App. No. 20-

In the Supreme Court of the United States

Dr. Lakshmi Arunachalam, a woman,

Petitioner,

v.

PRESIDIO BANK,

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,
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June 5, 2020

QUESTIONS PRESENTED

1. Whether this Court's duty to enforce its Governing Precedents as declared by Chief Justice J. Marshall in *Fletcher v. Peck* (1810) and *Trustees of Dartmouth College v. Woodward*, (1819) makes this case even more constitutionally significant than *Marbury v. Madison*.

2. Whether breach of solemn oaths of office by the Judiciary not enforcing Governing Supreme Court Precedents to rob the inventor of color of significant inventions that have enabled the nation to function remotely during the COVID-19 Pandemic with Instacart.com, Web banking, healthcare Web Apps, social networking, Zoom, and the multitude of Web Apps on iPhone and Android devices, violates the Equal Protection and Due Process Clauses of the 5th and 14th Amendments to the Constitution.

3. Whether Congress creating the U.S. Court of Appeals for the Federal Circuit in 1982 to invalidate granted patents is in direct contempt with the *STARE DECISIS* Law of the Case and Law of the Land, prohibiting repudiations of government-issued grants of any kind even by the highest authority without just compensation; delineated, in the famous case of *Fletcher v. Peck*, (*Et. Seq.* 1810); herein, *'THE FLETCHER CHALLENGE.'*

4. Whether Chief Justice Roberts' recusal on 5/18/20 due to his conflict of interest against inventors as a member of the Knights of Malta, and his financial conflicts of interest from his wife running a legal recruiting firm placing lawyers at opposing law firms and opposing corporations, IBM, Microsoft, require this Court to void all his Orders in all of Petitioner's Cases and in Case 18-9383 and in any and all inventors' cases.

5. Whether nine Justices lost jurisdiction by Chief Justice Roberts' foreign involvement as a member of Knights of Malta in conflict of interest against inventors and remaining silent and failing to enforce this Court's Governing Precedents as declared by Chief Justice J. Marshall in *Fletcher v. Peck* (1810) and *Trustees of Dartmouth College v. Woodward*, (1819).

6. Whether nine Justices losing their jurisdiction by Chief Justice Roberts' foreign involvement as a member of Knights of Malta in conflict of interest against inventors and remaining silent, leaves the President to grant Constitutional redress to which the inventor in entitled, by Executive Order, to order Corporate Infringers to pay royalties long past overdue to the inventor.

7. Whether there is any court that has not lost jurisdiction to order Corporate Infringers to pay back illegal profits to prevent unjust enrichment obtained by illegal or unethical acts, upon demand by Petitioner/inventor herewith or by legal compulsion, pursuant to the Disgorgement Law.

8. Whether the U.S. Court of Appeals for the Federal Circuit, *and* Federal District Court Judges, should have known, PROCEDURALLY via *stare decisis* and CONSTITUTIONALLY within both letter and spirit of *Marbury v. Madison*; that, accepting judicial commissions predicated on CONCERTED *stare decisis* legislative omission, compounded by Judicial and Executive 'COLLECTIVE SILENCE AS FRAUD' materially failing to acknowledge, SAVE ENFORCE the Law of the Land and Case; was, a treasonous Breach of Solemn Oaths diminishing competition by repudiating government-issued grants in Breach of Public trust, by deprivation of their reasonable expectation of beneficial use of infringed patented inventions secured by the converging of silence of non-enforcements, by the three Departments of Government impairing the Contract Clause of the Constitution with concerted precision and collective particularity.

9. Whether this Court has anything to act upon but enforce the Supreme Law of the Land, as declared by Chief Justice John Marshall in *Fletcher v. Peck*, 10 U.S. 87 (1810) "A grant is a contract that cannot be repudiated by the highest authority;" *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819): "The law of this case is the law of all... applies to contracts of every description...;" *Grant v. Raymond*, 31 U.S. 218 (1832); and *U.S. v. American Bell Telephone Company*, 167 U.S. 224 (1897).

10. Whether the Judiciary not enforcing Governing Supreme Court Precedents is constitutionally insane for causing inventors to lose their patents when all the laws — Law of the Case, which Chief Justice J. Marshall declared is the law of all, and is the Law of the Land — are on the inventor's side.

11. Whether said Constitutional insanity now requires this Court to provide the remedy, and amply indemnify the inventor and order just compensation by the Corporate Infringers, whether it reverses itself or not and continues with the mal-administration by the USPTO.

12. Whether the Judiciary breaching its solemn oath, impairing the obligation of contracts violating the prohibition of the Constitution mandated by this Court against repudiating government-issued contract grants usurped the Law of the Land in violation of the Separation of Powers Clause and the 14th Amendment, §3.

13. Whether the Judiciary breaching its solemn oath, impairing the obligation of contracts violating the prohibition of the Constitution and failing to ensure the federal government's faithful execution of the solemn promise made by the United States to protect the contract basis for intellectual property rights *crystallized the quagmire of Constitutional redress* a citizen is entitled to but denied, with the Law of the Case and Law of the Land on the inventor's side.

14. Whether this Court's *Alice* and *Oil States'* rulings are ERRONEOUS AND FRAUDULENT and must be reversed, for failing to apply *stare decisis* Governing Supreme Court Precedents — the Supreme Law of the Land — the *Mandated Prohibition* from repudiating Government-issued contract grants of any kind, declared by Chief Justice Marshall in *Fletcher v. Peck, 10 U.S. 87 (1810); Trustees of Dartmouth College v. Woodward, 17 U.S. 518 (1819);* and *Grant v. Raymond*, 31 U.S. 218 (1832).

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 Presidio Bank was the Appellee 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

Petitioner/inventor Dr. Lakshmi Arunachalam, a woman ("Dr. Arunachalam") respectfully submits this petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Federal Circuit.

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. 19-1223 which is an Appeal from Case No. 12-4962-TSH (N.D. CA) in the U.S. District Court for the Northern District of California are reproduced at App. 1a and App. 9a. The Order of the U.S. District Court for the Northern District of California is reproduced at App. 11a. The above Orders are not published.

JURISDICTION

The Court of Appeals for the Federal Circuit entered judgment with opinion in Petitioner's Appeal on 2/13/20, denied Petition for *En Banc* Re-Hearing on **4/9/20** (App.1a and App. 9a). 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 and opposing large Corporations such as IBM, Microsoft. This voids all of this Court's Orders in Petitioner's cases, as well as in case 18-9383.

The 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; "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." "...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..."

Eighth Amendment: against Cruel and Unusual Punishment.

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. C. Section 2381: Treason: "...shall be incapable of holding any office under the United States."

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... **is guilty of misprision of treason...**"

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. See *infra*.

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); *U.S. v. American Bell Telephone Company*, 167 U.S. 224 (1897); *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819); 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*, 167 U.S. 224 (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 affirmed that Petitioner has *been* pleading correctly all along and has been rebuffed by collusive adjudications by Courts and USPTO/PTAB, induced by Respondents' 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.

STATEMENT OF THE CASE

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

THE SUPREME BREACH OF PUBLIC TRUST

The Judiciary, USPTO and Congress **denied American citizens the beneficial use of inventions by breach of contract with inventors**. Are they ignorant of the Law and Governing Supreme Court Precedents that a Patent Grant is a Contract that cannot be repudiated by the highest authority, and there is nothing for the Court to act upon but enforce the Supreme Law of the Land, as declared by Chief Justice J. Marshall, or are they pervertedly indifferent to it?

Is this not Convoluted Justice involving **breach of solemn oaths of office,** instigating antitrust upon the Small Business and Inventor of significant inventions that have enabled the nation to function remotely during the COVID-19 Pandemic with Instacart.com, Web banking, all healthcare Web apps, social networking, Zoom, and the gazillions of Web Apps on iPhone and Android devices.

What are our Congresswomen and Senators and Judiciary doing to stop the oppression against Small Business and a Senior Citizen woman of color, the Inventor of significant inventions that transformed the world we live in?

I am the inventor. I am a woman of color. Respondent robbed me of my significant inventions. I need help from the President to ensure me of my Constitutional redress, vacate all unconstitutional Orders, order Respondent to pay up the royalties, and stop the manufacture of my inventions in China and importing them into the nation, hurting the domestic economy, reverse the unconstitutional America Invents Act, have the Judiciary and USPTO/PTAB stop oppressing inventors, the backbone of our nation, and stop the Judiciary from promoting antitrust, **and as a remedy, apply Disgorgement Law against Respondent to give up the profits obtained by illegal or unethical** acts upon demand by Petitioner/inventor herewith or by legal compulsion. **Court must order Respondent/wrongdoer to pay back illegal profits to prevent unjust enrichment**.

PATENTLY OPPRESSIVE

On 5/18/2020, Chief Justice Roberts recused from Petitioner's constitutionally significant case of her patented inventions of the Internet of Things (IoT) - Web Apps displayed on a Web browser. This case is more significant than *Marbury v. Madison.*

The inventor asked Chief Justice Roberts the Question:

QUESTIONS PRESENTED

1. Whether it is Sedition that Chief Justice Roberts engaged in 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.

Chief Justice Roberts promptly recused on 5/18/20. This voids all his Orders in ALL of Petitioner's cases, as well as in Case 18-9383.

His wife running a legal recruiting firm which places lawyers at opposing law firms and opposing corporations, IBM, Microsoft is a huge financial conflict of interest for Chief Justice Roberts. **Eight Justices remained silent in misprision of treason. Nine Justices lost their Jurisdiction.**

INVENTOR IS ENTITLED TO CONSTITUTIONAL REDRESS.

District and Appellate Courts and 7 Supreme Court Justices breached their solemn oaths of offices, failed to enforce the Supreme Law of the Land, as declared by Chief Justice Marshall in *Fletcher v. Peck* (1810) "A grant is a contract that cannot be repudiated by the highest authority." *Trustees of Dartmouth College v. Woodward* (1819): "The law of this case is the law of all... applies to contracts of every description..."

Inventor is entitled to Constitutional redress. If nine Justices lost their jurisdiction by eight Justices remaining silent on Chief Justice Roberts' membership in the Knights of Malta, who is left to grant Constitutional redress but the President by Executive Order?

JUDICIAL MALFEASANCE, MISFEASANCE, NON-FEASANCE

(i) 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), *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.

(ii) 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 in all of Petitioner's cases before him.

Respondent, 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.

> "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).

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. AIA 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."(Federalist No. 33, 6th para), as in this Court's ruling in *Oil States* and *Alice*, 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."** (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 after Ordering the Respondents to not answer the Complaint, without a hearing in unfettered judicial misfeasance to the prejudice of ensuring a fair and proper administration of justice. Non-compliance by the Courts with procedural rules is unlawful command influence.

The Law of the Case, the Law of the Land, the Constitution and the facts are on Petitioner's side, which Judges Andrews and Hixsom ignored.

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 repudiating Government-issued contract granted patents by neglecting to consider Patent Prosecution History, in a unilateral breach of contract by the USPTO with the inventor, prior to AIA and continuing thereafter, delineated in the Federal Circuit's *Aqua Products*[1] 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 seizure at least without due compensation. The "Action" imposes a duty to reverse the lower courts' rulings as unconstitutional. It denied Dr. Arunachalam 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. Arunachalam/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**..."

2. **Courts/USPTO denied Petitioner the protection from Patent Prosecution History, a key contract term between the Inventor and Government. Respondents 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 the 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 *Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722 (2002) restrain the District Court from *disparately* failing to consider Patent Prosecution History in Dr. Arunachalam's 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.

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[1] *Aqua Products, Inc. v. Matal*, Fed. Cir. Case 15-1177 (2017) reversed all Orders that failed to consider the entirety of the record — Patent Prosecution History.

3. **Respondent JPMorgan's impermissible Expert testimony on claim construction concealed *prima facie* evidence of Patent Prosecution History:**

that the claim terms are ***not*** indefinite, falsely alleged by JPMorgan in 12-282-RGA (D.Del.) and collusively adjudicated by District courts. *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 Dr. Arunachalam/inventor, ignoring the Constitution, a "bulwark against oppression":**

Petitioner/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.")

Judge 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.
The *Sanctity of Contracts as applied to the IP Clause* governs Granted Patents and is *not* nullified by *Oil States* nor *Alice*.

The Judiciary, attorneys, USPTO/PTAB, the Legislature and Respondents must abide by the Constitution and this *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).[2]

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 ... The public trust is therefore pledged to ensure that the protections offered by those public contracts are enforceable in courts of law." Madison in Federalist No. 44: "Patent rights receive protection pursuant to ...contracts between

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[2] *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."

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.

> "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.*" 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 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 the Supreme 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 the first opinion of the Supreme 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* and *Alice* decisions, the law of the Supreme Court in *Fletcher* being *per se* justice, **the controlling authority and reigns supreme as the Law of the Land**.

II.
BACKGROUND

1. **Petitioner invented 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.**

Respondents and the Government benefited by trillions of dollars from Dr. Arunachalam'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), Presidio 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.

Since Petitioner's founding of her companies, Pi-Net in 1989 and WebXchange, Inc. in 1996 with venture capital, she has invested over a hundred million dollars in cash, human capital and brain power in the United States and a multitude of decades of man-years, researching and developing innovations that created IoT devices, apparatuses, machines and Web applications displayed on a Web browser, with a Web application platform protected by her patents. These market-disruptive innovations should have allowed Petitioner to grow into one of the largest technology companies in the United States, but for Respondents engaging in RICO tactics, anti-trust violations, unfair methods of competition and unfair acts in the unlawful importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain IoT devices and components thereof (IoT, The Internet of Things — Web Applications displayed on a Web browser) — that infringe one or more claims of her patents. Petitioner's companies have been engines of business and employment creation. Petitioner has made significant dollar investments of capital in plant and equipment; significant employment of labor and capital, human capital, physical capital, land; substantial exploitation of her Patents, including a variety of research and development, engineering, quality management, technical support, field training, solutions and services and developing the IP with respect to her domestic industry IoT devices/apparatuses/machines, Web applications and components, and invested substantial amounts of money, time, man-years in product development, patent prosecution and patent litigation of her patent portfolio. Petitioner has taken risks as a female entrepreneur and gave it her all — time, money and energy, including all of her life savings. Petitioner has been injured by Respondent stealing her inventions, and infringing her Patents.

2. Proceedings of the District Court and Federal Circuit

The District Court *sua sponte* dismissed Petitioner's case, without a hearing, acting a Respondent's attorney, without considering Patent Prosecution History, or the Law of the Case or Law of the Land or enforcing Governing Supreme Court Precedents – the Mandated Prohibition from repudiating Government-issued patent contract grants as declared by Chief Justice Marshall in *Fletcher, Dartmouth College,* on the false claim of a falsely alleged collateral estoppel on hearsay without any evidence, condemning without inquiry, nor applying Patent Statutes. Judge Hixsom engaged in cruel and unusual acts of oppression, in his procedurally improper

and unlawful process of adjudication and orders themselves, demonstrating unfettered judicial misfeasance to the prejudice of ensuring a fair and proper administration of justice. He obstructed justice and gagged Petitioner from raising the Constitutional challenge involving the Laws of the Land *Mandated Prohibition* from repudiating granted patents.

Judge Andrews' Order in Petitioner's 12-282-RGA (D.Del.) is void for reasons detailed *infra*. District Court(s) rendered Orders without jurisdiction, dismissed the case without a hearing, denied due process to Dr. Arunachalam 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; lost their jurisdiction. Their Orders are void. Respondents and the Federal Circuit have not proven an Exemption from the Mandated Prohibition.

The District Court's 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.' Judge Hixsom failed to enforce the Constitution, breached his solemn oath of office and lost his jurisdiction and immunity, obstructing justice. He is a co-conspirator.

Why would Judge Hixsom deny Petitioner due process — a Hearing?

> "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 in *Dartmouth College* (1819), *Grant v. Raymond* (1832), and *U.S. v. AT&T* (1897).

It is a material fact that the Judiciary, USPTO, PTAB, Respondent, Attorneys and the Legislature warred against the Constitution, breached their solemn oaths of office and lost their jurisdiction and immunities. *See Cooper v. Aaron,* 358 U.S. 1 (1958).

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. Arunachalam Equal Protection of the Laws and access to justice and to the courts.

Dr. Arunachalam 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 Corporate Infringers' (18) requests to reexamine Dr. Arunachalam'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, REFUSED TO RECUSE, AND RETALIATED AGAINST Dr. Arunachalam.

Judge Andrews admitted himself in the Court records three years into Dr. Arunachalam'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. Arunachalam's cases he presided over, yet failed to recuse. His Orders are void in *all* of Dr. Arunachalam'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.), *CitiBank* 14-373-RGA (D.Del.) and *Citizens' Financial* Case No. 12-355-RGA (D.Del.) and other of Petitioner's cases he presided over. PTAB Judges McNamara's direct stock in Microsoft and Siu's financial conflicts of interest with Microsoft and IBM, as disclosed in their Financial Disclosure Statements, and failing to recuse makes all Orders void in all the 15 IPR/CBM re-exams and 3 CRU re-exams of Dr. Arunachalam's patents at the USPTO/PTAB — 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. Arunachalam, in *Fulton Financial Corporation* Case 14-490-RGA (D.Del.) on Dr. Arunachalam'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. Arunachalam'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. Respondents 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. Dr. Arunachalam IS **A CONSTITUTIONAL WARRIOR AND PATRIOT. THIS COURT MUST ADDRESS SECURITY CONCERNS RAISED BY VICTIM AND WITNESS DR. ARUNACHALAM WHO HAS BEEN THREATENED BY JUDGES ANDREWS, DAVILA, HIXSOM, DONATO, AND RESPONDENT, AS A RESULT OF HER DEFENDING HER PROPERTY RIGHTS AND CONSTITUTIONAL RIGHTS**

Judges, lawyers and Respondents abused and harassed Dr. Arunachalam, libeled and defamed her and denied her due process, for defending the Constitution. **The Judiciary in the District Courts in California 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**. The entire Judiciary, 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 Northern District of California is an adverse domination judiciary system that denied due process to Dr. Arunachalam. It aided and abetted the theft of Dr. Arunachalam's significant inventions and intellectual property, from which Respondent(s) benefited by trillions of dollars; the despicable display of judicial fraud, **in a cover-up of judges' own misconduct**. Judges Andrews, Hixsom 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 a century. **District and Appellate Courts *disparately* denied** Dr. Arunachalam **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(s), 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 without those Courts considering *prima facie* material evidence of Patent Prosecution History. Respondents *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(s) made **FALSE CLAIMS** that they had ownership of the 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 paying a license fee to Dr. Arunachalam. Judges and attorneys in the District Courts 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. Arunachalam/inventor's rights than acknowledge and enforce the *Mandated Prohibition.* They denied Dr. Arunachalam access to the court by refusing to enforce *Fletcher.* They defamed/libeled Dr. Arunachalam, sanctioned her for false, manufactured reasons, took her money, allowed the theft of Dr. Arunachalam's

patents and inventions and intellectual property by Respondent without paying Dr. Arunachalam royalties, made it expensive, hazardous and burdensome for Dr. Arunachalam to have access to justice.

Dr. Arunachalam 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? They are retaliating against Dr. Arunachalam for raising the *Fletcher Constitutional Challenge.*

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

Respondents made a false claim that Dr. Arunachalam'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,* failed to consider Patent Prosecution History.

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

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

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

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

Respondent(s) *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. Arunachalam in 1995 and 2003. Microsoft's CTO and IBM executives interviewed with Dr. Arunachalam 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 patent claims are valid; and offered to buy Dr. Arunachalam'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 of Dr. Arunachalam's patents has cast in stone the construction of claim terms in Dr. Arunachalam'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 *knowingly and intentionally* made false claims that the Law of the Land does not apply to Dr. Arunachalam's patents.

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

Respondent *knowingly and intentionally* made false claims that AIA/PTAB repudiating patent contract grants is constitutional, whereas in fact *Oil States*/*Alice*/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. Arunachalam 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. Arunachalam. 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 Respondent(s), failed to recuse, lost jurisdiction, their Orders are void. Judges and PTAB restricted inventor Dr. Arunachalam and took away her rights, comforting antitrust violations by Respondent(s). The Judiciary, PTAB and Respondent's overt conspiracy against Dr. Arunachalam'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. Arunachalam 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. Arunachalam 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 Governing Supreme Court Precedents.

12. **JUDICIARY AND PTAB DENIED** Dr. Arunachalam **ACCESS TO THE COURTS.**

Judges Andrews and Hixsom represented the Respondent(s) by acting as their attorney, vacated the Hearing(s), and dismissed her cases for false, manufactured reasons against Dr. Arunachalam for being a Patriot defending the Constitution, for crimes committed by Respondent, Judges and lawyers. District and Circuit Court Judges, and USPTO/PTAB Administrative Judges McNamara, Siu and Turner and Respondent(s) *intimidated and harassed* Dr. Arunachalam, *72-year old, single, disabled female* inventor.

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

The Judiciary and PTAB denied Dr. Arunachalam **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. Arunachalam 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.

District and Appellate Court Judges denied Dr. Arunachalam 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."**

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. COMPLEX WHITE COLLAR CRIME

This Court must work jointly with law enforcement 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.

> "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. Arunachalam's Patents on "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 violations of the Constitution and of the False Claims Act threatens our nation's security in killing innovation by bullying and threatening Dr Arunachalam, a key witness and inventor of significant inventions, and allowing infringing products to come into the nation manufactured in China, hurting the domestic economy.

III.
THIS COURT MUST REVIEW THIS CASE BECAUSE:

I. J. MARSHALL DECLARED: "THE LAW OF THIS CASE IS THE LAW OF ALL."

J. Marshall declared in *Dartmouth College v. Woodward* (1819) that:

> "Surely, in this transaction, every ingredient of a complete and legitimate contract is to be found. The points for consideration are, 1. Is this contract protected by the Constitution of the United States? 2. Is it impaired by the acts" of this Court?

Are Petitioner's patent property rights being impaired by this Court? The answer is "yes" to both questions.

Like J. Marshall stated in *Dartmouth*,

> "Circumstances have not changed it. In reason, in justice, and in law, it is now what was in 1769... **The law of this case is the law of all**... The opinion of the Court, after mature deliberation, is that this is a contract the obligation of which cannot be impaired without violating the Constitution of the United States... It results from this opinion that the acts of" (emphasis added) the Judiciary "are repugnant to the Constitution of the United States, and that the judgment on this special verdict ought to have been for the Petitioner."

If a doubt could exist that a grant is a contract, the point was decided in *Fletcher*. If, then, **a grant be a contract within the meaning of the Constitution of the United States**, Chief Justice Marshall declared: "these principles and authorities prove **incontrovertibly that" a patent grant "is a contract."** And that any acts and Orders by the Judiciary that impair the obligation of the patent grant contract within the meaning of the Constitution of the United States **"are consequently unconstitutional and void."**

This Court's *Oil States, Alice* and lower court Orders violate the U.S. Constitution and constitute treason. J. Marshall declared in *Fletcher*:

'Crime by the Adjudicators'

> "It would be strange if a contract to convey was secured by the Constitution, while an absolute conveyance remained unprotected...This rescinding act" "would have the effect of an *ex post facto* law. It forfeits the estate of" Petitioner "for a crime ***not*** committed by" Petitioner, but by the Adjudicators by their Orders which "unconstitutionally impaired" the patent grant contract with Petitioner, which, "as in a conveyance of land, the court found a contract that the grant should not be revoked."

II. PETITIONER'S PATENTED INVENTIONS ARE MISSION-CRITICAL TO U. S. GOVERNMENT'S OPERATIONS, ENABLING THE NATION TO OPERATE REMOTELY DURING COVID-19 AND ENABLE NATIONAL SECURITY.

Respondent(s) stole Petitioner's patents and distributed its use to everyone including the U.S. Government, realizing **unjust enrichments in the trillions of dollars**. Petitioner is the inventor of "The Internet of Things (IoT)"— "Web Applications Displayed on a Web browser." The Judiciary deprived Petitioner of the payment for each Web transaction/per Web application in use, which it allowed Respondent to steal.

Petitioner's patented inventions are in ubiquitous use worldwide, allowing Microsoft, IBM, SAP, JPMorgan Chase & Co. and the U.S. Government to make $trillions, including investors with stock in the above Corporations, like Judge Richard G. Andrews, PTAB Judges McNamara, Stephen C. Siu who refused to recuse.

This Court's *Oil States, Alice* and 5/18/20 Orders violate the U.S. Constitution, inconsistent with the "faithful execution of the solemn promise made by the United States" with the Petitioner/inventor.

The U.S. Supreme Court stated: "No ... judicial officer can war against the Constitution without violating his undertaking to support it." *Cooper v. Aaron*, 358 U.S. 1, 78 S. Ct. 1401 (1958). "If a judge does not fully comply with the Constitution, then his orders are void, s/he is without jurisdiction, and s/he has engaged in an act or acts of treason."

CONCLUSION: The fact of the matter — the State of the Union — is: there is no middle ground. The Court is not fooling anyone. The three Branches of Government concertedly share a common objective — to remain silent as fraud, willfully and wantonly avoiding enforcing *Fletcher* and this Court's Governing Precedents. Why has the Judiciary not enforced *Fletcher* and this Court's Governing Precedents? They know why — because enforcing *Fletcher* exposes the entire Patent System, operating as a criminal enterprise, defrauding the public.

Dr. Arunachalam has been forced to state the obvious. The Court does not like it. Chief Justice Roberts admitted by his recusal that the facts and the law are on Petitioner's side.

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 AIA 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 AIA reexamination provision and this Court's *Oil States* and *Alice* rulings violate the "Law of the Land;" **deprived** Dr. Arunachalam/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.

THIS CASE INVOLVES SIGNIFICANT CONSTITUTIONAL ISSUES, MAKING THIS CASE MORE SIGNIFICANT THAN *MARBURY V. MADISON,* 5 U.S. 137, 177 (1803).

In the case before us, the conflict of these laws, namely, *Oil States* and AIA 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. Federal Circuit disparately refused to apply its *Arthrex* and 5/13/20 *VirnetX* rulings that USPTO/PTAB Judges were unconstitutionally appointed, reversing all 18 Unconstitutional reexamination Orders, to Petitioner's patent cases. Lower Court ruling(s) must be reversed as unconstitutional.

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

June 5, 2020 Respectfully submitted,

Lakshmi Arunachalam

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