App. No. 20-

In the Supreme Court of the United States

Dr. Lakshmi Arunachalam, a woman,

Petitioner,

v.

WELLS FARGO BANK, N.A.,

Respondent,

On Petition for Writ of Certiorari to
the United States Court of Appeals for the Federal Circuit

PETITION FOR WRIT OF CERTIORARI

Dr. Lakshmi Arunachalam, a woman,
PETITIONER
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May 28, 2020

QUESTIONS PRESENTED

1. Whether it is "misprision of treason" that eight Justices remained silent of Chief Justice Roberts' conflict of interest against inventors as a member of the Knights of Malta with fealty to the Queen of England who controls SERCO and QinetiQ Group Plc, both British companies, in services that prejudice the inventor's patent properties.

2. Whether an impartial Supreme Court still exists to rule on any inventor's cases, after Chief Justice Roberts recused due to his conflict of interest as a member in the Knights of Malta and eight Justices remained silent on Chief Justice Roberts' membership in that foreign organization, and failed to enforce Chief Justice Marshall's *Mandated Prohibition* from repudiating Government-issued Patent Contract Grants in *Fletcher v. Peck,* 10 U.S. 87 (1810); *Trustees of Dartmouth College v. Woodward,* 17 U.S. 518 (1819); *Grant v. Raymond,* 31 U.S. 218 (1832); *U.S. v. American Bell Telephone Company,* 167 U.S. 224 (1897) — Governing Supreme Court Precedents — the Supreme Law of the Land.

3. Whether this Case and all of Petitioner's/inventor's Cases, which are all predicated upon the Court failing to enforce Chief Justice Marshall's *Mandated Prohibition* from repudiating Government-issued Patent Contract Grants in *Fletcher v. Peck,* 10 U.S. 87 (1810); *Trustees of Dartmouth College v. Woodward,* 17 U.S. 518 (1819); *Grant v. Raymond,* 31 U.S. 218 (1832); *U.S. v. American Bell Telephone Company,* 167 U.S. 224 (1897) — Governing Supreme Court Precedents — the Supreme Law of the Land, must be referred to the President to ensure the inventor's right to Constitutional redress, to void all unconstitutional Orders and restore the inventor's patents to their original pristine condition.

4. Whether Chief Justice Roberts must leave the bench for breach of public trust, from his financial conflict of interest by his wife placing attorneys at large law firms such as opposing counsel Winston and Strawn and Greenberg Traurig and large Corporations such as IBM, Microsoft, and breach of solemn oath of office in not enforcing Chief Justice J. Marshall's *Mandated Prohibition* from repudiating Government-issued Patent Contract Grants declared in *Fletcher v. Peck,* 10 U.S. 87 (1810); and affirmed in *Trustees of Dartmouth College v. Woodward,* 17 U.S. 518 (1819); *Grant v. Raymond,* 31 U.S. 218 (1832); *U.S. v. American Bell Telephone Company,* 167 U.S. 224 (1897).

5. Whether this Court making it expensive, hazardous and burdensome to have access to the Court for raising Chief Justice Roberts' foreign loyalty and financial conflicts of interests, with the Court providing no evidence that those valid questions were "frivolous and/or malicious" constitutes "misprision of treason," further by avoiding the *"Fletcher Challenge"* and failing to enforce

Chief Justice Marshall's *Mandated Prohibition* from repudiating Government-issued Patent Contract Grants in *Fletcher v. Peck,* 10 U.S. 87 (1810); *Trustees of Dartmouth College v. Woodward,* 17 U.S. 518 (1819); *Grant v. Raymond,* 31 U.S. 218 (1832); *U.S. v. American Bell Telephone Company,* 167 U.S. 224 (1897) — Governing Supreme Court Precedents — the Supreme Law of the Land — and owes the inventor/Petitioner an apology.

6. Whether the Judiciary, Congress and the USPTO concertedly share a common objective — to remain silent as fraud, willfully and wantonly avoiding enforcing *Fletcher, Dartmouth College,* with precision and particularity, instigating antitrust.

7. Whether the Judiciary did not enforce *Fletcher, Dartmouth College* because they know why — because enforcing *Fletcher, Dartmouth College* exposes the entire Patent System, operating as a criminal enterprise, defrauding the public.

8. Whether the Notice of Appeal was timely filed on the next day that is not a Saturday, Sunday, or legal holiday and within the grace period allowed for self-represented Plaintiff while she was suffering from paroxysmal coughing suspected as COVID-19[1] (with an affirming antibody test) and the Circuit Court denying her the relief and her fundamental right to medical care is obstruction of justice by oppressing her so as to avoid addressing the *"Fletcher Challenge"* and enforcing *Fletcher,* which exposes the entire Patent System, operating as a criminal enterprise, defrauding the public.

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[1] COVID-19 Announcements of this Court clearly state "IT IS ORDERED that the deadline to file any petition for a writ of certiorari due on or after the date of this order is extended to 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. See Rules 13.1 and 13.3. IT IS FURTHER ORDERED that motions for extensions of time pursuant to Rule 30.4 will ordinarily be granted by the Clerk as a matter of course if the grounds for the application are difficulties relating to COVID-19 and if the length of the extension requested is reasonable under the circumstances. Such motions should indicate whether the opposing party has an objection. IT IS FURTHER ORDERED that, notwithstanding Rules 15.5 and 15.6, the Clerk will entertain motions to delay distribution of a petition for writ of certiorari where the grounds for the motion are that the petitioner needs additional time to file a reply due to difficulties relating to COVID-19. Such motions will ordinarily be granted by the Clerk as a matter of course if the length of the extension requested is reasonable under the circumstances..."
The Delaware District Court's COVID-19 Announcement also states : "Judicial officers may apply the principles of flexibility and accommodation to reasonable requests for filing or scheduling adjustments necessitated by reasonable and fact-based travel, health, or safety concerns, or advice or directives of public health officials... individual judges presiding over civil and criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the substantial rights of the parties... Any request by a criminal defendant or the United States in a criminal proceeding or of a party to any civil action, seeking case-specific relief from any provision of this Order is to be directed to the judicial officer assigned to the matter."
In Handbook for Pro Se Litigants in the Delaware District Court website, it states: "Count every day, including weekends and holidays. **The response is due on the fourteenth (or seventeenth, if mailed)** day, **unless that day is a Saturday, Sunday, or legal holiday, in which case the response is due on the next day that is not a Saturday, Sunday, or legal holiday**. See Federal Rule of Civil Procedure 6."

9. Whether the District Court Judge admitting acquiring stock in a litigant during the pendency of a case, thereby losing subject matter jurisdiction in all of the inventor's cases involving the same patents and/or patents in the same patent portfolio deriving a common priority date, against other patent infringers, constitute a conflict of interest, and not recusing and oppressing the inventor requires him to leave the Bench, making his Orders void.

10. Whether failing to enforce Chief Justice Marshall's *Mandated Prohibition* from repudiating Government-issued Patent Contract Grants in *Fletcher v. Peck,* 10 U.S. 87 (1810); *Trustees of Dartmouth College v. Woodward,* 17 U.S. 518 (1819); *Grant v. Raymond,* 31 U.S. 218 (1832); *U.S. v. American Bell Telephone Company,* 167 U.S. 224 (1897) — Governing Supreme Court Precedents — the Supreme Law of the Land — constitutes breach of solemn oath.

11. Whether the District Court dismissing without a hearing constitutes a hearing.

12. Whether the District Court Judge Ordering the Defendant(s) not to answer the Complaint and Defendant(s) not answering the Complaint constitutes a Default win for the Plaintiff.

13. Whether the District Court Judge knew or should have known he was compromised and refused to step down due to his bias and self-admitted financial conflicts of interest constitutes breach of conduct and judicial canons, and breached his solemn oath of office in not enforcing *Fletcher, Dartmouth College,* not becoming of a Judge and his orders are null and void.

14. Whether the Court can penalize a citizen/inventor for fighting for her rights and for requesting the Courts to enforce the *Mandated Prohibition* from repudiating Government-issued Patent Contract Grants in *Fletcher v. Peck,* 10 U.S. 87 (1810); *Trustees of Dartmouth College v. Woodward,* 17 U.S. 518 (1819) — the Supreme Law of the Land.

15. Whether Judge Andrews must leave the bench for breach of public trust, for not recusing for his financial conflicts of interest, breaching his solemn oath of office in failing to enforce *Fletcher, Dartmouth College,* for tampering with the record in violation of 18 U.S.C. Section 1512, and oppressing the inventor, denying her access to justice.

16. Whether the Court owes Petitioner an apology for falsely dubbing her "frivolous and/or malicious" when Petitioner provided evidence to the contrary that it was the Chief Justice's breach of trust requiring him to leave the Bench.

17. Whether the Court cannot hide and must make available in the Court docket the Appendix Petitioner provided of Chief Justice Roberts' fealty to the Queen of England and to the Pope as a member of the Knights of Malta in conflict of interest with inventors in sending USPTO work to SERCO and QinetiQ Group Plc, both British companies, in services that prejudice the inventor's patent properties, and his wife's company placing lawyers at opposing counsel Greenberg Traurig, Winston and Strawn and other large law firms and large Corporations such as IBM, Microsoft.

PARTIES TO THE PROCEEDINGS BELOW

Petitioner, Dr. Lakshmi Arunachalam, the inventor and sole assignee of the patent(s)-in-suit was the Appellant in the court below. Dr. Lakshmi Arunachalam is the sole Petitioner in this Court. Respondent Wells Fargo Bank, N.A. was the Appellee/Respondent in the court below.

RULE 29.6 STATEMENT

Pursuant to this Court's Rule 29.6, Dr. Lakshmi Arunachalam is an individual and has no parent company and no publicly held company owns 10% or more of its stock.

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TABLE OF AUTHORITIES

Other Authorities:

U.S. Constitution, Federal Rules of Civil Procedure, Judicial Canons and Statutes:

PETITION FOR WRIT OF CERTIORARI

Dr. Lakshmi Arunachalam, a woman, and inventor respectfully submits this petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Federal Circuit. The Federal Circuit denied her Appeal and Petition for *en banc* Re-Hearing, denying Petitioner the relief while she was suffering from paroxysmal coughing suspected as COVID-19 (affirming antibody testing) to file her Notice of Appeal arriving timely in the District Court within the grace period for self-represented Plaintiff, leaving Petitioner without Appellate Review.

OPINIONS BELOW

The Order of the United States Court of Appeals for the Federal Circuit dismissing the Appeal and Order denying Petition for *En Banc* Re-Hearing in Petitioner's Appeal Case No. 20-1492, which is an Appeal from Case No. 1:13-cv-01812-RGA (D.Del.) in the U.S. District Court for the District of Delaware is reproduced at App. 1a and at App. 4a. The Order of the U.S. District Court for the District of Delaware is reproduced at App. 6a. The above Orders are not published.

JURISDICTION

The Court of Appeals for the Federal Circuit entered Order dismissing the Appeal in Petitioner's Appeal on 4/16/2020 (App.1a), and Order denying her Petition for *En Banc* Re-Hearing on 5/26/20 (App. 4a). This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

Chief Justice Roberts recused from Petitioner's Case 19-8029, due to his conflict of interest against inventors as a member of the Knights of Malta with fealty to the Queen of England who controls SERCO and QinetiQ Group Plc, both British companies, in services that prejudice the inventor's patent properties. Six Justices Kagan, Sotomayor, Thomas, Ginsburg, Breyer and Alito, recused from Petitioner's Case 18-9383. In Case 19-8029, the remaining 8 Justices remained silent on Chief Justice Roberts' conflict of interest with inventors from his membership in the Knights of Malta and his financial conflicts of interest from his wife placing lawyers at opposing counsel Winston and Strawn and Greenberg Traurig and large Corporations such as IBM, Microsoft.

Furthermore, this Court failed to enforce Governing Supreme Court Precedents —— the Supreme Law of the Land —— as declared by Chief Justice Marshall's *Mandated Prohibition* from repudiating Government-issued Patent Contract Grants in *Fletcher v. Peck,* 10 U.S. 87 (1810); *Trustees of Dartmouth College v. Woodward,* 17 U.S. 518 (1819); *Grant v. Raymond,* 31 U.S. 218 (1832); *U.S. v. American Bell Telephone Company,* 167 U.S. 224 (1897) and breached their solemn oaths of office.

CONSTITUTIONAL AND STATUTORY PROVISIONS, JUDICIAL CANONS AND JUDICIAL RULES OF PROCEDURE INVOLVED

U.S. Const.:

The Supremacy Clause of the United States Constitution (**Article VI, clause 2**) establishes that "the Constitution, federal laws made pursuant to it...constitute the supreme law of the land."

Separation of Powers Clause, Arts. I, II & III; "The separation of powers ...the Legislative, Executive, and Judicial branches of the United States government are kept distinct in order to prevent abuse of power."

Contract Clause, Art. I, §10, clause 1; Art. I, §§9 & 10; "No bill of attainder or *ex post facto* Law shall be passed or law impairing the obligation of contracts."

IP Clause, Art. I, §8, clause 8; "To promote the Progress of Science..., by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Equal Protection of the Laws Clause, Amend. XIV, §1; "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Due Process Clause, Amends. V & XIV; "Procedural due process is the guarantee of a fair legal process when the government tries to interfere with a person's protected interests in life, liberty, or property." "...the Supreme Court has held that procedural due process requires that, at a minimum, the government provide the person notice, an opportunity to be heard at an oral hearing, and a decision by a neutral decision maker. The Court has also ruled that the Due Process Clause requires judges to recuse themselves in cases where the judge has a conflict of interest. ...*Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009). Substantive due process is the guarantee that the fundamental rights of citizens will not be encroached on by government..."

Vol. XII, Constitutional Law, Chapter 7. Sec. 140. *Erroneous and Fraudulent Decisions. Due Process and Equal Protection of Law*: Procedure. Sec. 1. *Due Process of Law*. Sec. 141. *Denying or Hindering Access to the Courts upon the Question of Due Process Itself*.

Amend. I; "Right to Petition the Government for a Redress of Grievances."

42U.S.C. § 1983 Civil Rights Act;
JUDICIAL CANONS 2, 2A, 3, 3(A)(4);
FRCP Rule 60(b) (1-4 & 6);

18 U.S. Code§ 2382 - Misprision of treason
"Whoever, owing allegiance to the United States and **having knowledge of the commission of any treason** against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, **is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.**"

The Legislature's 2011 America Invents Act (AIA) Re-examination Provision is a bill of attainder that took away Petitioner/inventor's rights and remedies. There can be no rights without a remedy.

Chief Justice Marshall declared in this Court's significant *'First Impression'* Constitutional *Res Judicata* precedential ruling in *Fletcher v. Peck*, 10 U.S. 87 (1810), *Grant v. Raymond*, 31 U.S. 218 (1832); *Ogden v. Saunders*, 25 U.S. 213 (1827); *U.S. v. American Bell Telephone Company*, 167 U.S. 224 (1897); *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819); *Shaw v. Cooper*, 32 U.S. 292 (1833); *Seymour v. Osborne*, 78 U.S. 516 (1870), that a Grant is a Contract, and the *Mandated Prohibition* from repudiating Government-issued Patent Contract Grants by the most absolute power, in accord with the Constitution. This is the 'Law of the Land.' These apply the logic of sanctity of contracts and vested rights directly to federal grants of patents under the IP Clause. By entering into public contracts with inventors, the federal government must ensure what Chief Justice Marshall described in *Grant v. Raymond* (1832) as a "faithful execution of the solemn promise made by the United States."

In *U.S. v. American Bell Telephone Company* (1897), Justice Brewer declared: "*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.*"

To uphold **Patent Prosecution History** is a key contract term between the inventor and the Federal Government/USPTO. The claim construction of claim terms agreed to between the inventor and the Original Examiner at the USPTO before the patent was granted is cast in stone and cannot be changed by the USPTO, courts or the patentee. Federal Circuit's *Aqua Products, Inc. v. Matal*, Case No. 15-1177, October 4, 2017 has affirmed that Petitioner has *been* pleading correctly all along and has been rebuffed by collusive adjudications by Courts and USPTO/PTAB, induced by Corporate Infringers' and their attorneys' Solicitations, without considering Patent Prosecution History, in breach of contract with inventors. Federal Circuit ruled in

Aqua Products that Orders by Courts and USPTO/PTAB that did not consider the "entirety of the record"— Patent Prosecution History — are void and reversed. Petitioner was disparately denied the benefits of the Federal Circuit's *Arthrex* and *VirnetX* rulings in which it reversed all PTAB rulings as the Patent Administrative Judges were unconstitutionally appointed.

STATEMENT OF THE CASE

This entire Case revolves around the Judiciary avoiding enforcing the *Fletcher Challenge*, at all costs:

(i) Stooping to deny Petitioner her fundamental right to: relief while suffering from paroxysmal coughing suspected as COVID-19 (affirming antibody testing) to file her Notice of Appeal arriving timely in the District Court within the grace period for self-represented Plaintiff; *and,* medical care while suffering from COVID-19.

(ii) Breach of solemn oaths of office by failing to enforce the *Mandated Prohibition* against repudiating Government-issued Patent Contract Grants as delineated in *Fletcher V. Peck* (1810); *Grant V. Raymond* (1832), *Ogden V. Saunders* (1827), *Trustees Of Dartmouth College V. Woodward* (1819), *U.S. V. American Bell Telephone Company* (1897) — Governing Supreme Court Precedent Law of the Case — The Supreme Law of the Land — thereby losing jurisdiction and Orders are void. District Court Judge Andrews has not proven jurisdiction, and failed to recuse despite admitting he bought and held direct stock in JPMorgan Chase& Co. during the pendency of that Case 12-282-RGA (D.Del.) and lost subject matter jurisdiction. Appellees, the Judiciary and lawyers do not refute these UNDISPUTED FACTS nor the lack of jurisdiction, nor can they. They are liable to Dr. Arunachalam for the collusive theft of her intellectual property, patented technology, and patents on the Internet of Things (IoT) — Web Apps displayed on a Web browser, collectively "Infringing Technology." The case is best described in the following video of the grand theft of Petitioner's IP:

https://www.youtube.com/watch?v=b-8PeNheFco&feature=youtu.be

> "When a judge acts where he or she does not have jurisdiction to act, the judge is engaged in an act or acts of treason." *Cohens v. Virginia*, 19 U.S. 264 (1821); *U.S. v. Will*, 449 U.S. 200 (1980);
>
> "Court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well-established law that a void order can be challenged in any court." 205 U.S. 8, 27 S Ct 236 (1907).
>
> "Jurisdiction of the court may be challenged at any stage of the proceeding...." *U.S. v. Anderson*, 60F. Supp. 649 (D.C. Wash. 1945);
>
> When Congress makes a law which is outside the scope of its enumerated

powers, it is no "law" at all, but is **void;** and American **men and women have no obligation to comply. America Invents Act is one such and is void.** Alexander Hamilton says this repeatedly **in** The Federalist Papers:

> "... If the federal government should overpass the just bounds of its authority and make a tyrannical use of its powers, **the people,** whose creature it is, **must appeal to the standard they have formed, and take such measures to redress the injury done to the Constitution as the exigency may suggest and prudence justify ...** " (Federalist No. 33, 5th para).
>
> " .. .acts of .. . [the federal government] which are NOT PURSUANT to its constitutional powers ... will [not] become the supreme law of the land. **These will be merely acts of usurpation, and will deserve to be treated as such...** "(Federalist No. 33, 6th para), as in this Court's ruling in *Oil States Energy Services, LLC v. Greene's Energy Group, LLC,* 584 U.S. 16-712 (2018) and its *Alice* ruling, which violate the Contract Clause, Separation of Powers Clause of the Constitution and Chief Justice Marshall's Governing Supreme Court Precedents – the Supreme Law of the Land.
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> "**No legislative act ... contrary to the Constitution can be valid.**" as the Leahy-Smith America Invents Act, which is unconstitutional and void. (Federalist No. 78, 10th para).

Judges are oath-bound to defend the Constitution. Repeated violations of the Constitution compound the evil. District and Appellate courts failed to consider the "Law of the Case" and "Law of the Land" in corrupt process disorder constituting prejudice of good order and justice and discredits the Judiciary by advocating treason against the Law of the Land and promoting obstruction of justice by the District Court *sua sponte* dismissing Petitioner's patent infringement case without a hearing in unfettered judicial misfeasance to the prejudice of ensuring a fair and proper administration of justice.

The Law of the Case, the Law of the Land, the Constitution and the facts are on Petitioner's side. Judge Andrews ignored the concreteness of this mere fact. Samuel Johnson stated: "the most obdurate incredulity may be shamed or silenced by facts."

An intellectual property patent grant contract is protected by the Constitution of the United States from legislative alteration coloring decades-long unilateral breach of contract by the Agency, legalized by judicial review annulling vested rights to property, and destroying remedies by denying access to the courts.

This Court's *Oil States* ruling coloring the USPTO's corrupt decades-long re-examination process of rescinding Government-issued contract granted patents by neglecting to consider Patent Prosecution History, in a unilateral breach of contract by the Agency with the inventor, prior to America Invents Act and continuing thereafter, delineated in the Federal Circuit's *Aqua Products* opting out reversal — the "Action" — breached the patent contract with the Inventor, expressly contained in the Constitution, affirmed multiple times by this Court as inviolate, and usurped the Constitutional Amendment Process with all its inherent protections against unlawful search and seizure at least without due compensation. The "Action" imposes a duty to reverse the lower courts' rulings as unconstitutional. It denied Dr. Lakshmi Arunachalam, a woman, equal benefit of all laws and proceedings for the security of person and property, constitutionally enumerated rights, violates the rule of law designed by the framers of the Constitution as a bulwark against oppression to limit the exercise of power and to make the agents of the people accountable for revising the Constitution in accordance with their own predilections. It tortuously destroyed Dr. Lakshmi Arunachalam, a woman and the inventor's vested contractually granted rights and remedies, giving superior bargaining power to Respondent (*having no reason to tender royalties owed*), denying access to an impartial court by making it difficult, expensive, or hazardous.

1. **The sanctity of contracts expressly contained in the Constitution is both the "Law of the Case" and "Law of the Land":**

Chief Justice Marshall declared in *Dartmouth College*: "**The law of this case is the law of all**... Lower courts ...**have nothing to act upon**..." "... **applicable to contracts of every description**..." and in *Fletcher*: "vested in the individual; ...right...of possessing itself of the property of the individual, when necessary for public uses; a right which a magnanimous and just government will never exercise without amply *indemnifying the individual*."

2. **Courts/USPTO denied Dr. Lakshmi Arunachalam, a woman, the protection from Patent Prosecution History, a key contract term between the Inventor and Government. Respondent and Judges concealed material *prima facie* evidence Dr. Arunachalam's patent claims are not invalid nor indefinite, propagated a false Collateral Estoppel Argument, which fails in light of Governing Supreme Court Precedents and Federal Circuit's *Aqua Products'* ruling that voided all Court and PTAB Orders that failed to consider "the entirety of the record"— Patent Prosecution History, material *prima facie* evidence that Petitioner's patent claims are neither invalid nor claim terms indefinite:**

Precedential Rulings long before *Aqua Products, see Festo Corp. v Shoketsu*

Kinzoku Kogyo Kabushiki Co., 535 U.S. 722 (2002); *Kumar v. Ovonic Battery Co., Inc. And Energy Conversion Devices, Inc.*, Fed. Cir. 02-1551, -1574, 03-1091 (2003), restrain the District Court from disparately failing to consider Patent Prosecution History in Dr. Lakshmi Arunachalam, a woman's patent cases. Lower courts failed to apply Federal Circuit's *Aqua Products* ruling which reversed all Orders in cases that failed to consider Patent Prosecution History.

3. **Expert testimony on claim construction is impermissible. Expert testimony from JPMorgan concealed *prima facie* evidence of Patent Prosecution History on claim construction:**

that the claim terms are ***not*** indefinite, falsely alleged by JPMorgan in 12-282-RGA (D.Del.) and collusively adjudicated by District and Appellate courts, without considering Patent Prosecution History, a key contract term between the inventor and the Government, in breach of contract with the inventor. *Bell& Howell Document Management Prods. Co. v. Altek Sys.*, 132 F. 3d 701(Fed. Cir. 1997) (citing *Vitronics* extensively and reversing district court because court erred in relying on expert testimony **when claims were unambiguous in view of intrinsic evidence**.)

4. **Inventor testimony is helpful to claim construction. District Courts and USPTO/PTAB gagged inventor Dr. Lakshmi Arunachalam, a woman, ignoring the Constitution, a "bulwark against oppression":**

Dr. Lakshmi Arunachalam, a woman, the inventor was denied access to the courts to give testimony on claim construction. *See Perhaps: Voice Technologies Group, Inc. v. VMC Systems*, Inc., 164 F.3d 605, 615 (Fed. Cir. 1999) ("An inventor is a competent witness to explain the invention and what was intended to be conveyed by the specification and covered by the claims.")

Judges Andrews' Orders refusing to recuse despite admitting he bought stock in a litigant during the pendency of the case are void as repugnant to the Constitution.

I.
This Court must take Judicial Notice that *Fletcher* governs Granted Patents and is *not* nullified by *Oil States* nor *Alice*.

The Judiciary, attorneys, USPTO/PTAB, Legislature and Respondent must enforce this Court's *MANDATED PROHIBITION* or stand to treason in breaching their solemn oaths of office and lose their jurisdiction and immunity. *See Cooper v. Aaron*,

358 U.S. 1 (1958).[1]

Justice Samuel Miller in *Burrow-Giles Lithographic Co. v. Sarony*, 111 U.S. 53 (1884): "Contracts between the government and inventors are established under federal law." W. E. Simonds, USPTO Commissioner from 1891 to 1892, in the Manual of Patent Law (1874): "A Patent is a Contract between the inventor and the Government representing the public at large." Madison in Federalist No. 44: "Patent rights receive protection pursuant to ...contracts between inventors and the federal government."

1. **AIA Reexamination provision, *Oil States*, *Alice*, and District and Circuit Court rulings are *ex-post facto* laws, bills of attainder, violate Separation of Powers, Supremacy and Contract Clauses of the Constitution and are unconstitutional:**

AIA Reexamination provision passed under the form of an enactment is not therefore to be considered the "Law of the Land," declared inventors deprived and must be held to be void as being a bill of attainder. *State v. Cummings*, 36 Missouri 263. *People v. Hawker*, 14 App. Div. 188, 43 N.Y. S. 516.

> "If this were so, acts of attainder, bill of pains and penalties, acts of confiscation, acts reversing judgments, and *acts directly transferring one man's estate to another*, (without just compensation to citizens under the takings clause of the 5th Amendment and eminent domain), legislative judgments, decrees and forfeitures, in all possible forms would be the *law of the land. Such a strange construction would render constitutional provisions of the highest importance completely inoperative and void.* It directly established the union of all powers in the legislature. There would be no general permanent law for courts to administer or men to live under. The administration of justice would be an empty form, an idle ceremony. Judges would sit to execute legislative judgments and decrees, not to declare the law or administer the justice of the country." Webster's works Vol V., p 487; *Dartmouth College* (1819).

U.S. Const., Art. I, §§9 and 10, furnish to individual liberty, ample protection against the exercise of arbitrary power, prohibit the enactment of *ex post facto* laws by Congress. Such deprivations of citizens' property by legislative acts having a retrospective operation are unconstitutional. It was not inserted to secure citizens in

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[1] *Marbury v. Madison*, 5 U.S. 137, 177, 180 (1803); *Ableman v. Booth*, 62 U.S. 524 (1859); *Sterling v. Constantin*, 287 U.S. 397 (1932) on Government officials non-exempt from absolute judicial immunity: "no avenue of escape from the paramount authority of the...Constitution...when ...exertion of...power... has overridden private rights secured by that Constitution, the subject is necessarily one for judicial inquiry...against...individuals charged with the transgression."

their private rights of either property or contracts. The U.S. Constitution prohibits the passing of any law impairing the obligation of contracts and was applied by this Court in 1810 and reaffirmed subsequently to secure private rights.

2. **This Court erroneously announced a rule contrary to the Constitution in its *Oil States* and *Alice* rulings and contrary to the first opinion of this Court in *Fletcher* and re-affirmations thereof:**

All courts should subsequently follow this Court's *Fletcher* ruling rather than this Court's own new unconstitutional *Oil States* decision, the law of this Court in *Fletcher* being *per se* justice. **The *Fletcher* ruling in accord with the Constitution is the controlling authority and reigns supreme as the Law of the Land**, not the unconstitutional *Oil States* and *Alice* rulings in violation of the Separation of Powers, Supremacy and Contract Clauses.

II.
BACKGROUND

1. **Dr. Lakshmi Arunachalam, a woman, is the inventor of the Internet of Things (IoT) — Web Applications displayed on a Web browser — her dozen patents have a priority date of 1995, when two-way real-time Web transactions from Web applications were non-existent.**

Respondent and the Government benefited by trillions of dollars from Dr. Lakshmi Arunachalam, a woman's patents — exemplified in Web banking Web apps, Apple's iPhone App Store with 2M+ Web apps (pre-packaged in China and imported into the United States), Wells Fargo Bank's Web banking Web App, Google Play, Lyft's ride-hailing Web App, Facebook's social networking Web app. JPMorgan's website states it has over 7000 Web applications in use in just ***one*** Business Unit.

2. **Proceedings of the District Court and Federal Circuit:**

The District Court rendered Orders without jurisdiction, dismissed the case without a hearing, denying due process to Dr. Lakshmi Arunachalam, a woman, in contravention of the Due Process Clause of the Fifth, Seventh, Eighth and Fourteenth Amendments. Judges warred against the Constitution in treasonous breach of their solemn Oaths of Office, not enforcing the Supreme Law(s) of the Land *Mandated Prohibition* declared by Chief Justice Marshall in *Fletcher* against repudiating Government-Issued Patent Contract Grants by the highest authority, reaffirmed by this Court; lost their jurisdiction. Their Orders are void. Respondent and the Federal Circuit have not proven an Exemption from the Mandated Prohibition. The 'Laws of The Land' on Dr. Lakshmi Arunachalam, a woman's side, Judge Andrews dismissed the Constitution without a hearing. Judge Andrews disparately failed to consider Patent Prosecution History and the Federal Circuit's *Aqua Products* reversal of all Orders that failed to consider Patent Prosecution History. His Orders are void. **The**

Federal Circuit refused to consider her Appeal, leaving Dr. Lakshmi Arunachalam deprived of any Appellate Review.

Dr. Lakshmi Arunachalam, a woman, has been deprived of her fundamental rights that are "implicit in the concept of ordered liberty," *Palko v. Connecticut*, 302 U.S. 319 (1937); *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Baldwin v. Missouri*, 281 U.S. 586, 595 (1930).

District and Appellate Courts' Order(s) are void, predicated upon fraudulent and erroneous renditions of the case and the law, not consistent with procedural rules and 'Law of the Case' and 'Law of the Land.' Judges are co-conspirators.

> "A decision produced by fraud upon the court is not in essence a decision at all, and never becomes final." *Kenner v. C.I.R.*, 387 F.2d 689 (7th Cir.1968).

The courts failed to consider that the claims of the patents-in-suit falsely alleged as invalid are ***not*** invalid, because the *JPMorgan Court* 12-282-SLR/RGA (D.Del.) failed to consider Patent Prosecution History, which had already established the claim construction of the terms alleged falsely as "indefinite" by JPMorgan, as ***not*** indefinite. Based on this fraudulent and erroneous decision by the *JPMorgan Court* procured fraudulently by JPMorgan, the *Fulton Court* 14-490-RGA (D.Del.) — and financially conflicted Judge Andrews fraudulently concealed from the Court that Patent Prosecution History was not considered by the *JPMorgan Court* or *the Fulton Court* and propagated to all tribunals a false theory of Collateral Estoppel, which is moot because:

(i) Judge Andrews is financially conflicted, by his own admission of buying direct stock in JPMorgan Chase & Co. during the pendency of the case. His Orders are void. ***There can be no collateral estoppel from void Orders***.

(ii) Patent Prosecution History estops all other estoppels, as proven *prima facie* that Petitioner has been right all along by

(iii) the Federal Circuit's *Aqua Products'* reversal of Orders that failed to consider "the entirety of the record" —Patent Prosecution History (*which the District Court failed to apply in my case*); and

(iv) this Court's precedential *'First Impression'* Constitutional *Res Judicata Mandated Prohibition* from repudiating Government-Issued Contract Patent Grants declared by Chief Justice Marshall himself in *Fletcher* that **a Grant is a Contract** and reaffirmed by himself in *Dartmouth College* (1819), *Grant v. Raymond* (1832), *Ogden v. Saunders* (1927), and *U.S. v. AT&T* (1897).

It is a material fact that the Judiciary, USPTO, PTAB, Respondent, Attorneys and the Legislature (inserting the re-examination provision into the AIA, in breach of contract with the inventor) and this Court in its *Oil States* ruling constitutionalizing the AIA re-examination provision and violating the Separation of Powers, Supremacy and Contract Clauses of the U.S. Constitution, warred against the Constitution, breached their solemn oaths of office and have lost their jurisdiction and immunities. *See Cooper v. Aaron,* 358 U.S. 1 (1958). Chief Justice Marshall declared in *Marbury v. Madison* (1803) that Courts cannot shirk their duty from adjudicating issues, even though they present complex Constitutional challenges, as here. No court can reverse the Constitution — as declared in *Fletcher, Dartmouth College, Grant v. Raymond, U.S. v. AT&T,* upholding the sanctity of contracts.

District and Appellate Courts *collusively* adjudicated in a *concerted* conspiracy as part of a corrupt enterprise, without considering Patent Prosecution History, *Aqua Products*' reversal, the Constitution or the "*Fletcher* Challenge." The District Court and all the other tribunals failed to give Dr. Lakshmi Arunachalam, a woman, Equal Protection of the Laws and access to justice and to the courts.

Judge Andrews failed to enforce the Constitution, he breached his solemn oath of office and lost his jurisdiction and immunity; obstructing justice.

Judge Andrews failed to adjudicate consistent with Procedural Rules and 'Law of the Case' and 'Law of the Land' — the '*Fletcher* Challenge.' Why would Judge Andrews deny Petitioner due process — a Hearing?

The Federal Circuit is guilty of the same. They joined the *collusive* conspiracy with the Respondent whose sole object is to deprive Dr. Lakshmi Arunachalam, a woman, of her royalties to her significant patents on the **Internet of Things (IoT)** — **Web Apps displayed on a Web browser** — which she invented prior to 1995, by breaching their solemn oaths of office and violating the Constitution — the "*Fletcher* Challenge," which must be enforced.

Dr. Lakshmi Arunachalam, a woman, continuing to defend the Constitution are not "scurrilous attacks" on the Judiciary.

The Federal Circuit is itself in treasonous breach of their solemn oaths of office in not enforcing the Laws of the Land — Object — to avoid ***enforcing*** the *countervailing:* ***'Mandated Prohibition'*** — incidentally — comforting the abusive object of Respondents' (18) requests to reexamine Dr. Lakshmi Arunachalam, a woman's patent contract grants.

1. FALSE CLAIM OF COLLATERAL ESTOPPEL FROM VOID ORDERS BY JUDGE ANDREWS, WHO ADMITTED BUYING DIRECT STOCK IN

JPMORGAN DURING THE PENDENCY OF THAT CASE 12-282-RGA (D. DEL.) AND PTAB JUDGES MCNAMARA AND SIU, WHOSE FINANCIAL DISCLOSURES EVIDENCE DIRECT STOCK IN MICROSOFT AND IBM, AND REFUSED TO RECUSE, AND RETALIATED AGAINST Dr. Lakshmi Arunachalam, A woman.

Judge Andrews admitted himself in the Court records three years into Dr. Lakshmi Arunachalam, a woman's JPMorgan Case 12-282-RGA (D.Del.) that he bought direct stock in JPMorgan Chase & Co. **He lost subject matter jurisdiction in *all* of Dr. Lakshmi Arunachalam, a woman's cases he presided over, yet failed to recuse. His Orders are void in *all* of Dr. Lakshmi Arunachalam, a woman's cases:** the *Fulton Financial Corporation* Case No. 14-490-RGA (D.Del.), the *IBM* RICO Case No. 16-281-RGA (D.Del.), *George Pazuniak* Case 15-259-RGA (D.Del.), the *Wells Fargo Bank* 13-1812-RGA (D.Del.) and *CitiBank* 14-373-RGA (D.Del.) cases, the *Citizens' Financial* Case No. 12-355-RGA (D.Del.) and other cases he presided over. PTAB Judges McNamara's direct stock in Microsoft and Stephen Siu's financial conflicts of interest with Microsoft and IBM and failing to recuse makes all Orders void in all the 15 IPR/CBM re-exams and 3 CRU re-exams of Dr. Lakshmi Arunachalam, a woman's patents at the USPTO/PTAB. Their Financial Disclosure Statements disclose they owned direct stock in Microsoft and IBM respectively and are material *prima facie* evidence Judge Andrews and PTAB Judges McNamara and Siu **lost jurisdiction;** yet failed to recuse and engaged in obstruction of justice and oppressed Dr. Lakshmi Arunachalam, a woman, in *Fulton Financial Corporation* Case 14-490-RGA (D.Del.) on Dr. Lakshmi Arunachalam, a woman's virgin, unadjudicated Patent, her U.S. Patent No. 8,271,339 ("the '339 patent") and in the PTAB IPR/CBM Reviews and CRU re-exams of Dr. Lakshmi Arunachalam, a woman's patents. **Those Orders are NULLITIES and ANY and ALL Orders DERIVING from those NULL and VOID Orders are themselves NULLITIES.** Judges and lawyers repeatedly made False Claims of *collateral estoppel from void Orders* and made a false propaganda and disseminated the **FALSE CLAIM** of *collateral estoppel from void Orders* to every District and Appellate Court. Respondent perpetrated the fraud, started by JPMorgan Chase & Co., carried on to the *Fulton Court* 14-490-RGA (D.Del.), and thereafter to every District and Circuit Court, and to the lower Courts in this case, precipitating the Constitutional crisis/emergency, described *infra.*

2. **THIS COURT'S *OIL STATES* AND *LYFT* RULINGS ARE AN AFFRONT TO PUBLIC MORALS, TRIGGERING LAWYERS AND JUDGES TO OBSTRUCT JUSTICE. COURTS ARE RUNNING FROM *THE FLETCHER CHALLENGE* LIKE EBOLA, WOULD RATHER DENY** Dr. Lakshmi Arunachalam, a woman, **DUE PROCESS AND KEEP HER GAGGED, THAN ENFORCE *FLETCHER* AND RESOLVE THE CONSTITUTIONAL CHALLENGE.**

Dr. Lakshmi Arunachalam, a woman, is a constitutional warrior and **PATRIOT**. This Court must address security concerns raised by victim and witness Dr. Lakshmi Arunachalam, a woman, who has been threatened by Judges Hixsom, Donato, Laporte, Hamilton, Davila of the Northern District of California, Judge Albright of the Western District Court of Texas, Waco, Judges Schroeder and Craven of the Eastern District of Texas, Texarkana, and Judge Andrews of the Delaware District Court and Respondent, as a result of her defending her Constitutional rights. Judges, lawyers and Respondent have abused and harassed Dr. Lakshmi Arunachalam, a woman, to no end, libeled and defamed her and denied her due process, for defending the Constitution. **The Judiciary in the District Courts in California, Texas and Delaware and Circuit Courts are adversely dominated by their own breach of their solemn oaths of office in not enforcing *Fletcher*** – the Law of the Land – that **a Grant is a Contract** that cannot be repudiated by the highest authority (and without compensating the inventor) – as declared in this Court's **GOVERNING PRECEDENT LAW OF THE CASE**. In *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819), Chief Justice Marshall declared: "The law of this case is the law of all... and applies to contracts of any description..."); all reaffirming *Fletcher v. Peck*, 10 U.S. 87 (1810) in which Chief Justice Marshall declared: A Grant is a Contract. The entire Judiciary in the Northern District of California; Western District of Texas, Waco; Eastern District of Texas, Texarkana; District of Delaware; U.S. Courts of Appeal for the Third, Fifth, Ninth and Federal Circuits and seven Supreme Court Justices, USPTO/PTAB and Legislature's AIA failed to enforce the Law of the Land and adjudicate the constitutional conflict this Court failed to consider in its *Oil States* and *Alice* rulings over its own precedential rulings in *Fletcher v. Peck* — "*The Constitutional Challenge*" — "*The Fletcher Challenge*."

The District of Delaware is an adverse domination judiciary system that denied due process to Dr. Lakshmi Arunachalam, a woman. It aided and abetted the theft of Dr. Lakshmi Arunachalam, a woman's significant inventions and intellectual property, from which Respondent benefited by trillions of dollars; the despicable display of judicial fraud, perpetrating anti-trust, in a cover-up of judges' own misconduct. Judges Andrews, Craven, Albright, Stark, Hixsom, Donato, Laporte, Hamilton, Davila and Federal Circuit judges have not complied with the law nor have they served the public interest.

The courts failed to apply *TC Heartland LLC v. Kraft Foods Group Brands LLC*, 581 U.S. 16-341 (1917), 137 S. Ct. 1514 in which this Court ruled against the Federal Circuit not abiding by this Court's precedential rulings in *Fourco Glass Co. v. Transmirra Products Corp.*, 353 U.S. 222–226 (1957) for almost a century. **District and Appellate Courts *disparately* denied** Dr. Lakshmi Arunachalam, a woman, **her protected rights to a neutral judge with no financial conflicts of interest in her opponent**, to Patent Prosecution History and the Federal Circuit's *Aqua Products*' reversal of all Orders that failed to consider "the entirety of the record" — Patent Prosecution History — and failed to apply Patent Statutes. In those courts,

Respondent, attorneys and the Judiciary made false claims to the Government of collateral estoppel from Orders that are NULLITIES and VOID, when Judge Andrews admitted himself he bought direct stock in JPMorgan during the pendency of that case 12-282-RGA (D.Del.) and Judge Robinson recused due to her own conflicts of interests along with Jan Horbaly of the Federal Circuit, and furthermore, without those Courts considering *prima facie* material evidence of Patent Prosecution History. Respondent *knowingly and intentionally* made **FALSE CLAIMS** to and defrauded the United States Government of trillions of dollars — **the biggest contract fraud, theft and heist of intellectual property in the history of the United States.**

Respondent made **FALSE CLAIMS** that they had ownership of the technology, intellectual property and Web applications, induced the U.S. Government to buy defective goods and procured contracts from every Department of the United States, when in fact it was offered without the permission of the inventor Dr. Lakshmi Arunachalam, a woman and without paying a license fee to Dr. Lakshmi Arunachalam, a woman. Judges and attorneys in the District Court of Delaware, and Federal Circuit were complicit in improperly and illegally promoting, fomenting, and legitimizing the erroneous idea that Respondent had ownership or standing to sell this stolen technology to the U.S. Government.

3. JUDICIARY CREATED A CONSTITUTIONAL CRISIS/EMERGENCY.

The judiciary and PTAB failed to uphold the Law of the Land. They would rather violate Dr. Lakshmi Arunachalam, a woman/inventor's rights than acknowledge and enforce the MANDATED PROHIBITION from repudiating Government issued patent grants as delineated in *Fletcher* and *Dartmouth College* and other Supreme Court Governing Precedents. They denied Dr. Lakshmi Arunachalam, a woman, access to the court by refusing to enforce *Fletcher*. They defamed/libeled Dr. Lakshmi Arunachalam, a woman, sanctioned her for false, manufactured reasons, took her money, allowed the theft of Dr. Lakshmi Arunachalam, a woman's monies by lawyers held in Client IOLTA account (*See* Dr. Arunachalam, a Woman's Petition for Writ of Certiorari in Case 18-9115) for 6 years not returned to date and theft of Dr. Lakshmi Arunachalam, a woman's patents and inventions and intellectual property by Respondent without paying Dr. Lakshmi Arunachalam, a woman, royalties, made it expensive, hazardous and burdensome for Dr. Lakshmi Arunachalam, a woman, to have access to justice.

Dr. Lakshmi Arunachalam, a woman, is a 72-year old, single, disabled, female inventor of significant inventions. Why would they all do this, when the facts and the Law of the Case and Law of the Land are on her side? They know they are wrong, and they do not want anyone to find out they are wrong. Why this outrageous obstruction of justice in a corrupt judicial organization? They are retaliating against Dr. Lakshmi Arunachalam, a woman, for being the first to raise the *Fletcher Constitutional challenge.*

4. **FALSE CLAIM OF COLLATERAL ESTOPPEL FROM VOID ORDERS FROM JUDGE WITH NO JURISDICTION, FURTHER WITHOUT CONSIDERING PATENT PROSECUTION HISTORY.**

Respondent(s) made a false claim that Dr. Lakshmi Arunachalam, a woman's JPMorgan Case 12-282-RGA (D.Del.) rulings on her '500, '492 and '158 patents collaterally estop her Fulton Financial Corporation Case No. 14-490-RGA (D.Del.) on the unadjudicated '339 and '340 patents and concealed from the Government that the *JPMorgan Court, Fulton Court,* and *Wells Fargo Bank Court* failed to consider Patent Prosecution History.

5. **FALSE CLAIM THAT PATENT PROSECUTION HISTORY NEED NOT BE CONSIDERED *ONLY* IN** Dr. Lakshmi Arunachalam, a woman's **CASES.**

Patent Prosecution History is material *prima facie* evidence that Dr. Lakshmi Arunachalam, a woman's patent claims are ***not*** invalid and that the claim terms are ***not*** indefinite, as *knowingly and intentionally* falsely claimed by Respondent(s), who defrauded our Courts and the Government. Yet Respondent(s) *disparately* concealed in their Solicitations and the courts failed to consider Patent Prosecution History in Dr. Lakshmi Arunachalam, a woman's cases.

6. **FALSE CLAIM THAT FEDERAL CIRCUIT'S *AQUA PRODUCTS'* REVERSAL OF ALL ORDERS THAT DID NOT CONSIDER "THE ENTIRETY OF THE RECORD"—PATENT PROSECUTION HISTORY—DOES NOT APPLY *ONLY* TO** Dr. Lakshmi Arunachalam.

Judges, lawyers and Respondent(s) disparately denied Dr. Lakshmi Arunachalam, a woman, her protected rights to Patent Prosecution History, and the reversal in *Aqua Products.*

7. **FALSE CLAIMS OF PRIOR ART BY RESPONDENTS TO FILE AND INSTITUTE SERIAL 18 IPR/CBM/CRU RE-EXAMS IN USPTO/PTAB.**

Respondents *knowingly and intentionally* made false claims of prior art to defraud the Government and engaged in waste, fraud and abuse of Government resources. IBM, Microsoft and SAP America, Inc. signed NDAs with Dr. Lakshmi Arunachalam, a Woman, in 1995 and 2003. Microsoft's CTO and IBM executives interviewed with Dr. Lakshmi Arunachalam, a woman, to work for her company in 1995, 1996. They agreed there was ***no prior art*** then, and that the claim terms were enabled, had full written description and ***not indefinite*** and that the claims were valid; and offered to buy Dr. Lakshmi Arunachalam, a woman's patents in 2003-2006. SAP offered $100M in 2003. How could there be prior art in 2008-2020, if there was no prior art in 1995?

8. FALSE CLAIM OF INVALIDITY OF PATENT CLAIMS AND INDEFINITENESS BY FAILING TO CONSIDER PATENT PROSECUTION HISTORY.

Respondent(s) *knowingly and intentionally* made false claims of invalidity of patent claims and indefiniteness, knowing full well that the Patent Prosecution History (which this Court must take Judicial Notice of) of Dr. Lakshmi Arunachalam, a woman's patents has cast in stone the construction of claim terms in Dr. Lakshmi Arunachalam, a woman's granted patents, and that claims and claim terms are not indefinite nor invalid nor *not* enabled.

9. FALSE CLAIMS THAT THIS COURT'S PRECEDENTIAL RULINGS BY CHIEF JUSTICE MARSHALL THAT A GRANT IS A CONTRACT AND CANNOT BE REPUDIATED BY THE HIGHEST AUTHORITY — THE LAW OF THE LAND — DO NOT APPLY.

Respondent(s), in collusive conspiracy, *knowingly and intentionally* made false claims that the Law of the Land does not apply to Dr. Lakshmi Arunachalam, a woman's patents.

10. FALSE CLAIM THAT AIA/REEXAMS DO NOT VIOLATE SEPARATION OF POWERS AND CONTRACT CLAUSE OF THE CONSTITUTION.

Respondent(s) *knowingly and intentionally* made false claims that AIA/PTAB repudiating patent contract grants is constitutional, whereas in fact *Oil States*/AIA/reexams violate the Separation of Powers clause and the Contract clause of the Constitution — hence unconstitutional and void.

11. BIG PICTURE POINTS TO A SERIOUS PROBLEM: OBSTRUCTION OF JUSTICE, OVERT CONSPIRACY, ANTITRUST

Microsoft and SAP America, Inc. filed 18 re-exams and IPR/CBM reviews against Dr. Lakshmi Arunachalam, a woman and made false claims to the Government in an egregious waste, fraud and abuse of Government resources. Respondent(s) cannot claim prior art, when they found none in 1995 when they signed NDAs with Dr. Lakshmi Arunachalam, a woman. They concealed material *prima facie* evidence of Patent Prosecution History and defrauded the courts with false claims. Even after the Federal Circuit's *Aqua Products'* reversal, the courts failed to enforce the MANDATED PROHIBITION from repudiating patent contract grants delineated in *Fletcher and the Constitutional challenge.* Judges had stock in Respondents, failed to recuse, lost jurisdiction, their Orders are void. Judges and PTAB restricted inventor Dr. Lakshmi Arunachalam, a woman and took away her rights, comforting antitrust violations by Respondent. The Judiciary, PTAB and Respondent's overt conspiracy against Dr. Lakshmi Arunachalam, a woman's rights

has had a devastating effect on the public. Their overt and covert war on the Constitution has killed the entire patent system. Judge Andrews and PTAB Judge McNamara admitted direct stock holdings in JPMorgan Chase & Co. and Microsoft. Lawyers and judges breached their solemn oaths of office in warring against the Constitution. They engaged in taking retaliatory action and going out of the way to discriminate against Dr. Lakshmi Arunachalam, a woman for being a **Patriot** defending the Constitution, continuing unabated with no signs of fairness or remedy — and made willful false claims *knowingly and intentionally* and defrauded the Government, in a collusive conspiracy with USPTO/PTAB, Legislature and Respondent. The Judiciary represented Respondent(s), comforting them in violating anti-trust laws. The Judiciary warred against the Constitution and denied Dr. Lakshmi Arunachalam, a woman, access to justice, so as not to hear her case, to avoid enforcing the Mandated Prohibition from repudiating Government-issued patent contract grants as delineated in *Fletcher, Dartmouth College* and other Governing Supreme Court Precedents.

12. **JUDICIARY AND PTAB DENIED** Dr. Lakshmi Arunachalam, a woman, **ACCESS TO THE COURTS.**

Judge Andrews represented the Respondent by acting as its attorney, vacated the Hearing(s), dismissed her cases for false, manufactured reasons against Dr. Lakshmi Arunachalam, a woman, for being a **Patriot** defending the Constitution, falsely dubbing her a "vexatious litigant" for crimes committed by Respondent(s), Judges and lawyers. District and Circuit Court Judges, and USPTO/PTAB Administrative Judges McNamara, Siu and Turner and Respondent(s) *intimidated and harassed* Dr. Lakshmi Arunachalam, a woman, *a 72-year old, single, disabled female,* the genuine inventor of the Internet of Things (IoT) — Web apps displayed on a Web browser.

13. **BIAS AGAINST Dr. Lakshmi Arunachalam's RACE**

The Judiciary and PTAB denied Dr. Lakshmi Arunachalam, a woman, **even something as basic as electronic filing for no logical reason**, or for that matter illogical reason, except for bias against her race. They failed to docket her filings, removed her filings from the docket for moving to recuse Judge Andrews and PTAB Administrative Judge McNamara due to their direct stock holdings in JPMorgan Chase & Co. and Microsoft. PTAB Judge McNamara *disparately* required Dr. Lakshmi Arunachalam, a woman, to call teleconference meetings with the PTAB and SAP America, Inc. to request that her filings be docketed.

14. **RESPONDENT VIOLATED 35 USC §282:** which states:

> "A patent **shall be presumed valid**. Each claim of a patent (whether in independent, dependent, or multiple dependent form) **shall be presumed valid** independently of the validity of other claims; dependent or multiple dependent claims **shall be presumed valid** even though dependent upon an invalid claim. ...The burden of establishing invalidity of a patent or any claim thereof shall rest on the party asserting such invalidity."

15. RESPONDENT FAILED TO FURNISH THE BURDEN OF PROOF OF "CLEAR AND CONVINCING EVIDENCE" OF PATENT INVALIDITY, REQUIRED BY STATUTE.

The Federal Circuit, like all the other District and Appellate Courts failed to enforce ***Fletcher.*** District and Appellate Court Judges denied Dr. Lakshmi Arunachalam, a woman, due process and acted as Respondent's attorneys, manufacturing false reasons to dismiss her case in an egregious abuse of judicial power under the color of law and authority. Respondent committed acts of infringement, and falsely argued Patent invalidity "without clear and convincing evidence."

16. BY STATUTE, 35 U.S.C. § 282, A PATENT ISSUED BY THE PATENT OFFICE IS PRESUMED VALID, AND THE BURDEN OF ESTABLISHING INVALIDITY IS ON THE PARTY ASSERTING IT.

The presumption of validity is in the statute. *See* Roberta Morris, p. 22-23 in **this Court's Case No. 10-290, *Microsoft v i4i*** "**the higher standard of proof should apply to "any issue developed in the prosecution history**." "A statutory presumption is a statutory presumption. It needs no justification as long as the presumption itself violates no Constitutional prohibition and the subject matter is within Congress' power..."

17. RESPONDENT'S "INVALIDITY DEFENSE MUST BE PROVED BY CLEAR AND CONVINCING EVIDENCE." "STANDARDS OF PROOF ON INVALIDITY ARE PART OF A VERY COMPLICATED CALCULUS." *See* Roberta Morris: pp. 9, 3:

> "This Court stated that *in order to invalidate, the proof would have to be* "**clear, satisfactory and beyond a reasonable doubt**....The Patent Act of 1952 included, for the first time, a statutory presumption of validity and a statement on the burden of proof. 35 USC § 282. (*See* Part III.A, *infra.*)." p.6: ("Prosecution history" refers to the record, required to be in writing, 37 CFR §1.2, of the exchanges between the applicant and the USPTO."
>
> "... **STANDARD OF PROOF WILL REQUIRE THE TRIAL JUDGE TO ANALYZE THE PROSECUTION HISTORY**. If there are rejections based on prior art, the judge will have to determine the scope and content of that art. Claim language may need to be construed so that the claimed invention can be compared to the examiner's art, and the examiner's art compared to the accused infringer's art. Once the applicable standard of proof is determined, many of those same facts will be sifted again to determine whether invalidity has been proven. The process may seem convoluted and circular. Prior art invalidity is not, of

course, the only kind of invalidity as to which the prosecution history may speak. Claims are rejected for failing to meet other requirements...§112: enablement, definiteness. *See* Part III.B, *infra.* Depending on how the dividing line is articulated and what the accused infringer argues, the same circular use of facts may occur."

p. 12: "... keep attention on the core issues: a comparison of the claimed invention to the prior art and to the patent's disclosure of how to make and use the invention. **Those inquiries would not become stepchildren to a dispute over how well or ill the Patent Office did its job**. ...participants in the patent system."

18. FRAUD AND PUBLIC CORRUPTION

This Court should investigate and prosecute this complex white collar crime involving corruption and fraud offenses committed against both the government and private citizens to enforce corruption laws as those laws apply to officials and employees of the United States government, including the USPTO. It is imperative that this Court work jointly with law enforcement task forces designed to proactively detect and deter crimes against the public trust, false claims, government contract fraud. Respondent's and the lower courts' offenses have a national impact including violations of the FALSE CLAIMS ACT. They concealed material *prima facie* evidence.

"Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading..." *U.S. v. Tweel,* 550 F.2d 297, 299 (1977), quoting *U.S. v. Prudden,* 424 F.2d 1021, 1032 (1970).

"When a person sustains to another a position of trust and confidence, his failure to disclose facts that he has a duty to disclose is as much a fraud as an actual misrepresentation." *Blanton v. Sherman Compress Co.,* 256 S.W. 2d 884 (1953).

Aiding and abetting the theft of Dr. Lakshmi Arunachalam, a woman's "The Internet of Things (IoT) —Web apps displayed on a Web browser," **is an act of Treason for those under oath to the United States Constitution.**

19. TRESPASS UPON CONTRACT BETWEEN INVENTOR AND USPTO

Any collateral attack on this Contract is in bad faith and is a criminal trespass.

20. NATIONAL SECURITY

Respondent's violation of the Constitution and of the False Claims Act threatens our nation's security in killing innovation by bullying and threatening Dr Lakshmi Arunachalam, a Woman and a key witness and inventor of significant

inventions, and allowing infringing products to come into the nation manufactured in foreign countries, hurting the domestic economy.

III.
This Court must review this Case because:

The Federal Circuit's decision(s) failed to enforce this Court's Governing Precedents and the *Mandated Prohibition* from repudiating Government-issued Patent Contract Grants as delineated in *Fletcher* and *Dartmouth College* and avoid *"the Fletcher challenge"* and if followed, will conflict with this Court's precedent with respect to its findings on: (a) the denial of liberty and property without due process of law, and (b) this Court's *Oil States* and *Alice* rulings that violate the Separation of Powers, Supremacy and Contract Clauses of the U.S. Constitution and failed to consider this Court's precedential *'First Impression' Res Judicata Mandated Prohibition* declared by Chief Justice Marshall in *Fletcher, Dartmouth College* against repudiating Government-Issued Patent Contract Grants by the highest authority, reaffirmed multiple times by this Court - the Supreme Law(s) of the Land.

1. ***Oil States* and *Alice* injured citizens without providing a remedy by leaving them bereft of their vested rights directly to federal grants of patents under the IP Clause, Contract Clause, the Separation of Powers Clause, the Public Interest/Welfare Clause, Due Process and Equal Protections Clauses.**

Oil States constitutionalized the America Invents Act reexamination provision, in breach of contract with inventors of their protected rights to enjoy exclusive rights to collect royalties for a time certain — 20 years. It is not a "faithful execution of the solemn promise made by the United States" to inventors.

2. **Rights without Remedies:**

District and Appellate Court rulings, the Legislature's America Invents Act reexamination provision and this Court's *Oil States* ruling violate the "Law of the Land;" **deprived** Dr. Lakshmi Arunachalam, a woman/inventor **of rights without remedies** by denial of substantive and fundamental rights by procedural and substantive unconscionability on discriminating terms, specifically denying her the equal protection of the *Aqua Products'* reversal itself, still unresolved, not applying prevention of oppression, giving superior bargaining power to Respondent *(having no reason to tender royalties owed)* in violation of Equal Protection of the Law to inventors.

> "...it is manifest that the obligation of the contract and the rights of a party under it may in effect be destroyed by denying a remedy altogether ...", *Bronson v. Kinzie*, 42 U.S. 311 (1843), 1 How. 311. *See*

Blackstone, in his Commentaries on the Laws of England, 1 vol. 55.

> 'Nothing can be more material to the obligation than the means of enforcement. Without the remedy, the contract may, indeed, in the sense of the law, be said not to exist... The ideas of validity and remedy are inseparable, and both are parts of the obligation, which is guaranteed by the Constitution against invasion. The obligation of a contract "is the law which binds the parties to perform their agreement."
> ...Mr. Justice Swayne: "A **right without** a **remedy** is as **if** it **were not**. For **every beneficial purpose** it **may** be **said not** to **exist**." *Von Hoffman v City of Quincy,* 71 U.S. (4 Wall.) 535, 552, 554 and 604 (1867).

In the case before us, the conflict of these laws, namely, *Oil States* and America Invents Act Reexamination provision, with the obligations of the contract is made the more evident by Federal Circuit's *Aqua Products*' reversal of all Orders where Patent Prosecution History (a contract term between the inventor and the Original Examiner before the patent was granted) was not considered. This case involves significant constitutional issues, making this case more significant than *Marbury v. Madison,* 5 U.S. 137, 177 (1803).

Respondent, the Judiciary, legislature, USPTO/PTAB, have "some explaining to do — for subjecting the nation to a long, cruel ordeal named 'collusion' and 'obstruction' against Dr. Lakshmi Arunachalam, a woman and the Constitution.

CONCLUSION: Lower Court ruling(s) must be reversed as unconstitutional.

WHEREFORE, Dr. Lakshmi Arunachalam, a woman respectfully requests that the petition for a writ of certiorari be granted.

May 28, 2020

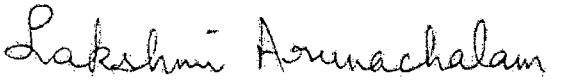
Respectfully submitted,

Lakshmi Arunachalam

Dr. Lakshmi Arunachalam, a woman,
PETITIONER
222 Stanford Avenue, Menlo Park, CA 94025
(650) 690-0995; laks22002@yahoo.com

VERIFICATION

In accordance with 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.



Dr. Lakshmi Arunachalam, a Woman,
Petitioner

Executed on May 28, 2020

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APPENDIX TABLE OF CONTENTS

App. 1a

Federal Circuit Order Dismissing the Appeal and Entry of Mandate (4/16/20)