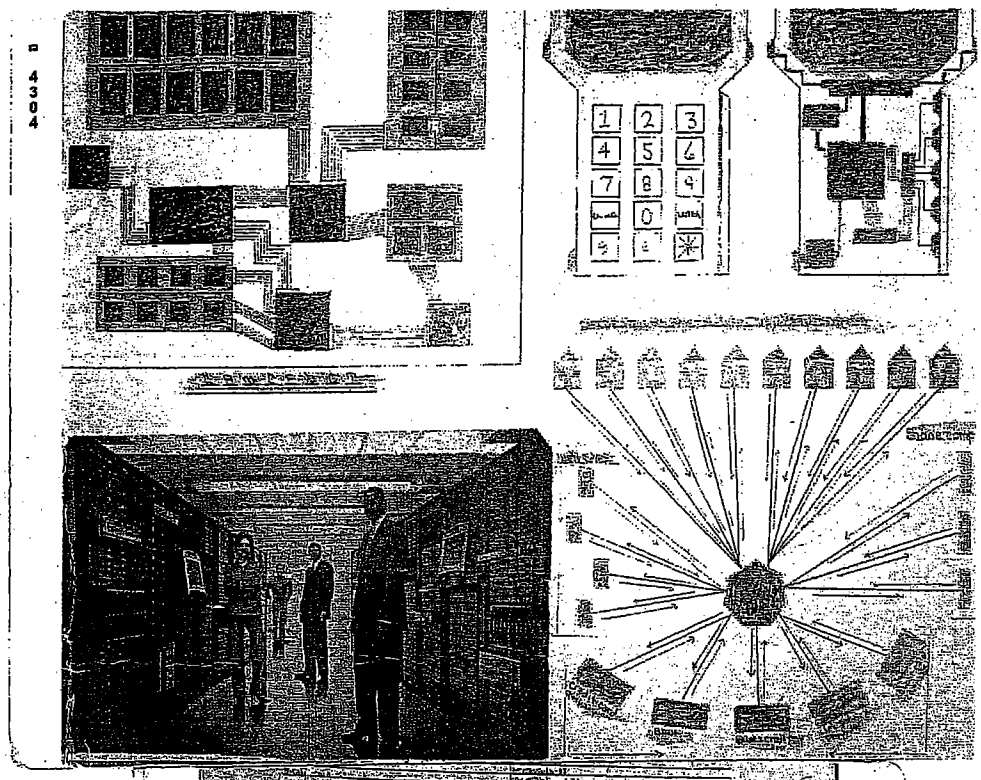
HDNA
High Definition. It's in our DNA.

intel Core 2 Duo inside™

Do More

COPY HYPLEX, 5

PROSE PLEX 7



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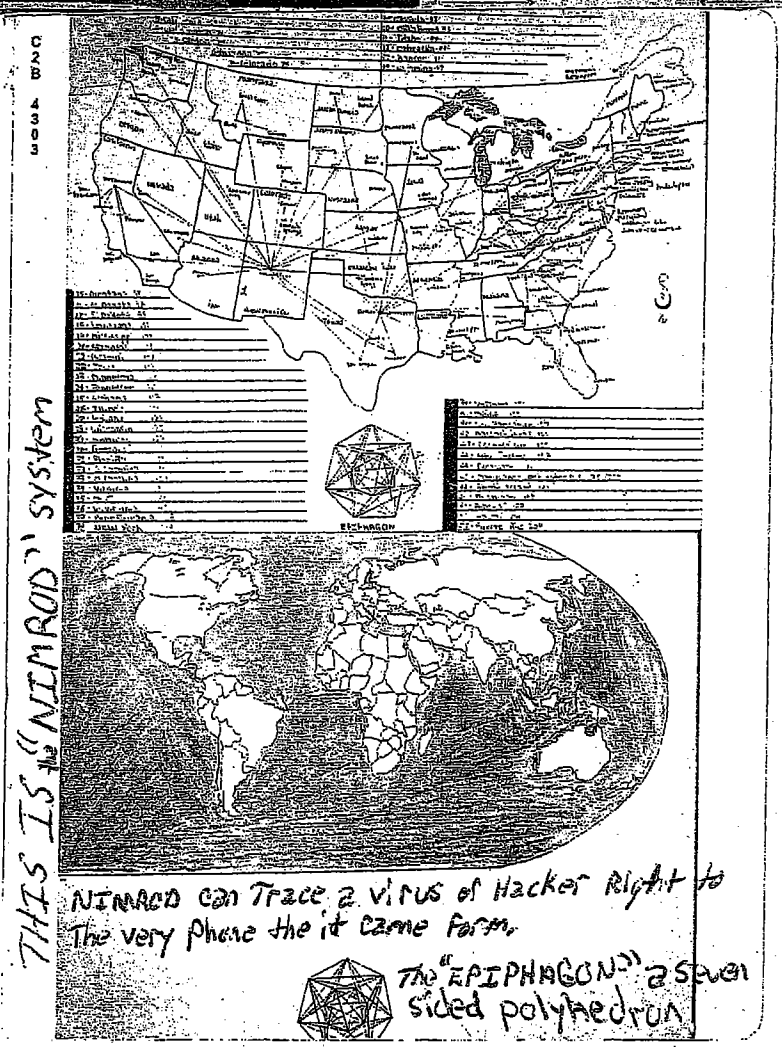


~~PROSE PL. EX. 10~~

APP. EX, 5

Internet ID crooks get Munster of a number

Bogus data | TV character's information is posted on site thieves use to sell details

THE ASSOCIATED PRESS

WASHINGTON — Did Internet thieves steal Herman Munster's Mastercard number?

Crooks in an underground chat room for selling stolen credit card numbers and personal consumer information offered pilfered data purportedly about Herman Munster, the 1960s Frankenstein's monster-like character from "The Munsters" TV sitcom.

The thieves apparently didn't realize Munster was a fictional TV character and dutifully offered to sell Munster's personal details — accurately listing his home address from the television series as 1313 Mocking Bird Lane — and what appeared to be his MasterCard number. Munster's birth date was listed as Aug. 15, 1964, suspiciously close to the TV series' original air date in September 1964.

CardCops Inc., the Malibu, Calif., Internet security company that quietly recorded details of the illicit but wayward transaction, surmised that a Munsters fan knowledgeable about the show deliberately provided the bogus data.

"The identity thief thought it was good data," said Dan Clements, the company's president.

Clements said evidence indicates the thief, known online as "Supra," was operating overseas. "They really stumble over our culture. He's probably not watching any reruns of 'The Munsters' on TV Land."

CardCops eavesdrops on conversations among thieves in underground Internet chat rooms to monitor for stolen credit card numbers being sold or traded. It offers monitoring services to alert consumers whose information is compromised by hackers.

Hackers develop new cybercrime

A new report by antivirus software vendor mantec details a startling trend that highlights h criminals are figuring out ways to make money line. Hackers are sometimes breaking into on businesses and not stealing anything. Instead swiping all the customer data they can get t hands on; a small subset of hackers have concen themselves with stealing only a specific thing fr the vendors they breach — they want access to compromised companies' payment processing s tems, and nothing else, says the Symantec Rep on the Underground Economy" out today. Th systems allow the bad guys to check whether cre card numbers being hawked on underground c rooms are valid, the same way the store vend whether to accept a card payment.

MISCELLANEOUS EXHIBITS

COPY

pam, scams and software steals

er Monday may be big etailers – and hackers

swartz
DAY

FRANCISCO — Today will be one of the big-line shopping days of the year, and also one ost treacherous.

/ber Monday, the first Monday after Thanks-consumers are expected to spend $821 mil-year, up 12% from 2007, says Robert Wil-liams, CEO of Conversive, a **nology** customer-service software compa-ny for online merchants. Today the biggest day in a $44 billion online holi-pping season, predicts Forrester Research.

wobbly economy, combined with a con-hirst for too-good-to-be-true bargains, has ed cybercrooks to unleash a torrent of

▶ Bargains boost holiday sales, 1A

spam, phishing scams and malicious software.

"The downturn will prompt more attempts by cybercrooks, because consumers — in their haste to save costs — may be more susceptible to scams," says Ori Eisen, founder of 41st Parameter, an Internet fraud detection and prevention service.

Threats are everywhere, PC security experts say, and today will bring a plague of them. Last year, phishing attacks soared 300% on Thanksgiving, compared with the previous few days, and this year is expected to be worse, computer-security firm Cyveillance says. It predicts cybercriminals this year will launch even more sophisticated phishing attacks on bargain-hunters, as well as on small businesses and credit unions that lack strong anti-virus software and firewalls.

Mainstream sites aren't completely safe, either, says Mike Van Bruinisse, president of computer-security firm Purewire. Some enterprising hackers have injected malicious software code into user comments and ads with links to popular e-commerce sites. "Stick to core content on those sites, and don't get distracted by other stuff," Van Bruinisse says.

Crooks also have targeted online buyers eschewing credit cards in this economy for debit cards, says Paul Henninger, director of fraud solutions at anti-fraud software maker Actimize. Debit card fraud is especially perilous because it gives hackers access to a bank account, he says.

Still, consumers can take simple steps to protect themselves. Security experts urge PC users to be wary of cut-rate deals from unfamiliar online merchants. They also suggest using multiple passwords when shopping and using the most up-to-date Web browsers and anti-virus software.

"Look, the Internet can be scary," says Michael Barrett, chief information security officer at PayPal, eBay's online payments unit. "But you can be pretty safe if you take precautionary measures."

EXH. 5

BUSINESS TECHNOLOGY

Oracle Upgrade Is Giving Pause

Some Possible Users See No Need to Jump From Old Database

By VAUHINI VARA

Oracle Corp. plans to unveil a new version of its core software tomorrow for the first time in four years. But customers like Mark Showers have already decided to sit out the event.

Oracle is launching a version of its "database management system" software, dubbed version 11g, that lets companies retrieve and make sense of their digital data. But Mr. Showers, chief information officer at agricultural giant **Monsanto** Co., says his company is likely to take at least two or three years to start moving from the previous version, 10g—double the time Monsanto once took.

That's because it typically takes at least several months for a company to fully shift to a new version of Oracle's database software—the larger the company, the longer it takes—and lately, Oracle has made several small, incremental changes in new releases rather than a few large, important ones that would compel a company to quickly switch.

St. Louis-based Monsanto employs 17,500 people and has annual revenue of $7.3 billion. "For a company like Monsanto, these new releases are a bit like turning the battleship," Mr. Showers says. Without many must-have additions, he sees little need to move quickly.

Mr. Showers's view is echoed by other corporate tech managers, highlighting maturation in the database industry. Whereas database releases were once seen as revolutionary and typically sparked a buying frenzy, the new one offers relatively incremental change. The lukewarm reception echoes a phenomenon taking place elsewhere in software: **Microsoft** Corp.'s latest Windows operating system, called Vista, received far less fanfare when it was released for consumers this year than, say, Windows 95 did.

Still, expected changes in 11g illustrate an evolution in how corporate tech buyers use software, says Bhavish Sood, an analyst at Gartner Inc. In the 1980s, database software boomed as companies scrambled to replace outdated file-management systems. In the 1990s, they invested in more database software to support new programs for tasks like tracking customers and managing Web sites.

Early in this decade, purchases slowed in a tough economy. Now, companies are again buying, to take advantage of security improvements and to interact with "business-intelligence" software that helps track the health of their business.

Oracle isn't offering details of 11g until its launch in New York tomorrow, but people briefed on the product say it will include improved security features and better capabilities for making sense of content such as video files and Web content. The Redwood Shores, Calif., company also hasn't revealed its pricing plans. An Oracle spokeswoman declined to comment.

As high-tech thieves increasingly use the Internet and other means to sneak into corporate databases, Oracle and others have been under pressure to give companies a better way to control access, says Toby Weiss, chief executive of **Application Security** Inc., a New York database-security firm. Application Security has tested 11g, and Mr. Weiss says it is more secure, in part because of features that let companies better audit the activity inside their databases and put more specific restrictions on each user. The new version is also expected to make it easier to pull together "unstructured" data like Web content and video files.

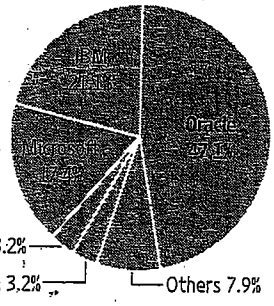
Oracle is trying to whet companies' appetite for new software through discounts, with the expectation that customers will pay big fees for continuing technical support. David Hauser, chief technology officer of **GotVMail Communications** LLC, a telecom company in Weston, Mass., has lately negotiated discounts of 50% on Oracle software with the help of **Miro Consulting** Inc. Still, Mr. Hauser doesn't expect to move to 11g for at least two years. "The large feature sets have already been accomplished," he says. "Now it's small things. I'm not going to upgrade just for that."

And Oracle increasingly faces competition from lower-cost database alternatives from rivals like Microsoft. Arindam Sen, lead database administrator at American Power Conversion Corp., part of **Schneider Electric** SA of Rueil-Malmaison, France, says he often gets phone calls from Oracle salespeople trying to persuade him to switch from Microsoft's SQL Server software.

SQL Server costs less than Oracle's software, but Oracle's database software is considered heavier-duty, more appropriate for big companies. In recent years, though, "Microsoft has caught up with Oracle" in software reliability and performance, Mr. Sen argues. So he is sticking with Microsoft, which he says saves him $700,000 to $800,000 a year compared with Oracle.

Lion's Share

Share of world-wide relational-database market in 2006



Note: Figures don't add up to 100% due to rounding
Source: Gartner

MISCELLANEOUS EXHIBITS

APP. EX. 5

OREGON DEPARTMENT OF CORRECTIONS

INMATE COMMUNICATION FORM

TO: Ms. Bishop Date: Feb. 26, 07

State your issue in detail: Please forgive me for calling you ms. Hicks, when I said Hello the other day, I was just talking to Her and Her name was on my mind. Please Do Pardon me. NOW I writting to request to get a phone call to the Department of Defense at the pentagon, I have Some inventions that I believe are of a matter of national security to Add our Government in protecting compaters Data Basis. I wrote the Department of Defense on Feb. 15th, 2007, but the urgenty of the matter prompts me to call them. I will show all of my invention before calling if you require me to do so.

Thank You - Respectfully

Inmate Committed Name (first middle last)	SID#	Housing Unit
Matthew Robert Young	624266	2A-33A

Response/Action Taken: No problem on the name -

Mr. Young - I am only allowed to make collect calls to attorneys. Perhaps your counsel can help

Date Received: RECEIVED Referred To*:

Date Answered: FEB 22 2007 FEB 22 2007 Signature of Staff Member:

*If forwarded, please notify the inmate.

SNCI - Program Services C-3

CD 214 (12/04)

App. Ex. 5

AFFIDAVIT OF MAILING

CASE NAME: MATTHEW R. YOUNG v. Intel Corporation

CASE NUMBER: (if known) _____

COMES NOW, Matthew R. Young being duly sworn on oath, depose and say: That I am incarcerated by the Oregon Department of Corrections at 777 Stanton Blvd. Ontario, OR 97914

That on the 22 day of December, 2008, I personally placed in the Correctional Institution's mailing service A TRUE COPY of the following:

Request for waiver of service of Summons, a Complaint with attached Exhibits, and a Prepaid-preaddressed Envelope, to the U.S. District court marked LEGAL MAIL.

I placed the above in a securely enclosed, postage prepaid envelope, to the person(s) named at the places addressed below:

Intel Corporation
2111 N.E. 25th Ave
JF3-147
Hillsboro, OR 97124

Matthew R. Young
(Signature)
Matth R. 12.22.08
2:30 PM MT. Tim

State of Oregon

County of Malheur

Signed and sworn to (or affirmed) before me on 12-22-, 2008 by Matthew R. Young

Maureen Rossi-Hill
Notary Public-State of Oregon

My Commission expires: 5-26-2012

OFFICIAL SEAL
MAUREEN ROSSI-HILL
NOTARY PUBLIC-OREGON
COMMISSION NO. 427520
MY COMMISSION EXPIRES MAY 26, 2012

COPY

DECLARATION
(ORCP Rule 1E)

I, Matthew R. Young, do declare that:

Request the Appointment of Counsel in the Appeal from a Judgment order entered by U.S. District Court Judge Anna J. Brown, who has wrongfully entered this Judgment order in violation of the Civil Justice Reform Act of 1990, in that she is not the Assigned Judge, and further in that I can not afford an Attorney to Represent me at this time, and I can not get Fair and Equal Treatment, and or Receive Any Degree of Justice without effective assistance of Counsel.

"I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY."

Dated this 7 day of January, 2009.

Matthew Robert Young
(Signature)

Print Name: Matthew Robert Young
S.I.D. No. 6242dd
727 Stanton Blvd.
Ontario, OR 97914

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