

IN THE APPEALS COURT FOR THE FEDERAL CIRCUIT

Dorothy M. Hartman
Plaintiff Appellant

Case 22- 1955

2214 Appeal From The Federal Court of Claims Case No. 21-

Ruling by Judge Coster- Williams

vs

The United States
Defendant Appellee

MOTION TO EXPEDITE PROCEEDINGS

Pursuant to Rule 26(b) , Federal Circuit Ct. of Appeals Rules of Practice , African-American Inventor and Science Teacher moves for procedural relief . **See Docs.17,18.**

1) Appellant moves to strike defective Notice of Non Compliance . The illegal Document has been shown to contain code words and “booby traps” that sabotage and prevent the Pro Se Appellant from filing her submissions through Pacer’s CM-EF electronic portal.

2) Petitioner seeks **Procedural Relief and** Order to proceed with a 3-judge panel review immediately of Appellant’s Brief and Appendices filed on September 10 , 2022 , **Document 12** . Although Petitioner filed Judicial Misconduct Complaints on October 7 , 2022 by Certified Mail . Clerk’s Office did not respond until Oct 25, 2022. Petitioner received notice of docketing by first class mail about Oct. 28 , 2022.

3) Actions by both Courts , Court of Federal Claims Case No. 21-2214 , and the 3rd Circuit Court of Appeals show deliberate violations of Federal Rules of Appellate Procedure and Violations of Federal Rules of Evidence including possible misconduct by several judges in deliberate delays of the trial and appeal , using a lack of judicial discretion that has stalled court proceedings . A complete and accurate docket is not being made available to the Petitioner nor the public .**Docket entries 1-8 not being made** available . Running multiple dockets to confuse the

petitioner and defraud the public . See Docs. 8 and Docs 10 that appear to have multiple numbers such as

Doc. 8-3 . Doc .8-1,

4) To avoid further delays of the business and administration of the Courts to determine Justice in this series of trials and appeals : Hartman vs. United States – a three-judge panel should be assembled immediately to review Ms. Hartman's appeal as the appeal after being deactivated was reactivated as of **June 28 , 2022**. She submitted her Formal Brief and Appendices on **September 10 , 2022** and they have yet **not** been reviewed while her rights are continuously violated by this court(s).

5.The Courts both Trial and Appeal are trying to double down on the illegal Court Case #2013-1070 although it is fraudulent and does not rise to the integrity of a **Mandate** or **Stare Decisis** .

6. There are a number of laws that have been and continue to be broken by the United States Patent and Trademark Office whose commissioners are direct employees of the U.S. Department of Commerce . That same Department of Commerce is now the headquarters for Telecommunications . **Some federal including Appellate Judges seem to be in collusion with the government in the corruption or cover up.**The Information in that decision that both Courts want to double down on is fraudulent , Case #2013-1070 , **See Opinion by Judge Coster-Williams** , Case No. 21-2214. The **Case #2013-1070** In Re Dorothy M. Hartman does not rise to Stare Decisis integrity , but keeps the theft of the petitioner's personal property , Accessing Accessibility Process under the control of the federal government without it paying her for its use and the damages resulting from various acts including **BREACH OF CONTRACT , DOCTRINE OF UNJUST ENRICHMENT , AND LACK OF EMINENT DOMAIN** .

Legal Standard

U.S. Conflict of Interest Laws -

...Regarding investments, property or income. ..(\$ 87103.) The conflict of interest laws operate without regard to actual corruption or actual governmental loss; they establish an objective standard "directed not only at dishonor, but also at conduct that tempts dishonor;" they are preventive, acting upon tendencies as well as prohibited results.

(U.S. v. Mississippi Valley Co. (1961) 364 U.S. 520, 549-551
; Stigall v. City of Taft (1962) 58 Cal. 2d 565, 569
; People v. Watson (1971) 15 Cal. App. 3d 28, 37-39
860].)

A violation occurs not only when the official participates in the decision, but when he influences it, directly or indirectly. (§ 87100, fn. 2, ante; *Stigall v. City of Taft*, supra, 58 Cal. 2d at p. 569.) Thus, a public official outside the immediate hierarchy of the decision-making agency may violate the conflict of interest law if he uses his official authority to influence the agency's decision.

United States v Meyers

Section 281 reached a broader range of assistance, covering not just prosecution of claims against the United States but also the "rendering [of] service" in relation to administrative proceedings in which the United States has an interest, but applied only where the federal employee received compensation for his or her services. Cf. United States v. Meyers, 692 F.2d 823, 856-57 (2d Cir. 1982).

.....§ 205 is properly understood to apply to those matters in which a federal employee's representational assistance could potentially distort the government's process for making a decision to confer a benefit, impose a sanction, or otherwise to directly effect the interests of discrete and identifiable persons or parties

FN 1. All statutory citations in this opinion will refer to the Government Code.

FN 2. Section 87100 declares: "No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

See Section 205 , 18 U.S.C. paragraph 205(a)

Section 205 applies to federal employees, employees of the District of Columbia, and "special Government employee[s]," defined as those serving for 130 days or less in a calendar year. See 18 U.S.C. § 202(a).

Section 205(a), applicable to

regular federal employees has two parts, one barring an employee from assisting with, or sharing in, a private party's claim against the United States, § 205(a)(1), the other subjecting a federal employee to criminal or civil penalties if the employee

"acts as an agent or attorney for anyone before any department [or] agency ... in connection with any covered matter in which the United States is a party or has a direct and substantial interest...." 18 U.S.C. § 205(a)(2). A "covered matter" is defined in § 205(h) as "any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter." Id. § 205(h).

a financial interest. (§ 87100.) fn. 2 It requires state and local agencies to adopt 3. conflict of interest codes covering their "designated employees." (§ 87300.) Such a code designates the decision-making positions within the agency..

*Combined these Courts , U.S. Court of Federal Claims and the Appeals Court for the Federal Circuit have Jurisdiction over every aspect of my Complaint , See Document One , Case No. 21-2214

*Below see pages 1 and 2 of Document 18-6 in Case No. 21-2214 in Court of Federal Claims , Judge Coster Williams . Federal Government has had possession of Hartman's intellectual property since 1990 . Patent Office contained CD's of prior art submitted by Hartman to the government's SBIR programs .

Damages occurred to the Inventor from all four locations where she filed her intellectual property to SBIR programs :

- 1)Philadelphia , Pa.
- 2)Harrisburg, Pa.
- 3)Washington , D.C.

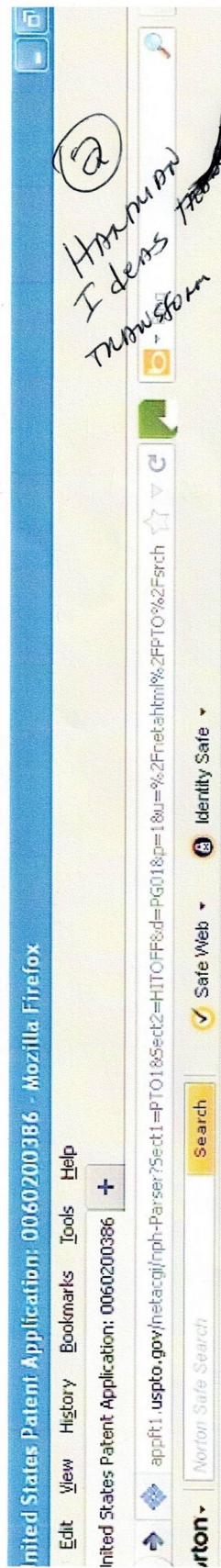
and later on the 4) United States Patent and Trademark Office in Arlington , Virginia

Attached is some of the filing information . More was filed with the Courts and also in the USPTO.gov .

The Inventor asked in return of filing her proposals on improving telecommunications called the Accessing Accessibility Process asked for \$25,000 to \$35,000 to help get her START UP business which was to develop her prototype search engine Talk Shoppe Inc.

The government invalidated its contract with her by setting her up as a "criminal" and a "crazy" in these locations and proceeded to steal her property and take it over completely - giving her search engine ideas and opportunities of all kinds to others while it and its allies and affiliates ruined her life . The proof is in her Brief and Appendices . She wants and deserves JUSTICE !!!!!

Her facts and claims are sufficient enough to prove her case and she desires not to held back by crooked courts .



01] This invention is a new and revolutionary business process in which the computer by way of a modem is used to access, retrieve, and exchange goods, services, and information. It is a new method whereby information can be brokered and the exchange of goods and services used for commercial profit. This process allows the user's access to greater information in a shorter period of time without having to be physically present in order for the transaction to occur. It creates a work in which businesses have additional opportunities to reach consumers. The accessibility to goods and services is magnified. It makes time management easier and can substantially reduce costs as the user need not spend time or effort in traveling or send messengers to accomplish the task.

02] Information retrieval for the first time can be used for a commercial exchange between a database or website and the average consumer. It encourages the creation of databases or websites which can be set up to advertise products and services. These web pages also provide sites or addresses in cyberspace where the user or consumer may accomplish the transaction or simply download the desired information. It also makes possible global communication as the computer sends its modem via telephone, cable wires, or wireless radio signals into cyberspace making contact almost instantaneous.

03] This new process was introduced in a business plan and similar writings in 1990 by the inventor. These documents are enclosed on the CD entitled Hartman Patent Docs. #1-12 and are comprised of the following: (1) Accessing Accessibility (Marketing Information and Service Brokerage)--11 pages submitted 11-1-1992 for Innovation Award Ben Franklin Partnership Program of the Commonwealth of Pennsylvania; (2) The Feasibility of Accessing Accessibility submitted 11-1-1992 to Pennsylvania Department of Commerce for Benjamin Franklin Partnership Fund Project; (3) Talk Shoppe Telecommunications Services business plan; (4) Hartman letter to Frank Campo--U.S. Small Business Administration dated Mar. 5, 1990; (5) Hartman letter to Don Loneragan LaSalle Small Business Development Center, dated May 31, 1990; (6) Hartman letter to Shelly Fudge Benjamin Franklin Technology Center of Southeastern Pennsylvania, Aug. 23, 1990; (7) Hartman letter to Phillip Singerman, Benjamin Franklin Technology Center of Southeastern Pennsylvania, Mar. 30, 1991; (8) Hartman letter to Phillip Singerman, Benjamin Franklin Technology Center of Southeastern Pennsylvania, Mar. 30, 1991; (9) William H. Harrington, Director of Benjamin Franklin Technology Center of Southeastern Pennsylvania letter to Hartman, Aug. 15, 1991; (10) U.S. Small Business Administration letter to Hartman, Aug. 5, 1992; (11) U.S. Small Business Administration letter to Hartman, Aug. 20, 1992; (12) Certified Mail envelopes from U.S. Business Administration to Hartman dated Aug. 21, 1992 and Jan. 22, 1993.

04] This process Accessing Accessibility is a method in which an end-user logs on to a website on a remote computer, accesses goods, services, or information, carries out a transaction, retrieves or downloads information and logs off. This can be accomplished by the use of a computer and a modem. The steps of this process can be illustrated as follows: a Simple Step as illustrated in FIG. 1 where a sole consumer logs onto a single website, carries out transactions and logs off. FIG. 2 illustrates Multiple Steps where a single consumer logs onto multiple websites for multiple transactions and logs off. FIG. 3 illustrates a third party broker who accesses websites in lieu of the consumer who does not have access to a computer for which the broker receives a fee for services.

05] These steps can be continued into a web or network of numerous steps of this process all occurring at the same time. The consumer or end-user may log

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11/003,123		Accessing Accessibility Process		Select New Case		Application Transaction History		Image File Wrapper		Published Documents/Attorney/Agent	
Bibliographic Data		Application Number:		11/003,123		Correspondence Address Customer Number:					
Filing or 371 (c) Date:	03-07-2005	Status:	Abandoned -- After Examiner's Answer or Board of Appeals Decision								
Application Type:	Utility	Status Date:	12-21-2019								
Examiner Name:	SMITH, JEFFREY A	Location:	ELECTRONIC								
Group Art Unit:	3625	Location Date:									
Confirmation Number:	4653	Earliest Publication No:	US 2006-0200386 A1								
Attorney Docket Number:	-	Earliest Publication Date:	09-07-2006								
Class / Subclass:	705/026	Patent Number:									
First Named Inventor:	Dorothy M. Hartman, Philadelphia, PA all Inventors	Issue Date of Patent:									
First Named Applicant:	-	International Registration Number (Hague):									
Entity Status:	Small	International Registration Publication Date:									
ALA (First Inventor to File):	No										
Title of Invention:	Accessing Accessibility Process										
<p>If you need help:</p> <ul style="list-style-type: none"> • Contact the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent Application Information Retrieval (PAIR). • If you experience technical difficulties or problems with PAIR outside normal Patent Electronic Business Center hours (M-F, 6AM to 12AM ET), please call 1-800-786-9199. • Send general questions about USPTO programs to the USPTO Contact Center (UCC). 											

ispto

UNITED STATES
PATENT AND TRADEMARK OFFICE

7. The Brief from the USPTO and presented to the Appeals Court in the 2013-1070 Court is fraudulent alleges the petitioner . The Case was wrongly decided but the courts want to hide that information which makes them more than perpetuating fraud on the Courts and on the American People but appear to be accessories after the fact.

The United States Patent and Trademark Office Presentation to the Appeals Court for the Federal Circuit is flawed and not proven . See the following :

8. Case # 2013-1070 , Doc. 12 , page 116 Hartman requests rehearing from the BPAI Judges Bibbu R. Mohanty, C. Petrovich , and Anton Fedding . It was received Aug. 28 , 2012 approximately 8 months before the trial at CAFA 2013-1070 . They wrongly denied a rehearing .

9. Case #. 2013-1070 See Doc. 4 , pages 25 and 26 showing both pages of rewritten claims filed with William Allen.

10. William Allen , the examiner had also received a copy of the rewritten claims. See SA002611 , SA002612 , SA002613 , SA002614 , SA002615

11. See Prosecution History Doc. 14 page 18 SA000015

12. See December 3 , 2004 See SA 000085 page 24 , Doc. 14 Letter from Hartman to Patent Office submitted with her application and accompanied with 2 CD's with copies of Affidavits from employees in the SBIR program showing that she had priority , first to invent , first to file . That was the method of patenting before changes made in 2011 . Hartman's December 3 , 2004 letter although shown in the patent documents of the Brief is not shown in the Prosecution History . See Page 18 , SA 000015

13. After Hartman was asked to refile again in 2005 , She again submitted a letter with her filing . See again when the claims are resubmitted on March 2005 , Hartman once again discusses her priority submissions to the SBIR to which the National Science Foundation , the U.S. Department of Commerce and the United States Patent and Trademark Office belongs by default because the DOC is its parent . She includes this in her claims submitted on March 7 , 2005 .

14. Although the Patent Office did everything it could to cover the government's confiscation of the inventor's proposals on Accessing Accessibility by placing

practically removing all references to the previously submitted documentation to the Small Business Innovation and Research Programs and to deny inventor's patent , even to holding the patent application for over 8 years to try to figure out how to deny it even while the government was using the new method with its new Internet (s) introduced in after 1990 , the patent office still took a flawed case to the Appeals Court for the Federal Circuit where it was wrongly decided .

15. Not only had the Appellant rewritten claims but she did so upon the granting of her petition Commissioner Bahr and discussion with See Doc. 4 , pages 25 and 26 showing both pages of rewritten claims filed with William Allen .

16. Commissioner Bahr granted this petition on March 31 , 2011, SA001665 , SA001664 , SA001666

17. For whatever their reasons after violating so much constitutional and patent law in their holding of the patent application from 2004-2012 and then denying the patent on the wrong claims .

18. The Patent Officer Solicitor on the Brief , 2013-1070 SA000021 SA000085 thru SA000097 SA000123 thru SA000126 should have been aware of the discrepancies . These cases have been a farce and do not deserve Stare Decisis or to interrupt or disrupt the property rights of the inventor .
A000103

19. Thus far she is being further victimized by deliberate obstruction by the Appellate Courts , both the U.S. Federal Court of Claims and the Appeals Court for the Federal Circuit . Her constitutional rights including the 5th Amendment being abused. Both Courts are in violation of jurisprudence and law and now are deliberately trying to stall JUSTICE .

20. What the government has done recently is claim that Tim Berners Lee is the inventor of the WorldWide Web . This is both untrue and a fraudulent mask shown to the investors set up by the illegal global internet set in place by the government abusing the rights of a natural born citizen in order to set up a power tool and wealth grab for the United States Government and oligarchs across the planet by setting up an internet based on the violations of the rights of a minority woman.

“ The fundamental conception of a court of justice is condemnation only after hearing . To say that courts have inherent power to deny all right to defend an action and to render decrees without any hearing whatever is , in the very nature of things , to convert the

court exercising such an authority into an instrument of wrong and oppression , and hence strip it of that attribute of justice upon which the exercise of judicial power necessarily depends. “ (188 Cal . App. 2d at p. 305 , quoting Hovey v. Elliott (1897) 167 U.S. 409,414[42L.Ed.215,220,17 S. Ct. 8411].)

21. Hartman alleges a continuous pattern of administrative , clerical , and judicial error in both the trial and appeals court to “ cover up” the magnitude and seriousness of violations of the constitutional and civil rights of the Petitioner by the United States Government including thus far crooked and secretive trials by appellate courts .

22. Hartman who is a minority woman who suffers with a handicap alleges that because of her minority and vulnerable status that she has been attacked and abused by a government that invaded her privacy , defamation of her name and character , and proceeded to steal her personal property worth trillions of dollars motivated by racial discrimination and hatred , arrogance of white privilege , and excessive greed and the opportunity to own very valuable property by taking advantage of a vulnerable African-American disabled woman .

23.This includes Personal Property including homes and real estate exceeding \$600,000 dollars in value and intellectual property including the Accessing Accessibility Process that led to the 2nd wave of Internet that debuted after 1990 and was built on Hartman’s ideas . That Internet exists today and is used to support Telecommunications , Ecommerce , and the many businesses , agencies , and agents that make the Internet run.

24. What Hartman’s invention or Accessing Accessibility Process did was to cross the T’s and dot the I’s in such a way as to create a continuous template on which different genera could then be created using computer coding or programming . Hartman listed a series of steps to the Accessing Accessibility Process that she later submitted a patent Application U.S. #11,003.123 to show how an expansive internet such as the one that exists today could be built .

25. Hartman alleges that once the government determined how potentially powerful and wealthy the use of the Internet based on her ideas could become with what she termed using CYBERSPACE an alternate but virtual space in which computer transactions could be carried out. This enables the capacity of the Internet to carry billions of people online simultaneously . The creation of wealth potential alone was a motive for the government’s Department of Commerce to take control of Hartman’s invention that it the federal government made the decision to misappropriate the ideas that had been shared by her to its SBIR programs and

began a systematic , abusive , an unconscionable assault on her . These assaults were carried out basically in the 4 areas and crossing the borders of several states where Hartman entered filings , The Benjamin Franklin Technology Center in Philadelphia , the Dept. of Commerce in Pennsylvania , SBIR in Washington D.C. where she submitted to the U.S. Small Business Administration and others reviewing included the National Science Foundation , Department of Commerce , Washington D.C. and later the United States Patent and Trademark Office; See Complaint , Document 1 in Case 21-2214 . Hartman was viciously attacked , terrorized , and her life manipulated for loss and destruction in each of the locations for filings . **26. This dismisses the Federal Claims Court assertions that these are tort claims when indeed they are not , but like tort claims damage the Petitioner so much more by the invalidation of her rights , theft of her personal property , defamation of her name and reputation , damages to her credibility and health and enormous economic loss.** Further the **Case #2013-1070** has proof that the Federal Government has had possession of Hartman's intellectual property Accessing Accessibility Process since 1990 and is still maintaining it using **indefiniteness , both of which are false.** See Document 1, the Petitioner's Complaint in Case 21-2214 of the Court of Federal Claims . Also see Appellant Brief , Document 12 , filed September 10 , 2022 in the Appeals Court for the Federal Circuit . For the numbers of statutes , constitutional amendments , and civil rights laws being used to violate the Petitioner rights and keep her from Justice or the alternative and that is the federal government's continued use of the Petitioner's personal property without crediting her or compensating her .

27. Ms. Hartman's Brief and Appendices submitted on September 10 , 2022 shows critical evidence that supports Ms. Hartman's claims and was not previously reviewed by the Court, therefore the petitioner alleges actions by Judges who may be operating outside of the law to deliberately prevent critical evidence necessary to move this case forward and to the finding of JUSTICE in the case is being hid from the public by the continuous illegal antics in the court , stalling and preventing the court from proceeding with the case .

28. Since the violations are considerable and the damages considerable as there has been a 30 year run on Telecommunications , Ecommerce , and related industries exploding the Nasdaq Stock Market in profits since early nineteen nineties , the damages to Hartman are considerable another reason for the lies and fraud as Hartman is African American as :

1) The government invalidated or breached its contract with Hartman in sending her rejection or dismissal notices to her regarding her request for funding to start an online business from home , Talk Shoppe Incorporated a prototype search engine dismissing her from the program . However the government maintained Hartman's

Accessing Accessibility Proposals and used those to transform its own Arpanet an internet that had no commercial exchange and was not capable of carrying billions of people online simultaneously as Hartman's version of the Internet proved to be .

2)This has produced income and profits in the trillions of dollars to the government and telecom and ecommerce corporations now worth billions and trillions of dollars while Hartman has been abused , defamed , stripped of her homes and financial assets , even harmed through medical malfeasance while others have become enriched through the breach of Ms. Hartman's contract and the creation of a doctrine of unjust enrichment with others on the other side of the contract making trillions of dollars with *royalty free* internet made available to telecom and ecommerce agencies by the federal government's use of Hartman's property without compensation to her including

29) Failure to declare Eminent Domain as the Internet was declared a Utility by Barack Obama in 2016 . With or without a patent as a patent was deliberately denied by the United States Patent and Trademark Office and the U.S. Department of Commerce which is the parent to the USPTO.gov and the Patent Commissioners the direct employees of the U.S. Department of Commerce . The U.S. Department of Commerce is now the central headquarters for the Telecommunications Department of the United States .

30. A display of tyranny, terrorism and power that has seriously damaged the petitioner who trusted a government with her intellectual property and it in turn sacrificed her health and rights , including enslaving her , using its circumvention of her intellectual property laws to apparently disenfranchise others as well and she is now is further being subjected to further violation of her rights to equal access to law and a fair trial . Evidence suggests violation of conflict of Interest Laws by the United States being condoned by the Attorney General Merrick Garland , the Biden Administration , and participated in by Appellate Court Justices . Thus far Ms. Hartman's rights are being completely trounced over through lawlessness and racism in the Appellate Courts. The Appeal has been granted and the Petitioner moves that her Briefs and Appendices which contain new and critical evidence not previously reviewed by the court be submitted to a 3-judge panel chosen immediately to review the Appeal :

Standard for Review :

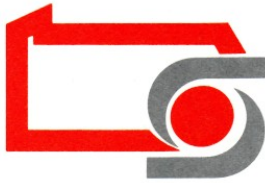
The Overwhelming legal standard here is **United States violation of its own Conflict of Interest Laws** :
investments, property or income. (§ 87103.) The conflict of interest laws operate without regard to actual corruption or actual governmental loss; they establish an objective standard "directed not only at dishonor, but also at conduct that tempts dishonor;" they are preventive, acting upon tendencies as well as prohibited results.

.....And the litany of laws being broken in this case by the Appellate Courts , Democratic Attorney General and the Justice Department , and the United States .**See Brief and Appendices , Document 12 in Case No. 22-1955** . The Inventor has been grievously damaged and her files should be reviewed to prevent further Injustice .

See Attachments : a) Judge Coster Williams Dismissal Orders
b) Responses from SBIR in Philadelphia and Harrisburg

Respectfully Submitted,
Appellant Pro Se
Dorothy M. Hartman
/ S / Dorothy M. Hartman , Date Nov. 7 , 2022

(610) 934-4014
Philadelphia , Pa. 19102



Ben Franklin Technology Center of Southeastern Pennsylvania®

University City Science Center • 3624 Market Street • Philadelphia, PA 19104
(215) 895-3103 • FAX: (215) 387-6050

August 31, 1990

Dorthory Hartman
Science Teacher
7720 C. Stenton Avenue
Apt. 101
Philadelphia, PA 19118

Dear Ms. Hartman:

I want to thank you for your recent inquiry regarding Ben Franklin Partnership Programs. Enclosed for your review are materials outlining various funding opportunities through the Ben Franklin Technology Center of Southeastern Pennsylvania. Upcoming proposal submission deadlines for the Technology Center's funding programs are October 3 and December 5, 1990.

The submission deadline for the Pennsylvania Seed Grant, administered directly through the Commerce Department in Harrisburg, is due September 30. This program, similar to the Center's Innovation Grant Program, provides start-up funds to entrepreneurs and early stage companies, but is available only once a year. If you are interested in this program I can provide you with general information and assistance with proposal preparation.

Please feel free to call me at 895-3105 if you have any questions or need additional information.

Sincerely,

Shelley C. Fudge
Special Assistant to the
Executive Director

SCF/vbd

SUNNY
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Date April 15, 1991

TO: Principal Contact Person
Innovation Award

FROM: Ruth Hill-Nesmith *Ruth Hill-Nesmith*
Manager, Program Administration

RE: Project Number: 91S.3851P-1

Company Name: Talk Shoppe

We have received your proposal for funding and have reviewed it for completeness. The following items apply:

[] Proposal Complete as Received

Missing

- | | |
|---|-----|
| Title Page and Authorized Signature | [] |
| Table of Contents | [] |
| Non-Confidential Company Summary | [] |
| Non-Confidential Follow-on Support Summary | [] |
| Non-Confidential Technical Summary | [] |
| Non-Confidential Market Summary | [] |
| Participating Company Information <i>-Please provide month & year of incorporation</i> | [X] |
| I. Scientific and Technological Aspects of the Project | |
| A. Problem Statement/Background | [] |
| B. Proposed Program of Work | [] |
| C. Qualifications of Personnel | [] |
| II. Commercialization Aspects of the Project | |
| A. Description of Market | [] |
| B. Marketing, Sales, Distribution, and Customer Service | [] |
| C. Protection and Timing of Proprietary Rights | [] |
| D. Regulatory, Clinical, Underwriters Laboratories, or other Approvals | [] |
| E. Rationale for Jobs | [] |
| III. Milestones | [] |
| IV. Budget Forms <i>-Please explain cost for pages 18+19 with percentages where applicable.</i> | [X] |

Sponsored by Pennsylvania's Ben Franklin Partnership to strengthen the region's economy through advanced technology

We have received your proposal for funding and have reviewed it for completeness. The following items apply:

Missing

V. Attachments

- A. Letters of Commitment for Funding Sources
- B. Resumes

[]
[]

The above items must be received by April 30, 1991 or the BFTC will be unable to complete the review process. If you have any questions, please call me at (215) 895-3105.

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August 28, 1992

TALK SHOPPE
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2201 PENNSYLVANIA AVENUE
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PHILADELPHIA PA 19130-0000

Account Number: 2V157506

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John R. Bowden, Jr.
Vice President
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Ben Franklin Technology Center of Southeastern Pennsylvania®

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(215) 895-3103 • FAX: (215) 387-6050

July 24, 1991

Dear Innovation Applicant:

In early April your company applied for an Innovation Award from the Ben Franklin Technology Center. Your application has received a thorough review of its technical merits and commercial potential from university and business experts.

With the approval of the Pennsylvania Department of Commerce, a number of the applications were scheduled to receive investments beginning in September 1991. As I am sure you know, the Commonwealth does not yet have an approved budget for fiscal year 1991-92. Consequently, the Pennsylvania Department of Commerce is not able to approve applications that we would recommend.

We are not able to predict when these issues will be resolved. We had hoped to be able to indicate which applications would be recommended by early July. For planning purposes, we estimate that we will be able to inform you of the outcome of your application within two weeks after a budget is adopted for the Commonwealth. We still expect that funds will be able to be available to successful applicants in the early part of September.

This letter is sent for your information only and is not meant to be an indicator in any way of the likelihood of the funding of your application.

Sincerely,

William H. Harrington
Director
Entrepreneurial Development

WHH/s

In the United States Court of Federal Claims

**No. 21-2214C
(Filed: May 18, 2022)**

DOROTHY M. HARTMAN

Plaintiff

v

JUDGMENT

THE UNITED STATES

Defendant

Pursuant to the court's Order, filed May 18, 2022, granting defendant's motion to dismiss,

IT IS ORDERED AND ADJUDGED this date, pursuant to Rule 58, that plaintiff's case is dismissed with prejudice.

Lisa L. Reyes
Clerk of Court

By: *Anthony Curry*
Deputy Clerk

NOTE: As to appeal to the United States Court of Appeals for the Federal Circuit, 60 days from this date, see RCFC 58.1, re number of copies and listing of all plaintiffs. Filing fee is \$505.00.

In the United States Court of Federal Claims

No. 21-2214

(Filed: May 18, 2022)

DOROTHY M. HARTMAN,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER OF DISMISSAL

WILLIAMS, Senior Judge.

This matter comes before the Court on Defendant's motion to dismiss for lack of subject matter jurisdiction. For the reasons stated below, Defendant's motion to dismiss is granted.

Plaintiff pro se Dorothy Hartman alleges that the Government misappropriated her intellectual property, "the Internet 2" and avers that the Government has "for 30 years been using it as its own internet" since she invented it in 1989-1990. Compl. at 3-4; 27. Plaintiff alleges that she submitted her proposal called "The Feasibility of Accessing Accessibility" to the Pennsylvania Department of Commerce and the United States Small Business Innovation Research Program. Compl. at 4. Plaintiff alleges that her "Accessing Accessibility Process" was "new and revolutionary when she submitted [it] in proposals," and that the invention was misappropriated by the Benjamin Franklin Technology Center, the U.S. Small Business Administration, and the Pennsylvania Department of Commerce. Compl. at 4.

Plaintiff further claims that the Government violated her privacy during proceedings in her recent case before this Court, Case No. 20-00832, by "allowing the Defense attorneys to monitor, track, and literally electronically tap phone conversations of the Plaintiff," and that she "has been deliberately defamed by the misconduct of federal judges who perjured and published falsified public records." Id. Plaintiff alleges that the Government's "acts of defamation and discrediting her character" were "deliberately carried out in order to take her personal real estate property and intellectual property by fraud." Compl. at 5. Plaintiff claims that the Government's actions caused

her to lose two homes and personal possessions, amounting to over \$600,000 in damages, and that “her personal intellectual property now in use and being copied everyday by the Federal Government is valued at trillions of dollars.” Compl. at 9. In support of her claims, Plaintiff invokes the Fourth, Fifth, and Eighth Amendments of the Constitution as well as 28 U.S.C. §§ 1491, 1498, and 1499.

Legal Standards

The filings of pro se litigants are held to “less stringent standards than formal pleadings drafted by lawyers.” Naskar v. United States, 82 Fed. Cl. 319, 320 (2008) (quoting Haines v. Kerner, 404 U.S. 519, 520 (1972)). However, pro se plaintiffs still bear the burden of establishing the Court’s jurisdiction and must do so by a preponderance of the evidence. Reynolds v. Army & Air Force Exch. Serv., 846 F.2d 746, 748 (Fed. Cir. 1988); Tindle v. United States, 56 Fed. Cl. 337, 341 (2003).

Plaintiff has the burden of establishing subject-matter jurisdiction in this Court. Reynolds, 846 F.2d at 748. The Court must dismiss the action if it finds subject-matter jurisdiction to be lacking. Adair v. United States, 497 F.3d 1244, 1251 (Fed. Cir. 2007). The Court assumes all factual allegations as true and will construe the Complaint in a manner most favorable to Plaintiff when ruling on a motion to dismiss pursuant to Rule 12(b)(1). Pennington Seed, Inc. v. Produce Exch. No. 299, 457 F.3d 1334, 1338 (Fed. Cir. 2006).

The Tucker Act grants this Court jurisdiction over “any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.” 28 U.S.C. § 1491(a)(1) (2012). The Tucker Act is not money-mandating, but rather is a jurisdictional statute. United States v. Testan, 424 U.S. 392, 398 (1976). To establish jurisdiction, “a plaintiff must identify a separate source of substantive law that creates the right to money damages.” Jan’s Helicopter Serv., Inc. v. Fed. Aviation Admin., 525 F.3d 1299, 1306 (Fed. Cir. 2008) (internal citation and quotation marks omitted).

Discussion

Plaintiff’s complaint is substantively identical to the complaint in her 2020 case that the Court of Federal Claims dismissed “without leave to replead” and the United States Court of Appeals for the Federal Circuit affirmed in Hartman v. United States. Fed. Cl. No. 20-0832, Dkt. No. 29 at 2 (Order Granting Motion to Dismiss), aff’d, 2021 U.S. App. LEXIS 26666 (Fed. Cir. Sept. 3, 2021, Case No. 2021-1535). Specifically, Plaintiff’s claims in the instant litigation and in her 2020 action are based on her alleged invention of the “Internet 2” and the “Accessing Accessibility Process,” the Patent and Trademark Office’s erroneous rejection of her patent application, and the Government’s misappropriation of her intellectual property. Because Plaintiff litigated these claims in Hartman v. United States, No. 20-00832, and Hartman v. United States,

2021 U.S. App. LEXIS 26666 (Fed. Cir. Sept. 3, 2021, Case No. 2021-1535), she is precluded from relitigating them again in this action under well-established principles of stare decisis.

To the extent the Complaint alleges additional claims that the judges and Government attorneys involved in her 2020 case defamed and discredited her, this Court does not have jurisdiction to hear claims against individual federal government officials, prosecutors, or judges. Fullard v. United States, 78 Fed. Cl. 294, 300 (2007). Frank's Livestock & Poultry Farm, Inc. v. United States, 17 Cl. Ct. 601, 607 (1989) (recognizing that the Court of Federal Claims does not have jurisdiction over claims against federal officials); see generally Stump v. Sparkman, 435 U.S. 349, 355-56 (1978) (recognizing federal judges are immune from suit when, “at the time [the judge] took the challenged action,” the judge had the authority to act). This Court also lacks jurisdiction over these claims because they sound in tort. See Rothing v. United States, 132 Fed. Cl. 387, 390 (2017).

Conclusion

Defendant’s motion to dismiss is **GRANTED**.¹ The Clerk is directed to dismiss this action with prejudice.

Mary Ellen Coster Williams

MARY ELLEN COSTER WILLIAMS
Senior Judge

¹ Plaintiff’s motion for default judgment is denied as moot. Plaintiff submitted 34 emails which do not comply with court rules, asking the Clerk of Court to effect various clerical amendments to her filings. The Court construes these requests as a motion. This motion is denied.

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DORTHY M. HARTMAN,)	
)	
Plaintiff,)	No. 21-2214
)	Senior Judge Coster-Williams
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	

DEFENDANT'S MOTION TO DISMISS

Pursuant to Rule 12(b)(1) of the Rules of the United States Court of Federal Claims (RCFC), defendant, the United States, respectfully requests that the Court dismiss the complaint filed by plaintiff, Dorthy M. Hartman, for lack of subject matter jurisdiction.

STATEMENT OF THE CASE

Ms. Hartman is a repetitive filer, whose current complaint appears to be a rehashing of the complaint that this Court previously dismissed without leave to replead in Fed. Cl. No. 20-0832. *Id.*, Dkt. No. 29. The Federal Circuit affirmed this Court's dismissal of Ms. Hartman's complaint on September 3, 2021. *Id.* at Dkt. No. 37; *Hartman v. United States*, 2021 U.S. App. LEXIS 26666 (Fed. Cir. Sept. 3, 2021, Case No. 2021-1535). In response, Ms. Hartman has filed a new complaint which, like her prior complaint, seeks "redress for a variety of alleged government wrongdoing, including misappropriation of intellectual property rights and a decades long conspiracy to deprive her of those rights through a campaign of harassment." Fed. Cl. No. 20-0832, Dkt. No. 29 (Order Granting Motion to Dismiss) at 1.

ARGUMENT

I. Legal Standards

The Court of Federal Claims is a court of limited jurisdiction. *Inter-Coastal Xpress, Inc. v. United States*, 296 F.3d 1357, 1365-66 (Fed. Cir. 2002). Generally, this Court has jurisdiction to entertain monetary claims against the United States founded upon the Takings Clause of the Constitution, money-mandating statutes and regulations, or contracts. 28 U.S.C. § 1491(a)(1). “Plaintiffs have the burden of establishing the court’s subject matter jurisdiction by a preponderance of the evidence.” *Brooker v. United States*, 107 Fed. Cl. 52, 55 (2012) (citing *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178, 189 (1936); *Reynolds v. Army & Air Force Exch. Serv.*, 846 F.2d 746, 748 (Fed. Cir. 1988)). “Pro se plaintiffs, although held to less stringent standards than lawyers, must nonetheless meet basic jurisdictional requirements.” *Id.* (citations omitted). *See also Taylor v. United States*, 303 F.3d 1357, 1359 (Fed. Cir. 2002). “The Tucker Act expressly excludes tort claims, including those committed by federal officials, from the jurisdiction of the United States Court of Federal Claims.” *Hernandez v. United States*, 96 Fed. Cl. 195, 204 (2010) (citing *Keen Corp. v. United States*, 508 U.S. 200, 214 (1993)).

“Subject matter jurisdiction is a threshold matter that a court must determine at the outset of a case,” and “[t]he court is obligated to raise the issue of its own jurisdiction *sua sponte* ‘if a question thereto exists.’” *Baker v. United States*, 102 Fed. Cl. 115, 126-127 (2011) (quoting *Liberty Mut. Ins. Co. v. Wetzel*, 424 U.S. 737, 740 (1976)). “The court has an obligation to examine its own jurisdiction at all stages of a proceeding,” and “[i]f the court finds that it lacks jurisdiction over the subject matter, it must dismiss the claim.” *Matthews v. United States*, 72 Fed. Cl. 274, 278 (2006) (quoting *Wood-Ivey Sys. Corp. v. United States*, 4 F.3d 961, 967 (Fed. Cir. 1993); *Hurt v. United States*, 64 Fed. Cl. 88, 89 (2005)). *See also Banks v. United States*,

2019 U.S. Claims LEXIS 1281, *13 (Ct. Fed. Cl., Sept. 27, 2019) (“Because the Court has determined that it does not possess subject-matter jurisdiction to consider any of plaintiffs’ claims, the Court denies [plaintiff’s motion for default] as moot.”).

II. The Court Lacks Subject Matter Jurisdiction Over Plaintiff’s Complaint

As with Ms. Hartman’s prior complaint, the current complaint alleges tort claims that are beyond the jurisdiction of this Court. Additionally, Ms. Hartman’s claims are foreclosed as a matter of law by the Federal Circuit’s affirmance of this Court’s prior dismissal. *See Hartman*, 2021 U.S. App. LEXIS 26666 (Fed. Cir. 2021).

CONCLUSION

For the above reasons, the United States respectfully requests that the Court dismiss the complaint for lack of jurisdiction.

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

MARTIN F. HOCKEY, JR.
Acting Director

s/ Steven J. Gillingham
STEVEN J. GILLINGHAM
Assistant Director

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February 1, 2022

Attorneys for Defendant