

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JUL 17 2020

David J. Bradley, Clerk of Court

Probir Kumar Bondyopadhyay, Ph.D. §
UNITED STATES CITIZEN §
14418 Oak Chase Drive §
Houston, Texas 77062 §
PLANTIFF §

Civil Action: _____

versus

The United States Attorney General §
U.S. Department of Justice §
950 Pennsylvania Avenue, NW §
Washington, D.C. 20530-0001 §
DEFENDANT §

JULY 17, 2020 FRIDAY

1. This case is filed under Title 28 USC Section 1338a to seek Declarative Judgment of this Honorable U. S. District Court on two constitutional questions, very important to this Plaintiff, involving Article 1, Section 8 Clause 8 of the U. S. Constitution.
2. The Plaintiff is a U.S. Citizen continuously residing in Harris County, Texas for over 31 years.
3. This Declarative Judgment is sought under Rule 57 of the Federal Rules of Civil Procedure. The details are described next.

Probir Kumar Bondyopadhyay July 17, 2020 -1-

IN THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, HOUSTON
Probir Kumar Bondyopadhyay versus Attorney General of the United States

TABLE OF CONTENTS

	Page No.
4. BACK GROUND OF THIS CASE	3
5. WHY IS THIS CASE FILED?	3
6. THE PLAINTIFF	4
7. THE DEFENDANT	4
8. JURISDICTION OF THE COURT	5
9. DECLARATORY JUDGMENT SOUGHT UNDER RULE 57 (FRCP)	6

Probir Kumar Bondyopadhyay July 17, 2020 -2-

IN THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, HOUSTON
Probir Kumar Bondyopadhyay versus Attorney General of the United States

4. BACK GROUND OF THIS CASE

The Plaintiff is a U.S. Citizen continuously residing in Harris County, Texas for the past thirty one (31) years and is an electrical engineer by profession. Upon reading the U.S. Constitution it has been this Plaintiff's understanding and belief that the constitutional provision : 'exclusive rights for limited times' in Article 1, Section 8, Clause 8 is a constitutional order that established a means for a livelihood for a U. S. Citizen inventor.

This case is filed for a Declarative judgment seeking affirmation of the existence of this Constitutional Order. This Plaintiff must know the truth and the truth will set him free.

5. WHY IS THIS CASE FILED?

This case is filed because there are patented inventions where the use of the invention for the entire 20-year period may not be sufficient to arrive at the manufactured final product [*for example, a very large system architecture patent*].

Pr Bondyopadhyay July 17, 2020 -3-

IN THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, HOUSTON
Probir Kumar Bondyopadhyay versus Attorney General of the United States

6. THE PLAINTIFF

The Plaintiff is an electrical and computer engineer U.S. Citizen continuously residing in the Harris County, Texas for the last thirty-one (31) years.

The Plaintiff believes that Article 1 Section 8 Clause 8 of the U.S. Constitution at the time of the creation of the United States of America established a means for livelihood for U.S. Citizen Inventors, with its *exclusive rights for limited times* statement.

7. THE DEFENDANT

7.1 The Defendant in this case is the Honorable U.S. Attorney General, the chief lawyer of the Federal Government of the United States. The Defendant in this case is represented by the Honorable United States Attorney for the Southern District of Texas at Houston.

7.2 The Defendant is constitutionally required to enforce Constitutional Orders.

PrBondyopadhyay, July 17, 2020 -4-

IN THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, HOUSTON
Probir Kumar Bondyopadhyay versus Attorney General of the United States

8. JURISDICTION OF THE COURT

The jurisdiction of this Honorable U.S. District Court is stated in crystal clear language as shown below:

28 U.S. Code § 1338.

(a)

The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents, plant variety protection, copyrights and trademarks.

The Plaintiff seeks Declaratory Judgment under Rule 57 of the Federal Rules of Civil Procedure (FRCvP). The two constitutional issues, on which Declaratory Judgments are sought by the Plaintiff, are stated next.

PrBondyopadhyay, July 17, 2025-

IN THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, HOUSTON
Probir Kumar Bondyopadhyay versus Attorney General of the United States

9. DECLARATORY JUDGMENT SOUGHT UNDER RULE 57 (FRCP)

9.1 CONSTITUTIONAL QUESTION-1

The Plaintiff respectfully draws Honorable Court's laser-sharp judicial attention on the following five words:

Exclusive rights for limited times

in Article 1 Section 8 Clause 8 of the U.S. Constitution stating:

"To promote the progress of science and useful arts, by securing **for limited times** to authors and inventors the **exclusive right** to their respective writings and discoveries."

(emphasis added by this Plaintiff)

It is this Plaintiff's understanding that '*exclusive rights for limited times*' is a CONSTITUTIONAL ORDER that establishes a means for a livelihood for a U.S. Citizen Inventor. **Is this Plaintiff right? YES or NO?**

The Plaintiff seeks the Honorable Court's judicial wisdom, illumination and affirmation on this question. A simple YES answer will do.

Pr Bondyopadhyay July 17, 2020 -6-

IN THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, HOUSTON
Probir Kumar Bondyopadhyay versus Attorney General of the United States

9.2 CONSTITUTIONAL QUESTION-2

The Honorable Court's laser-sharp judicial attention is drawn to the two words '*patent owner*' in the following U.S. Code:

28 U.S. Code § 1498.

(a)

Whenever an invention described in and covered by a **patent** of the United States is used or manufactured by or for the United States without license of the **owner** thereof or lawful right to use or manufacture the same, the owner's remedy shall be by action against the United States in the United States Court of Federal Claims for the recovery of his reasonable and entire compensation for such use and manufacture.

(emphasis added by this Plaintiff)

*In this code, the patent owner is a **broader** term.* The owner may NOT be the Inventor. It could be some one else, human or a business entity of all kinds and the patent may not have been invented in the U.S.A.

BUT, if the patent owner is the U.S. Inventor himself, it is this Plaintiff's conviction that the Constitutional Order in stated question No. 1 above, is enforceable by this stated code.

Is this Plaintiff correct ? YES or NO ?

Probir Bondyopadhyay, July 17, ²⁰²⁰-7-

IN THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, HOUSTON
Probir Kumar Bondyopadhyay versus Attorney General of the United States

The Plaintiff again, seeks the Honorable Court's judicial wisdom, illumination and affirmation on this second question. A simple YES answer will do.

10. In the best interest of the United States of America, this Plaintiff respectfully requests expedited answers to these two constitutional questions.

Respectfully submitted,

Probir Kumar Bondyopadhyay, July 17, 2020

[Dr. Probir Kumar Bondyopadhyay]

United States Citizen

PLAINTIFF, Pro Se.

14418 Oak Chase Drive,

Houston, Texas 77062

Tel: 281-486-7735, 832-758-6514 (mobile)

E-Mail: dr.bondy@gmail.com

Copy to: (1). Honorable U. S. Attorney General
950 Pennsylvania Avenue, NW, Washington, DC 20530-0001

(2). Honorable U. S. Attorney, SDTX, Houston
1000 Louisiana Street, Suite 2300, Houston, Texas 77002

Probir Kumar Bondyopadhyay, July 17, 2020 -8-

IN THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, HOUSTON
Probir Kumar Bondyopadhyay versus Attorney General of the United States

[END OF THIS SUBMISSION]

Pr Bondyopadhyay July 17, ²⁰²⁰ -9-