rights as other free persons. These and other amendments lay the foundation to protect the smaller, more vulnerable person from the tyranny of government. These laws should not be disregarded in the business of the government.

7. The Constitution, an esteemed and lofty document drafted by ordinary men – serves as a foundation for our laws which have led to the building of a successful nation.

8. The tenets of the Constitution should be protected and not used as a "double standard" to be applied only if you are of a certain racial or gender type and not be applied if you are of another.

9. No where is constitutional law more important to be applied as in this case where the federal government has used its might to steal the intellectual property rights of a minority woman to one of the world's greatest inventions.

10. The Inventor who does not deserve this and has contributed invention(s) that have lifted a nation – indeed changed the way the entire world does business, while she herself has suffered terribly because of prejudice and injustice should be protected from such abuse and this wrong righted immediately.

11. The government's surveillance, monitoring, uses of the Internet for global trades and its other government business and military

operations have always been separate from the private sector of the Internet.

12. The rights of the Inventor apply only to the Private sector, and therefore her rights should be the same as any other inventor's with the rights to any other invention. Her invention referring to that part occurring after 1990 and *Commercialization* which transformed the former telecom networks into the Internet of today.

13. The rights of the Inventor should not be affected by the acts carried out by various government agencies regarding the use(s) of her intellectual property *as she is not responsible for what the federal government does*. It knew in 1990 that she was the owner of the property. It also was provided proof in the form of affidavits with the patent application filing in 2004.

14. The facts show that the Federal Government has been in possession of the Inventor's property for 23 years. It cannot and should not be able to prevent her compensation simply because the invention has grown and prospered as she disclosed to them and predicted in her writings when she presented her proposals back in 1990-1991. This is why the government adopted her ideas. It just skipped over her and took her ideas directly to phone and computer networks to set it up. The results have been a tremendous success in an Internet that now exists all over the world and is called the World Wide Web.

15. The Federal Government has had ample opportunity over the past 23 years to "do right" by the inventor but has failed to do so – and for these and other reasons stated in this Petition – the Petitioner prays that the Supreme Court will grant her Petition.

    a) It could have granted her the $25,000-$35,000 grant she requested to set up her online business in 1990-1991

    b) It could have offered her acknowledgment and compensation in 2003 when she contacted the Department of Commerce regarding her intellectual property rights.

    c) It could have issued a Patent in 2004 when the Internet had only begun to take off with users in the 10's of thousands

    d) At anytime over the past 23 years, it could have declared Eminent Domain and paid the Inventor suitable and appropriate compensation.

16. This will prevent a dangerous precedent from being set that government agencies with the backing of the High Courts can carry out abuses of power and illegal takings – in other words carry out tyranny against individuals or citizens by setting political agendas that may be expedient for the government but violate Constitutional Rights and rights to Due Process such as the no Declaration of Eminent Domain but taking

the patent rights of the individual through the corruption of Constitutional Laws and other jurisprudence. **This constitutes an act of tyranny by the government towards this individual.**

17. For this as well as the aforementioned reasons, this case should be heard by the Supreme Court and the Petitioner prays that the Court will grant her Petition.

CONCLUSION

This invention is a Business Method which teaches how to use technology more efficiently. The method consists of the use of a computer being used to create a market in cyberspace where goods, information, and data can be transacted – essentially taking business 'online'. This was a *new* method when introduced to the federal government by this inventor in 1990 – the first proposal Sealed and Stamped by a Notary on March 12, 1990. See appendix. The Method essentially 'marries' commerce to technology in what has become one of the most successful inventions of the 20th century. The claims are not indefinite as they clearly describe the steps of the method, the equipment which is tied to the method, or a description of how, why, where, or by whom the method can be used.

The federal government failed to provide funding to support the small business startup for the inventor – but then proceeded to use the process or steps she

described to apply them to the telecom structure as a whole. The previously existing telecom structure was actually flailing – some parts already having failed and were being phased out when Hartman introduced her concepts in 1990 of how to upgrade and improve the existing telecom structure(s) and *improve the economy*.

Her ideas worked producing the now famous and infamous INTERNET. The government which stole the inventor's ideas is now failing to acknowledge or compensate her.

The Patent Office in an illegal taking of the Inventor's intellectual property by employing illegal means in which to bar her a patent to the Accessing Accessibility Process that when reduced to practice forms the Internet – is in violation of the constitutional rights of the Inventor.

The Patent Office illegally removed the Inventor's original claims (1-4) and later claims (5-25) without explanation or justification forcing her to rewrite claims 26-60 – 8 years after her filing. Her original claims shown in Appendix make no mention of cyberspace because cyberspace is latent in computers.

The Patent Office forced the a 65-year-old exhausted inventor after 8 years of patent prosecution to rewrite claims under highly distressful conditions. At the mention of "cyberspace", the patent office seized upon this to try to establish a bar of the patent as indefinite because cyberspace is virtual and therefore potentially infinite.

These are false presumptions and the indefiniteness ruled by the Patent Office and supported by the Court of Appeals as being affirmed is not a valid ruling. The claims produced were produced as a result of malfeasance by the patent office. Even without that it is invalid. If that were the case – none of the many video games such as Dungeons and Dragons and any other video game as they are played in Cyberspace should not be patentable because of the use of cyberspace or virtual space for the game so accordingly it would be indefinite.

The Patent and Trademark Office conducted an illegal Taking of the intellectual property and used breaking laws and malfeasance as a way of doing so. The Court of Appeals allowed this by refusing to look at whether or not the Office violated the Constitutional Rights of the Appellant/Petitioner – and by refusing to rehear the matter of violations in federal rules of evidence by the Patent Office.

The Inventor's ideas saved a dying industry. The ARPANET which is the structure that the Internet was based on phased out in 1989. The NSFNET (the National Science Foundation Net) was simply a holding place for what was left of the structure of the original telecom (started by ARPA). Hartman's ideas were exactly what were needed and came at a most critical time in 1990. Once her ideas of Commercialization and the method or technique(s) which she employed for using telecommunications – see Appendix and Exhibits) – the entire industry was transformed and revitalized.

Her ideas planted the seeds for Ecommerce, when businesses and consumers started going online and an entire industry was built on computers, computer chips, Internet service providers, phones, modems, etc. This was the boom of the 1990's and Hartman's ideas on commercializing an underutilized telecommunications industry was the creative force behind the success and the evolution of the new internet which debuted around 1995.

The problem is her ideas became the ideas of the government employees with whom she had shared her intellectual property as she was dismissed as evidenced by the denial letters and the correspondence between her and the various employees of the federal government especially the Small Business Administration which she alleges was the first to betray the contract and trust. She believes too that the SBA especially [redacted]po and perhaps other agencies as they all reported directly to the National Science Foundation – were the first to leak her ideas to the NSF which then used her ideas as a Template to revamp the already existing industry without crediting her or compensating her.

The Template of her Business Model was used by the federal government to create the Information Superhighway which it was first called when it debuted. Eventually it just came to be called by one name, the INTERNET. Unlike the prior Internet which existed from about 1969-1989, which was commonly referred to as the Internetting projects as it consisted of multi "nets" adjunct to a common backbone – the ARPANET.

Hartman's ideas put telecommunications on the map with the formation of the Information Super Highway which evolved into today's Internet and is responsible for the now billions of people who are able to access the internet. You will see in the appendix that the Internet of 1987 (the ARPANET phased out in 1989) could not have accommodated the billions of users online today.

Hartman's model conceived on her ideas consists of a total unit (integrated structure) more similar to the diagram of her figure #[redacted] drawing from her Patent Application #11003123. In this structure computers interact with each other through modems via telephone wires, cable, or wireless networks. The computers all share cyberspace in which the interactions (transactions). These were ideas and concepts shared by Hartman. Creativity and technology both drive the Internet – not technology alone. Phones, tablets, and other tech gadgets may give access to the Internet but the Internet itself was devised from the creativity of Hartman.

The Department of Commerce, the parent of the Patent Office and other government agencies which I name as interested parties to this case are now guilty of the theft of the intellectual property of the Inventor. She is legally due a patent – but if the highest court in the land finds that the Patent Office acted properly in barring a patent and therefore ownership of the Inventor's rights to Patent – then legal compensation is due as the acts by the Patent Office constitute an abuse of power and tyranny

directed towards a vulnerable financially disadvantaged minority.

The Inventor suffers from a functional nervous disorder since young adulthood. After suffering a near fatal bout of Hong Kong Flu which caused abscesses in her inner ear – her nervous system has been severely compromised. That and cardiovascular problems make it necessary for her to be under the care of a physician and her lifestyle is reclusive. However, she is of sound mind and she is well enough to administrate her own affairs. Not to mention any names – but a scientist comes to mind who is so impaired as only to be able to communicate with a voice synthesizer yet there is no way that he would have been treated in the manner in which this inventor finds herself treated.

This when her ideas are used all over the world for many different purposes and by many different people. This is an outrage and a fluke and could only be created by a 400 year history of slavery and treating African-Americans as second class citizens or something less. This is an injustice that should be corrected by any means possible and with the utmost swiftness as it has been allowed to occur for too long.

There have been blatant violations in rules of Evidence – The Office has suppressed and ignored Sealed (notarized documents), certified documents, signed and attested documents by government employees as well as other blatant violations in canons of law by this Patent and Trademark Office to rob

this inventor of her invention. Hundreds may have participated in the *commercialization* which led to a different internet over the old one, but it is still this inventor who conceived it and should be shown the same respect and rights as any other inventor. Hard evidence was ignored by the Patent Office while it fraudulently altered and dismantled the Appellant's patent application as it denied her application based on claims produced by malfeasance and abuse of the Manual for Patent Examination Procedures and The Code of Federal Regulations by Examiners J[redacted]B. [redacted] and [redacted]en under Supervisors [redacted]y [redacted]h and [redacted]n. This is unlawful and unconstitutional. Examples of Hard Evidence deliberately overlooked:

I. Inventor's Proposal Submitted to Small Business Administration March 1990. Supported by Notary Seal, dated March 12, 1990 on page 25. Description of business in "telecommunications services" pages 3-5. Appendix, pages 13-38. II. Inventor's Proposal submitted to Pa. Dept. of Commerce 1990, Abstract on page 44 Apx., discusses" commercialization of telecommunications as a product". See appendix, pages 39-69. III. Inventor's Proposal submitted to the Benjamin Franklin Partnership Program, March 30, 1991, See appendix p.76 which discusses the process of upgrading already existing technologies – increasing interaction or access of businesses and consumers with each other. See appendix, pages 69-95. IV. The Appellee ignores evidence listed in its own Supplemental Appendix, p.85-86 of documents and

affidavits submitted by Applicant in her December 2004 filing. Names: [redacted], and [redacted]. These were filed on computer Disk with application in December 2004 – see Appellant Appendix p.99. Patent Office also has correspondence of other federal employees with inventor – [redacted].

In its Opinion, the APPEALS COURT alluded that the Internet that existed between 1967 and 1989 is the same "Internet" which came into being after 1990 and the introduction of COMMERCIALIZATION. The facts support that the Court may have erred in its interpretation. History illustrates that is not true. The Internet of today is the result of Hartman's ideas of Commercialization being applied by the ANS to change the structure of the preexisting art. The INTERNET of today did not exist before 1990.

See pages in Appellant's Exhibits, Exhibits p.14, p.15, of the core model "ARPANET" with smaller nets adjunct to it. See page 15 of Appellant's Petition for Rehearing to view how more than one net would be dialed into for one database (Dow Jones 1987). The contents of the Appellant Appendix p. 1-199 and the Appellant Exhibits, p. 1-40 support these facts. This is a unique invention where one or many users can simultaneously be online at any one time and can interact with each other or interact independently with singular or multiple websites. This differs

distinctly from the prior internet or "internetting projects".

See the page(s) of APPELLANT APPENDIX example of internet use before 1990 and how the total integration into one Internet by Hartman's design, being accessible to all users simultaneously changed the telecom structure resulting in the new INTERNET which allows billions to be online simultaneously. Hartman's contributions were groundbreaking and made the difference between a telecom industry that was flailing in the 1980's to one that turned around and boomed in the 1990's. In the earlier prior art example the client has to dial into more than one net to accomplish the desired task. See TYMNET, DOWNET, and TELENET in the Dow Jones Example, page 15 of the Petition for Rehearing.

The Patent Office and the Federal Government would like to convey to the world that Hartman's contributions were nothing – when indeed they were everything. Technology and the Nasdaq are huge today because of the billions of people online. The success of mobile phones, tablets, computers, social networks, and ecommerce is due to the large amounts of people being online and that is due to Hartman's contributions.

The federal government has no problem with the Internet giants and corporations making billions of dollars. The more they sell or cater to, the better. However there are political problems and constitutional violations when it comes to the Inventor who

made the financial success of the telecom industry possible. The Inventor should be compensated and paid her millions or billions of dollars of compensation as it is no less than she deserves. There is something terribly wrong here when in 2013, 150 years after the Emancipation Proclamation – there is still a problem of double standards of the application of laws especially when it relates to an invention as valuable as the INTERNET.

There is no way that the Inventor or at the very least a co-inventor of one of the greatest inventions of the 20th and perhaps 21st Century which has changed forever the way we do business and changed the lives of people on the Earth should be left impoverished and her reputation tarnished and slandered. This is an injustice of terrible proportions and consequences which may not even be realized except by future generations. This injustice has done irreparable damages to the inventor whose life has been spent being victimized by racists, haters, and oppressors while those many of whom had little to nothing to do with the production of today's INTERNET have prospered enormously enjoying all of the benefits that entails. The Inventor is chronically ill which is something she has no control over – and has had to spend more time and effort trying to defend herself from the tyranny of the government's actions and others who would oppress her – rather than the enjoyment of the fruits of her creativity and labor.

These acts by the Patent and Trademark Office using illegal means to justify barring a patent which by legal means would be awarded constitute an illegal **Taking** and violation of the **Constitutional and Civil Rights of the Inventor** –. These acts also create **Theft** of the intellectual property by other governmental agencies who received the property from the Inventor, reviewed and reported the property to the National Science Foundation and others but broke contract(s) with the proposed contractor. They also shared her proprietary or trade secrets with others for their profit (the profit of others), but failed to compensate her. These are further violations of **42 U.S.C. § 1981 – equal rights under contract law** and **U.S. code 18 – referencing Patent Sec. 1832. Theft of trade secrets.**

This has resulted in terrible losse(s) to her, some of which she may be able to stem. Some, perhaps not. Her vulnerability as she is reclusive and her immediate family gone but nevertheless she contributed 24 years of a *science* teaching career, 6 years of other types of employment, development of the Internet, and inventions in child safety. There is no way that she should have to live the senior years of her life impoverished and fighting off hate. This is an abomination – an act of tyranny by her own government and a corruption of Justice. The Inventor should be made whole and by the quickest manner that the SUPREME COURT can expedite. All that she ever asked was acknowledgment and compensation. She

was essentially forced to file a patent application after the government continued to ignore her after 1990 – and though a patent is warranted, yet the Patent and Trademark Office fails to deliver even that or compensate her in anyway. This is a violation of the Inventor's Constitutional and Civil Rights and sho ld not be allowed even under the guise of the illegal bar of a patent application.

Inventions are invented only once. After that they are simply copied or replicated. History, documentation, and evidence has shown Ms. Hartman to be the innovator of these ideas which have led to what some regard as the greatest invention of the 20th century. Nothing and no one has come forth to dispute her claims. Ms. Hartman who is a patriot and has served her country in many ways – not the least of which is an invention that circulates trillions of dollars into the American economy – has suffered enormous damages. She invented this process when she was just 46 years old. She is now 69 years old. Justice demands that she be made whole with the swiftest of actions. Therefore she prays that the Nation's highest Court will consider her plight and Grant her petition in the hope that Justice will prevail.[1]

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[1] Supplementary Brief filed by Petitioner, July 8, 2013; Supplementary Brief filed by Petitioner, August 27, 2013.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

MS. DOROTHY M. HARTMAN
Pro Se
[redacted]

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