APPENDIX TABLE OF CONTENTS

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 19-50597

DR. LAKSHMI ARUNACHALAM,

Plaintiff - Appellant

v.

EXXON MOBIL CORPORATION,

Defendant - Appellee

A True Copy
Certified order issued Dec 11, 2019

Clerk, U.S. Court of Appeals, Fifth Circuit

Appeal from the United States District Court
for the Western District of Texas

Before SMITH, SOUTHWICK and HO, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction on its own motion, if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). The plaintiff claims patent infringement. 28 U.S.C. § 1295(a)(1) gives the Federal Circuit exclusive jurisdiction over appeals in any action arising under an Act of Congress relating to patents. Accordingly, the appeal is DISMISSED for want of jurisdiction. All pending motions are denied as MOOT.

App. 1a
Fifth Circuit Order and Entry of Judgment (12/11/19)

(Contd.) App. 1a
Federal Circuit Order (1/9/20)

RE: Please file and docket my Motion(s) in the 7 cases. Opposing Counsel is copied here. Paper copies have been sent to the Court via Fedex for overnight delivery. Certificate of Service attached.

From: prose (prose@cafc.uscourts.gov)

To: laks22002@yahoo.com

Date: Thursday, January 9, 2020, 04:25 AM PST

The Court of Appeals for the Federal Circuit is unable to accept these filings as they are not related to any active, pending cases with us. These motions should be submitted to the court of origin (USCA – 5th Circuit).

Thank you,

United States Court of Appeals for the Federal Circuit

717 Madison Place, NW

Washington, DC 20439

From: Lakshmi Arunachalam <laks22002@yahoo.com>
Sent: Tuesday, December 31, 2019 12:52 AM
To: prose <prose@cafc.uscourts.gov>; Lakshmi Arunachalam <laks22002@yahoo.com>; Jay Yates <jyates@pattersonsheridan.com>; msacksteder@fenwick.com; ops@berryaviation.com; anthony.lannie@apachecorp.com; kristin@lyft.com; twest@uber.com; Pat Heptig <pheptig@heptiglaw.com>
Subject: Please file and docket my Motion(s) in the 7 cases. Opposing Counsel is copied here. Paper copies have been sent to the Court via Fedex for overnight delivery. Certificate of Service attached.

Dear Mr. Marksteiner,

Please file and docket my Motion(s) in the 7 cases. Opposing Counsel is copied here. Paper copies have been sent to the Court via Fedex for overnight delivery. A Certificate of Service is attached.

Regards

Dr. Lakshmi Arunachalam

Pro Se Plaintiff-Appellant in the 7 cases

222 Stanford Ave

Menlo Park, CA 94025

650 690 0995

laks22002@yahoo.com

App. 2a
District Court Order (6/26/19)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

DR. LAKSHMI ARUNACHALAM, *Plaintiff,*	§	
-vs-	§	**CIVIL NO. 6:19-CV-00171-ADA**
EXXON MOBIL CORP., *Defendant.*	§	

ORDER GRANTING DEFENDANT EXXON MOBILE, CORP.'S MOTION TO DISMISS

Before the Court is Defendant Exxon Mobil Corporation's Motion to Dismiss the Complaint. Dkt. Number 21. Plaintiff Dr. Lakshmi Arunachalam filed a Response on May 21, 2019. Dkt. Number 30. Having considered the Parties' briefing and the relevant authorities, the Court is of the opinion that the Motion should be **GRANTED**.

Background

Dr. Arunachalam is the inventor and owner of U.S. Patent No. 7,930,340 (the "'340 Patent"). Pl.'s Compl. ¶ 7, Dkt. Number 1. The '340 Patent is part of a family of patents that has been litigated extensively by Dr. Arunachalam. Def.'s Mot. Dismiss at 1. While no court has previously ruled on the validity of the '340 Patent, patents 5,987,500 (the "'500 Patent"), 6,212,556 (the "'556 Patent"), 7,340,506 (the "'506 Patent"), 8,037,158 (the "'158 Patent"), 8,108,492 (the "'492 Patent"), and 8,271,339 (the "'339 Patent"), which all claim priority to the same application as the '340 Patent, have been ruled invalid by various federal courts. On February 26, 2019, Dr. Arunachalam filed her complaint alleging infringement of the '340 patent by Exxon Mobil Corporation Dkt. Number 1. The complaint alleges that a number of Exxon Mobil's internet applications, including its The Speedpass+™ app, infringe on the '340 Patent.

Id ¶ 8. In response to Dr. Arunachalam's Complaint, Exxon Mobil filed this Motion on May 7, 2019. Dkt. Number 21.

Exxon Mobil raises invalidity as a defense to Dr. Arunachalam's patent infringement claims. Def.'s Mot. Dismiss. Exxon Mobil points to the fact that six of Dr. Arunachalam's related patents have been invalidated by various district courts and the Federal Circuit. *Id.* at 1. Because the claims in the '340 Patent contain many of the terms at issue in the invalidated patents, Exxon Mobil argues that Dr. Arunachalam is collaterally estopped from re-litigating their validity in the present, related patent. *Id.* at 2. While Dr. Arunachalam does not directly address the issues raised by Exxon Mobil, she argues that collateral estoppel does not apply to her patent because, *inter alia*, prior rulings of invalidity are void because of judicial conflicts of interest, *inter partes* review proceedings are unconstitutional, and courts in prior rulings failed to consider patents' prosecution history. Pl.'s Reply at 1-5. Accordingly, the Court will decide whether collateral estoppel applies to the '340 Patent.

Legal Standard

"Collateral estoppel protects a party from having to litigate issues that have been fully and fairly tried in a previous action and adversely resolved against a party-opponent." *Ohio Willow Wood Co. v. Alps S., LLC*, 735 F.3d 1333, 1342 (Fed. Cir. 2013). In the patent context, "where a patent has been declared invalid in a proceeding in which the 'patentee has had a full and fair chance to litigate the validity of his patent', the patentee is collaterally estopped from relitigating the validity of the patent." *Mississippi Chemical Corp. v. Swift Agr. Chemicals Corp.*, 717 F.2d 1374, 1376 (Fed. Cir. 1983) (quoting *Blonder-Tongue Labs., Inc. v. Univ. of Ill. Found.*, 402 U.S. 313, 333 (1971)) (internal citations omitted).

In addition to cases involving the same patent, collateral estoppel bars re-litigating the same issues of validity in a different, related patent. *Ohio Willow Wood Co.*, 735 F.3d at 1342. The patent claims need not be identical, but "substantially related" so that the issues of validity are materially the same. *Id.* "If the differences between the unadjudicated patent claims and adjudicated patent claims do not materially alter the question of invalidity, collateral estoppel applies." *Id.* However, a patent is not materially the same merely because it is closely related. *e.Digital Corp. v. Futurewei Tech., Inc.*, 772 F.3d 723, 727 (Fed. Cir. 2014). "A continuation-in-part, for instance, may disclose new matter that could materially impact the interpretation of a claim, and therefore require a new claim construction inquiry." *Id.* A court must therefore make an independent determination that the issues of invalidity are identical in each patent related to an invalidated patent before applying collateral estoppel. *Id.*

Although Federal Circuit law applies to issues unique to patents, the regional circuit law is controlling for procedural issues like collateral estoppel. *Dana v. E.S. Originals, Inc.*, 342 F.3d 1320, 1323 (Fed.Cir. 2003). The Fifth Circuit has set out the following four element test for collateral estoppel:

> ***First***, the issue under consideration in a subsequent action must be identical to the issue litigated in a prior action. ***Second***, the issue must have been fully and vigorously litigated in the prior action. ***Third***, the issue must have been necessary to support the judgment in the prior case. ***Fourth***, there must be no special circumstance that would render preclusion inappropriate or unfair.

United States v. Shanbaum, 10 F.3d 305, 311 (5th Cir. 1994) (emphasis added). The Court will address each element in turn.

DISCUSSION

First, the Court finds that identical issues regarding the invalidity of Dr. Arunachalam's related patents were previously adjudicated in a prior proceeding. In Dr. Arunachalam's related patents, the claim term "switching" has previously been litigated and held indefinite. *See Pi-Net*

Int'l Inc. v. JPMorgan Chase & Co., 2014 U.S. Dist. LEXIS 66063 at *10 (D. Del. May 14, 2014) ("The specification does not disclose how the VAN switch or the switching service (within the VAN switch) accomplishes 'switching,' therefore, the court concludes that this limitation is . . . indefinite."). The "real-time" transaction claim terms have also been previously litigated and found invalid for lack of enablement and lack of written description. *See Pi-Net Int'l Inc. v. JPMorgan Chase & Co.*, 42 F. Supp. 3d 579, 593 (D. Del. 2014) ("The claims are written in broad language, but the specification lacks any disclosures of how to practice the 'real-time' transactions contemplated by the invention. Therefore, the asserted claims are invalid for lack of enablement."); *id.* at 594 ("The crux of the invention is 'real-time' transactions for the user; there is no disclosure of how these occur. The court concludes that the patents-in-suit are invalid for lack of written description."). As discussed herein, each of the independent claims of the '340 patent requires both "switching" and "real-time" transaction elements and therefore are invalid. Moreover, each of the three referenced bases for invalidity is sufficient on its own to invalidate the '340 patent.

The similarity of the independent claims of the '340 patent to the claims of related invalid Dr. Arunachalam patents is illustrated by reviewing the previously invalidated '492 patent. Specifically, comparing representative Claim 1 of the '340 patent to representative Claim 1 of the invalid '492 patent confirms that there are no significant differences in the claim language with respect to the terms "switching" and "value-added" transactions. *Compare* Dkt. Number 1, U.S. Patent No. 7,930,340, at Claim 1 ("***real-time two-way transaction***") *with* U.S. Patent No. 8,108,492, at Claim 1 ("***real-time Web transaction***") (emphasis added). *Compare* Dkt. Number 1, U.S. Patent No. 7,930,340, at Claim 1 ("a ***switching*** component in the Web application that temporarily ***switches*** the user") *with* U.S. Patent No. 8,108,492, at Claim 1 ("the VAN ***switch*** for

enabling the ***real-time Web transactions***") (emphasis added). *Compare* Dkt. Number 1, U.S. Patent No. 7,930,340, at Claim 1 ("to perform a ***real-time transaction*** from the Web application") *with* U.S. Patent No. 8,108,492, at Claim 1 ("for processing the ***transaction*** request ***in real-time***"). Dkt. Number 1, U.S. Patent No. 7,930,340, at Claim 1 (emphasis added). Any differences between the claims are not material to the patentability of the challenged claims for the same reasons that the Federal Circuit stated with respect to Dr. Arunachalam's other related patents:

> Our comparison of the challenged claims of the '556 Patent that were deemed unpatentable by the Board with the asserted claims of the '500 Patent that were declared invalid by the district court reveals that any differences between the two sets of claims are not material such that those differences would affect the patentability of the challenged claims of the '556 Patent.

In re Arunachalam, 709 F. App'x 699, 703 (Fed. Cir. 2017); *see Arunachalam v. Fremont Bancorporation*, No. 15-cv-00023-EDL, 2015 U.S. Dist. LEXIS 187999, at *2–4 (N.D. Cal. May 4, 2015) (stating that by granting the Defendant's motion to dismiss "based exclusively on collateral estoppel pursuant to *JPMorgan*," the District of Delaware in *Fulton Financial Corp.* determined the '339 patent, which includes claim terms found to be invalid in related '500 and '492 patents, is invalid).

Additionally, at least three Courts have held that the '339 patent is invalid based on collateral estoppel: (1) the District of Delaware; (2) the Northern District of California; and (3) the Court of Appeals for the Federal Circuit. *Pi-Net Int'l Inc. v. Fulton Financial Corp.*, No. 1:14-cv-00490-RGA, Dkt. Number 17 (D. Del. Aug. 12, 2014); *Fremont Bancorporation*, 2015 U.S. Dist. LEXIS 187999; *See Arunachalam v. Fremont Bancorporation*, 672 F. App'x 994 (Fed. Cir. 2017) (affirming the Northern District of California). Thus, having been unsuccessful with respect to the invalid '339 patent—which specifically incorporates by reference the '340 patent, which includes the entire specification of the '340 patent—Dr. Arunachalam is barred

from relitigating these issues, including any arguments that alleged differences in the specification of the '340 patent would change the Court's analysis in this case.[1]

Second, the Court finds that the same issues now before the Court have actually been fully litigated. Indeed, the Federal Circuit has held that "[i]n light of Dr. Arunachalam's previous opportunity to litigate the validity of the asserted claims of the '500 Patent, which contain the terms 'switch,' 'switching,' and a 'means for switching,'" there is "no reason to allow her to appeal the patentability of the challenged claims of the '556 Patent, which also contain the same critical terms." *In re Arunachalam*, 709 F. App'x at 703. In another proceeding, the Federal Circuit explained:

> Moreover, it is clear from *JPMorgan* that the issue of whether the patent enables one of ordinary skill in the art to practice the contemplated transactions was determined after Dr. Arunachalam's company, represented by counsel, had a full and fair opportunity to present argument, evidence and expert testimony.

Arunachalam v. SAP Am., Inc., No. 2015-1424, slip order at 5 (Fed. Cir. Sept. 23, 2016).

Third, the Court finds that the determination of these issues was necessary to the judgments in the prior cases. For example, the Court in *JPMorgan* relied on its invalidity determinations in support of its ruling on non-infringement and invalidity. *See JPMorgan*, 42 F. Supp. 3d at 594–95 ("As the court finds certain claim limitations indefinite for each of the patents-in-suit, the court cannot complete a meaningful infringement analysis . . . Additionally, all the asserted claims are invalid, therefore, by operation of law they are not infringed.")

Fourth, the Court finds that there are no special circumstances that would render preclusion inappropriate or unfair as Dr. Arunachalam had full and fair opportunities to litigate these issues. Indeed, the Federal Circuit has repeatedly applied collateral estoppel to Dr.

[1] For example, the specification of the '340 patent contains the same "conflicting" depiction of "switch" (*compare* Fig. 7 of the '500 patent *with* Fig. 14 of the '340 patent) and the same "counterintuitive" reliance on the "TranswebTM Management Protocol (TMP) ... [that] was never implemented" ('340 patent at 13:54–60), which courts have held support invalidity. *See, e.g.*, *JPMorgan*, 42 F. Supp. 3d at 592–94.

Arunachalam's related patents, showing that collateral estoppel is fair, appropriate, and proper. *Arunachalam v. SAP Am., Inc.*, No. 2015-1424, slip order at 2–4 (Fed. Cir. Sept. 23, 2016); *Fremont Bancorporation*, 672 F. App'x at 994; *In re Arunachalam*, 709 F. App'x at 702–03; *Arunachalam v. IBM, 759 F. App'x 927, 929 (Fed. Cir. 2019).*

Because of the foregoing, the Court finds that each element of collateral estoppel has been satisfied; therefore, it should be applied to the '340 Patent. Because Dr. Arunachalam is collaterally estopped from relitigating the issues already adjudicated with respect to her other related patents, the Court finds that the '340 Patent is invalid as a matter of law.

Conclusion

For the above reasons, it is **ORDERED** that Defendant's Motion to Dismiss is **GRANTED**. The Court will issue its Final Judgment in a separate Order.

SIGNED this 26th day of June 2019.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

DR. LAKSHMI ARUNACHALAM, *Plaintiff,*	§	
-vs-	§	**CIVIL NO. 6:19-CV-00171-ADA**
EXXON MOBIL CORP., *Defendant.*	§	

FINAL JUDGMENT

Before the Court is the above-entitled cause of action. In accordance with the Court's Order granting Defendant's Rule 12(b)(6) Motion to Dismiss, the Court enters its judgment as follows:

It is **ORDERED** that that Plaintiff's claims are **DISMISSED WITH PREJUDICE**. It is **FURTHER ORDERED** that any relief not specifically granted in this Final Judgment is **DENIED**. It is **FINALLY ORDERED** that this case is closed.

SIGNED this 26th day of June 2019.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

JUDGMENT

It is hereby Ordered and adjudged that:

1. The Wrongdoers and Respondents enforce ***Fletcher v. Peck***, 10 U.S. 87 (1810) that **a grant is a contract** that cannot be repudiated; ***Trustees of Dartmouth College v. Woodward***, 17 U.S. 518 (1819): "The law of this case is the law of all... Lower courts ...have nothing to act upon...;" ***Grant v. Raymond***, 31 U.S. 218 (1832): "By entering into public contracts with inventors, the federal government must ensure a "faithful execution of the solemn promise made by the United States;" ***U.S. v. American Bell Telephone Company***, 167 U.S. 224 (1897): "the contract basis for intellectual property rights heightens the federal government's obligations to protect those rights. ...give the federal government "higher rights" to cancel land patents than to cancel patents for inventions;" ***Ogden v. Saunders***, 25 U.S. 213 (1827) applies the logic of sanctity of contracts and vested rights directly to federal grants of patents under the IP Clause — the Law of the Case and Supreme Laws of the Land.

2. The Wrongdoers and Respondents apply to all of my cases(s) ***Aqua Products Inc. v. Matal***, Fed. Cir. 15-1177 (2017) that reversed all Court and PTAB rulings that failed to consider "the entirety of the record" —Patent Prosecution History.

3. There is Trespass on Property, Trespass on Dr. Lakshmi Arunachalam, a Woman's rights, Trespass on the case, all by False Claim and Tampering with Public Record, Denial of Due Process, Lack of Jurisdiction and Injury: Respondents have been in Contempt, in Dishonor, in Breach of Fiduciary Duty/Public Trust/Solemn Oath of Office, moving into Jurisdiction Unknown.

4. The Judiciary's and PTAB Orders and Judgment are Void and are hereby vacated.

5. Respondents are hereby criminally charged with trespass on property/rights/case by false claim and with treason for breaching their oaths of office and not enforcing the Supreme Law of the Land, which is the Law of the Case, in all of Dr. Lakshmi Arunachalam, a Woman's cases.

6. I Order the Bailiff to have the Respondents arrested for breach of their solemn oaths of office.

7. The Respondents, Judges, lawyers, Clerks and public officials are hereby Ordered to produce and place in the record their certified oaths of office and bonds within 7 days of Dr. Lakshmi Arunachalam, a Woman's "Notice Of And Verified Claim Of (1) Trespass On Property/ Rights/Case By False Claim and

Tampering with Public Record, Warranting Criminal Charges, (2) Lack Of Jurisdiction, (3) District And Fifth And Federal Circuit Courts' Void Orders And Judgment, And (4) Injury: In Contempt, In Dishonor, In False Claim, In Breach Of Fiduciary Duty/Public Trust/Solemn Oath of Office; Denial of Due Process, Moving Into Jurisdiction Unknown" being entered in the docket.

8. I Order the Clerk of the Court to Move this in to the Claims side of the Court, to the Common Law Court of Record. **I further Order the Clerk to stamp and sign this Judgment.**

9. I order each of the Respondents collectively to immediately pay damages of U.S. $One Hundred Billion dollars to Dr. Lakshmi Arunachalam, a Woman, within ten days from entry into the docket.

Dated: March 4, 2020

Ordered by:

Lakshmi Arunachalam

Dr. Lakshmi Arunachalam, a Woman.
222 Stanford Ave
Menlo Park, CA 94025
650 690 0995; Laks22002@yahoo.com