

**United States District Court
District of Minnesota**

Christopher Roller

(Plaintiff)

vs.

David Copperfield's Disappearing, Inc
(Defendant)

Civil Action No. 07-1182 GNE/JJG

Memo in opposition to dismiss

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It's easy to see the oversight from LaMere. The problem is, he got through law school and his practice thus far by issuing magic documents and answers. He hasn't actually had to use his brain, or actually read the patent laws. Let me enlighten him.

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"

LaMere likes 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 its 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 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.

David's product/trick/illusion is entirely godly - he rebuttably knew it was patented, and thus notified. He was also notified when I sued him back in 2005. He owes me royalties for the use of my godly powers effective 29July2005.

I don't need minimum contacts for a patent infringement case. Per U.S.C 28 § 1338, Minnesota Federal court, the home of the patent, has exclusive/original jurisdiction. Personal jurisdiction is incorporated as part of the "exclusive jurisdiction". I do not have to pursue people in their home state for infringing on my patent.

As for http://www.objectforce.com/php/MyTrumanShow___/Legal/Patent/Magicians/RoyaltyCalculation.html...

I am considering adjustment of the scale to 8x% (80% perhaps - not quite sure yet) max. Otherwise the scale is accurate, and it is fair. I will need records from Copperfield's accountant to determine the exact royalty.

I charge \$trillion/hit for trying to kill God. I believe David Copperfield has

conspired to kill me on at least a dozen attempts, but I'm only going to charge him for one hit. I believe the members of Maslon have also conspired to kill me recently. I'm not sure, and I honestly expect some of the statements to come back, so I need statements such as the following, denying the allegations.

1. David Copperfield does not have godly powers.
2. David Copperfield did not know he had godly powers on 29July2005.
3. André J. LaMere does not have godly powers.
4. Dawn C. Van Tassel does not have godly powers.
5. Kathy Burns does not have godly powers.
6. Michele Theye does not have godly powers.
7. No one on the defense believes Chris Roller is God.
8. David Copperfield has never conspired to kill Chris Roller.
9. David Copperfield never conspired to kill Chris Roller shortly after his phone call to Chris, on 26Apr2005.
10. André J. LaMere has never conspired to kill Chris Roller.
11. Dawn C. Van Tassel has never conspired to kill Chris Roller.
12. Kathy Burns has never conspired to kill Chris Roller.
13. Michele Theye has never conspired to kill Chris Roller.
14. Chris Roller should not be allowed to defend himself when people are trying to kill him.
15. Chris Roller is not the father of Celine Dion's son.
16. Chris Roller has not fathered 1,000,000+ children.
17. André J. LaMere did not pass his LSAT using godly powers.
18. André J. LaMere is not a fraud.

I need to see these statements by the defense within 2 weeks to stop this suit from

going forward - I will voluntarily dismiss it. If any of the statements are missing in the document, then the opposite will be true ("does not" means "does", "has no" means "has", etc.). If any of 8-13 are missing, there will be a law suit that will inspire LaMere to check his drawers to see if he crapped himself (www.BendMover.com). LaMere and Copperfield may also be Bubba material soon as I send them off to prison so they can ponder why they couldn't make the statements. Of course, if I get \$50 million in my pocket within 2 weeks, I can start to forgive.

I don't want to hear any lame excuses by the defense that a lack of statement means nothing. It means you cannot lie to me with a false statement. This is my "fess up" phenomenon (can't lie to me).

Again, this is very important. If any of these statements above are missing in 2 weeks, then it will mean an admission of the opposite ("does not" means "does", "has no" means "has", etc.). It's very simple - copy and paste all the statements into a declaration, submit it, and I will dismiss this case (with my apologies).

LaMere innuendoes sanctions and litigation-crippling if I don't drop this suit that's aimed at feeding myself and my million+ kids. Well, I'm sorry LaMere, but I have a valid claim of patent infringement, and the only person who is irritating/harassing is David Copperfield, who has not paid me any royalties over the past 1.5+ years for the use of my wonderful godly powers. It's also very annoying/harassing when he tries to kill me. If you want me to drop the suit, then copy and paste the above statements into a declaration and submit it. Otherwise, it's Bubba time - www.BendmOver.com. Believe me, you do not want to see the questions I have forthcoming.

CONCLUSION

I oppose the motion to dismiss. A provisional patent is enforceable for patent infringement in accordance with U.S.C 35 § 271 and U.S.C. 35 § 154. I have the right to be compensated for my wonderful godly powers. I want past royalties, amount to be determined. I need statements in the next 2 weeks from the defense denying the allegation listed above.

Date: __23 Apr 2007_____

___s/Christopher Roller_____

Signature

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