

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

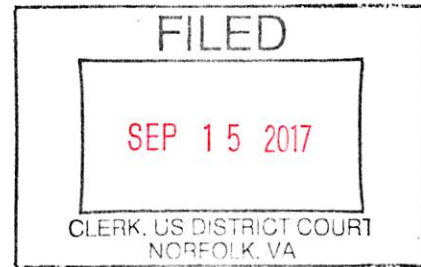
Kenneth A. Boone,  
Plaintiff,

Action No. 2:17cv297

Motion For Appeal

V.

David Kirby, et al.,  
Defendants.



(1).

Plaintiff is appeal this Dismissal Order by forwarding notice of appeal to the Clerk of the United States District Court, Norfolk Division, 600 Granby Street, Norfolk, Virginia 23510. For the Following Below;

(2).

Now comes Kenneth A. Boone, Under Pro-se Case Law, as the Plaintiff under BOAG b. MacDougall, 454 U.S. 364 70 L.ED 2d 551, 102 Ct. (1982): Pleading filed by individuals representing themselves are held to a less stringent standard than those prepared by attorneys; Haines v. Kerner, 404 U.S. 519, 30 L. Ed. 652, 92. Ct 594 (1972): Pro-se Plaintiff complaint should not be dismissed for failure to state a claim upon which relief could be granted if it appears he may be able to offer **Proof Of His Claim**, and under, Fernandez v. U.S. 941 F.2d 1488 (11th Cir. 1991): Federal Courts, are to liberally construe the pleadings of Pro-so litigants; As Follows Below;

(3).

Now comes Kenneth A. Boone, as the ("Plaintiff") Pro-se under the above Cases Of Law, to Appear in this notice to the U.S. District Court Clerk for the Dismissal Order, from Judge Arenda L. Wright Allen, of Aug 18, 2017 against Plaintiff, Motion of 2017 Jun 6 P1:12 & 2017 Jun 21, P 4:56 to Show Cause, & Motion of 2017 Aug 21 Am. 10:07; Wherein the Plaintiff is applying to the Court for and Appear to the Court's for the Decision of Aug 18, 2017, in the above and below actions against the Plaintiff for the Dismissal to the United States District Court; Dismissal.

(4).

Now wherefore the Plaintiff ask that the Judge **Highly look into moving forward**, before this Court fully Dismissal actions against the Plaintiff Motions and of the "Motion To The Court-Judge," on 2017 Aug 24 Am. 10:07 wherein it's to believed that of paragraph (1) motion stated above statements of Plaintiff so-called court "Clerk," CASE- MAMAGER, did deliberately

interfered within the process of withholding or did misplacing Plaintiff evidence of Plaintiff, Exhibits evidence to the Court; Or did receive his Exhibits, of Evidence's to the Clerk Of The Court Judge Ms. Arenda L. Wright Allen, of the Plaintiff's "Evidences Of Exhibits," Pages of (85) did Cost \$8.50, at \$10 a Page, from the Plaintiff so-called Court Clerk, Case-manager; Now See "Exhibit (1), Attachment Page Receipt Copies;"

(5).

Now also see main "Exhibit-L 1 of 2."page of the Plaintiff's so-called patent Agent Defendant Mr. David Banner, letterhead addressing to the Plaintiff concerning Plaintiff Vented Toilet, invention under Plaintiff Docket No. B-107; Stating Dear Kenneth: In accordance with you request, here is a Copy of what disclosure material I have regarding "YOUR," Vented Toilet Invention; That gives the Plaintiff ownership over the Vent Toilet, invention; Now the Defendant Mr. David Banner did take and "Oath Of Declaration," to Practice before the "Patent and Trademark Office," to be a "Up Right," Patent Agent; And doing so this would clearly make Defendant Mr. Daive Banner, "Letterhead Letter," addressed to the Plaintiff to be very Authentic to be complete density substance of belonging of factual evidence of intensity of a "Great Weight Bearing," for the Court to not Discard a license Patent Agent statements of the Letterhead address to Plaintiff stated above by Defendant Mr. David Banner, Would be that Mr. David Banner "Committed Fraud," of this Practice before the PATENT AND TRADEMARK OFFICE, to say that the "Vent Toilet invention dose not belong's to the Plaintiff under Patent Application No. 11/110, 782 of the benefited Patent Application No. 60/563,199 date 04/19/2004, wherein does states the facts of truth of this Letterhead Letter, addressed to the Plaintiff as to be his own personal property of the "Vent Toile, Invention," AS The Plaintiff own "Personal Property," & be the Plaintiff, Patent Agent, that works for the Plaintiff & / Plaintiff Mother Annie Boone, & / Plaintiff sister Defendant Cheynetta Boone, to only belong to the Plaintiff, to own the Vent Toilet invention out right;

(6).

Now the Courts decision of the Vent Toilet invention Application Not being in the Plaintiff name is not the decision of the Court, but that of a "Trial By Jury," wherein the Court has Unlawfully violated Plaintiff Rights under the Sixth Amendment, to find if in Fact the Plaintiff is the soul inventor of the "Vent Toilet," invention of the facts set out above before the Court of this Motion and all the other Exhibits Plaintiff have set before the Court; To--find Plaintiff the Own.

Now within the Very beginning of the start of filing this law Suit, the Plaintiff, clearly made Defendant David Kirby, the head of this "Law Suit," but it's to be believed that Plaintiff so-called court Clerk, CASE MANAGER, DID deliberately interfere with removing Defendant David Kirby's name and replacing Defendant Michelle Kirby, Name, as the head leader of this Law suit;

(7).

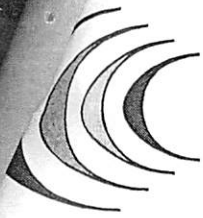
Now therefore the Plaintiff ask that is Law Suit, go to Trial By Jury, to find all of the within facts of Plaintiff evidence of Proof set forth against this Court be we heard and not be dismissed for trying not to say the Plaintiff didn't state a claim upon which relief could be granted if it appears he may be ale to offer **Proof Of His Claim**;

Wherein the above actions is why Plaintiff should have his Law Suit, proceed within court; And wherein the Plaintiff is giving notice of his Appeal to the Court also.

Oath Of Declaration

I Kenneth A. Boone, do declare that the above events are true to the best of my knowledge under perjury: Kenneth A Boone

Date: 9/15/2017



**Banner Development, Inc.**

David L. Banner  
Registered Patent Agent

P.O. Box 8859, Endwell, New York 13762

Phone: (607) 341-4122  
Fax : (518) 207-0644  
Email: [MrPatent@stuy.ny.com](mailto:MrPatent@stuy.ny.com)

July, 12, 2011

Mr. Kenneth A. Boone  
51309-083  
U.S.P. Coleman, Unit 1-D  
P.O. Box 1033  
Coleman, FL 33521

Subject: Vented Toilet, my Docket No. B-107

Dear Kenneth:

In accordance with you request, here is a copy of what disclosure material I have regarding your vented toilet invention.

Best regards,

*David*

David L. Banner

Enclosure

Note to Cashier

Date

7/21/2017

Re:

- ☐
- ☒
- ☐
- ☐
- ☐
- ☐
- ☐
- ☐

Filing fee  
Copy fee  
Appeal fee  
Bond  
Pro Hac Vice  
Other  
Certification Fee

Case Number

2:17cv297

*Kenneth Boone*

*\$8.50*