

**United States District Court
District of Minnesota**

Christopher Roller
(Plaintiff)

Civil Action No. 07-1298

vs.

Central Intelligence Agency
(Defendant)

Memo to Oppose Motion to Dismiss

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If you need ripeness, then wait until I become homeless and can't shower because the CIA are conspiring to keep me broke. Until that happens, my patent is ripe...

Lack of statements to deny the allegations creates the facts in this case. This means the CIA has godly powers and is probably making money from it.

There's some confusion whether I have patent rights to http://www.objectforce.com/php/MyTrumanShow___/Legal/Patent/Patent.html. So let me enlighten you.

From the USPTO website, "As a result of publication, an applicant may assert provisional rights. Thus, damages for pre-patent grant infringement by another are now available."

U.S.C. 35 § 154

(d) Provisional Rights.—

(1) **In general.**— In addition to other rights provided by this section, a patent shall include the right to obtain a reasonable royalty from any person who, during the period beginning on the date of publication of the application for such patent under section 122 (b), or in the case of an international application filed under the

treaty defined in section [351 \(a\)](#) designating the United States under Article 21(2)(a) of such treaty, the date of publication of the application, and ending on the date the patent is issued—
(A)

- (i) makes, uses, offers for sale, or sells in the United States the invention as claimed in the published patent application or imports such an invention into the United States; or
- (ii) if the invention as claimed in the published patent application is a process, uses, offers for sale, or sells in the United States or imports into the United States products made by that process as claimed in the published patent application; and

(B) had actual notice of the published patent application and, in a case in which the right arising under this paragraph is based upon an international application designating the United States that is published in a language other than English, had a translation of the international application into the English language.

"a patent shall include the right to obtain a reasonable royalty from any person who, during the period beginning on the date of publication of the application for such patent under section [122 \(b\)](#) and ending on the date the patent is issued"

People like to make fun of the fact I don't have a patent. This is true, but I have a pseudo-patent, a provisional patent, with provisional rights. It is legally enforceable for patent infringement once published. Don't confuse this with a "provisional application" - my application was regular. But every application, upon publication, makes the patent provisional. Notice from the above statement, "a patent shall include the right" calls it a patent even in it's provisional stages. So I am going to call it a patent from now on.

According to 35 U.S.C. 284, Damages, the court may increase the damages up to three times the amount found or assessed. But....increased damages under this paragraph shall not apply to provisional rights under section [154 \(d\)](#) of this title.

That's too bad - I would've wanted to triple the damages for this case of patent infringement. But understand, 35 U.S.C. 284, signifying provisional rights damages, falls under TITLE 35 > PART III > CHAPTER 29 — REMEDIES FOR INFRINGEMENT OF PATENT. A provisional patent has full rights to assert damages for patent infringement per U.S.C. 35 § 154. As for the notice...

U.S.C. 35 § 287 (b) (5) (A) For purposes of this subsection, notice of infringement means actual knowledge, or receipt by a person of a written notification, or a combination thereof, of information sufficient to persuade a reasonable person that it is likely that a product was made by a process patented in the United States.

U.S.C 35 § 287 (b) (5) (D) For purposes of this subsection, a person who obtains a product made by a process patented in the United States in a quantity which is abnormally large in relation to the volume of business of such person or an efficient inventory level shall be rebuttably presumed to have actual knowledge that the product was made by such patented process.

My conspiracy claim is also ripe per 42 U.S.C. § 1985(3) and 18 U.S.C. § 241.

Lack of statements in the allegations means the CIA conspired to kill me. They've also conspired to cover-up crimes committed against Chris Roller. That makes them an accessory. They are also hiding my son and daughter. The CIA also has conspired to keep my ladies from me. That's right, I'm not getting any action. Doctors say one needs sex 200 times/year to be healthy. This means CIA has deprived my health and is killing me. No tail for years is almost worse than trying to kill me. There should be a crime for this kind of conspiracy, like torture or something.

CIA does not have sovereign immunity nor do I need their permission to sue.

Federal Tort Claims Act (FTCA) was enacted in 1948 to remedy the wrongs (prevent immunity) of the Federal government. I can FTCA any department within the US, not just the US per 28 § 2671. Form SF-95 box 1 states "Submit to

Appropriate Federal Agency" and "Claims presented under the FTCA should be submitted to the 'Appropriate Federal Agency' whose employees were involved in the incident."

Lack of statements in the allegations means all the allegation are true. I need to see a declaration or something of the sort to deny my accusations of conspiracy, otherwise it's true. I especially need a denial, in the next 2 weeks, about trying to kill me .

CONCLUSION

I oppose the motion to dismiss. Statements I asked for were missing, implying all the accusations identifying a conspiracy against me. I am suing the Central Intelligence Agency, for patent infringement in accordance with U.S.C 35 § 27 and conspiracy per 42 U.S.C. § 1985 and 18 U.S.C. § 241.

Respectfully submitted,

Date: __20 May
2007_____

_____s/_Christopher A. Roller_____
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