No. 20-1112

IN THE SUPREME COURT OF THE UNITED STATES

In RE: Dr. Lakshmi Arunachalam, *Petitioner*

Dr. Lakshmi Arunachalam,

Petitioner

On Petition for a Writ of Mandamus to the United States Court of Appeals for the Federal Circuit Case No. 20-136

PETITION FOR WRIT OF MANDAMUS

Dr. Lakshmi Arunachalam
Self-Represented Petitioner
222 Stanford Avenue
Menlo Park, CA 94025
(650) 690-0995

January 30, 2021

QUESTIONS PRESENTED

1. Whether Justice Barrett, as the last standing Justice with original jurisdiction, with the same duty and oath as the lower courts to enforce the Supreme Law of the Land — this Court's own *stare decisis Mandated Prohibition* from repudiating Government-issued patent grant contracts, declared in *Trustees of Dartmouth College v. Woodward* (1819), *Grant v. Raymond* (1832), *Fletcher v. Peck* (1810), must accept and grant this petition for writ of mandamus, in the interest of justice, whereas:

   Chief Justice Roberts recused, seven Justices lost subject matter jurisdiction, and failed in their ministerial duty to enforce *Dartmouth College* and *Fletcher*, whereby the courts and USPTO adversely dominated the process to prevent *Dartmouth College* and *Fletcher* from ever coming before this Court, leaving the inventor with rights and no remedy, in violation of the Separation of Powers[1] and Contract Clauses of the Constitution.

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[1] Congress enacted the America Invents Act (AIA) for the Executive Branch (USPTO) to perform the function of the Judiciary by USPTO's unconstitutionally appointed judges (APJs) in violation of the Separation of Powers and Contract Clauses and Appointments Clause of the Constitution— **in contempt of the *Mandated Prohibition* of the Constitution** — AGAINST REPUDIATING GOVERNMENT ISSUED PATENT CONTRACT GRANTS — ***stare decisis* Governing Supreme Court Precedents**, as declared by Chief Justice Marshall — to fast-

2. Whether Justice Barrett has a duty to enforce this Court's own *stare decisis Mandated Prohibition* from repudiating Government-issued patent grant contracts, as declared in *Trustees of Dartmouth College v. Woodward* (1819), *Grant v. Raymond* (1832), *Fletcher v. Peck* (1810) as the Supreme Law of the Land, failing which she must move against the lower courts and USPTO for their breach of their solemn oaths of office in failing to enforce the Supreme Law of the Land.

3. Where the Federal Circuit *disparately* reversed only in the inventor's case its own *Aqua Products'* reversal of Orders that failed to consider "the entirety of the record" but gave defendant Microsoft and the USPTO the benefit of its *Aqua Products'* ruling, whether such process disorder constitutes denial of a fair hearing and equal protection of the laws, entitling the inventor to Constitutional redress.

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track invalidate granted patents in **a corrupted re-examination process**, without considering material *prima facie* intrinsic evidence – Patent Prosecution History, which is no re-examination at all. Congress created the Federal Circuit in 1982 to invalidate granted patents, in contempt of the *Mandated Prohibition* from repudiating patent contract grants — the Supreme Law of the Land.

4. Whether this Court's *Mandated Prohibition* from repudiating Government-issued patent grant contracts may be reversed by mere mention of *Fletcher* by the Federal Circuit in its Order; and if not, whether the Federal Circuit is under obligation to enforce it, even after dismissal of the case in process disorder, particularly where Chief Justice Marshall declared in *Trustees of Dartmouth College v. Woodward* (1819) that there is no controversy and nothing for the courts to consider, save enforce the Constitution.

5. Whether the courts and USPTO have the authority to reject and not enforce *Dartmouth College*, *Grant v. Raymond* or *Fletcher*, wherein is declared the *Mandated Prohibition* from repudiating Government-issued patent grant contracts, by this Court as the Supreme Law of the Land.

PREAMBLE

This case is constitutionally more significant than *Marbury v. Madison.*

Edison invented electricity. Alexander Graham Bell invented the telephone. Petitioner, Dr. Lakshmi Arunachalam, invented the Internet of Things (IoT) — Web Apps displayed on a Web browser.

The United States Patent and Trademark Office (USPTO) granted Dr. Arunachalam a dozen patents that have a priority date of 1995, a time when two-way real-time Web transactions from Web Apps were non-existent.

Petitioner's inventions are the backbone of the nation's economy, power national security and have enabled the nation to work remotely during COVID. Examples of the inventor's IoT machines are the millions of Web Apps in Apple's App Store in Apple's iPhone, in Google Play in Android devices, Web banking Web Apps, healthcare Web Apps, Fitbit, Zoom, Facebook, Twitter, social networking Web Apps, to name a few.

The 73-year old, disabled female inventor of color has not had her day in Court in over a 100 cases.

Chief Justice Roberts recused. Seven Justices in silence thereof, lost subject matter jurisdiction. They have a conflict of interest and cannot participate in this case, they are defendants for failing in their

ministerial duty to uphold their solemn oaths of office to enforce the Supreme Law of the Land — this Court's own *stare decisis Mandated Prohibition* from repudiating Government-issued patent grant contracts without just compensation to the inventor, as declared by Chief Justice Marshall in *Trustees of Dartmouth College v. Woodward* (1819), *Grant v. Raymond* (1832), *Fletcher v. Peck* (1810) — the Law of the Case.

The USPTO and courts made it expensive, hazardous and burdensome for the inventor to have access to justice, called her names without an iota of evidence, and oppressed her to keep her silent of their failure to enforce *Dartmouth College* and *Fletcher*, all in violation of the constitutional provision. Defendants and the Government unjustly enriched themselves by trillions of dollars by their continued, unlicensed use of Dr. Arunachalam's patents, and importing infringing products from China, hurting the domestic industry.

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 Kronos Incorporated and the United States were the Respondents in the court below. Only these two were docketed by the court below as Respondents. *Whereas,* Petitioner had listed as Respondents in the docket as:

(A) Parties.

Petitioner:	Dr. Lakshmi Arunachalam
Amicus Curiae:	Daniel L. Brune
	Murugappan Natesan
	Dr. Sherna Madan
	Carolyn Carnefix
	Pamela Louis-Walden
	Phoebe Lewis
	Fred Garcia (not docketed by Federal Circuit)
Respondents:	Kronos Incorporated;
	United States;
	United States Patent and Trademark Office/PTAB,
	IBM,

SAP America, Inc.,

JPMorgan Chase and Company,

Microsoft Corporation,

Apple, Inc.,

Samsung Electronics America, Inc.,

Facebook, Inc.,

Alphabet, Inc.,

Fremont Bancorporation and Fremont Bank; Fiserv, Inc.,

Wells Fargo Bank, N.A.,

Citi Group, Inc., Citicorp, CitiBank, N.A.,

Fulton Financial Corporation,

Presidio Bank,

Eclipse Foundation, Inc.,

Citizen's Financial Group, Inc.,

Exxon Mobil Corporation,

Lyft, Inc.,

Uber Technologies, Inc.,

BNSF Railway Company,

Beal Bank, SSB,

Berry Aviation, Inc.,

Apache Corporation,

Intuit, Inc.,

George Pazuniak, *et al*,

Sue L. Robinson,

United States District Judge
Leonard P. Stark.

United States District Judge
Edward J. Davila.

United States District Judge
Richard G. Andrews.

United States District Judge
Phyllis J. Hamilton.

United States District Judge
Alan D. Albright.

United States District Judge
R.W. Schroeder.

United States Magistrate Judge
Thomas S. Hixson.

United States Magistrate Judge
Elizabeth D. Laporte.

United States Judge Ryan T.
Holte in the U. S. Court of
Federal Claims.

United States Judges in the U.S.
Court of Appeals for the Federal
Circuit.

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.

CERTIFICATE AS TO RULINGS, AND RELATED CASES

Pursuant to Supreme Court Rules, Self-Represented Petitioner Dr. Lakshmi Arunachalam makes the following certification:

(A) Ruling Under Review.

The U.S. Court of Appeals for the Federal Circuit's Denial of Petition for Writ of Mandamus and Denial of Petition for *En Banc* Rehearing, without proving jurisdiction upon challenge, after judges and clerks lost jurisdiction by breaching their solemn oaths of office in not enforcing the Constitution and *stare decisis* Supreme Court Precedents that are the Law of the Case and the Law of the Land — the prohibition of the Constitution mandated by this Court against repudiating Government-issued contract grants of any kind — as declared by Chief Justice Marshall in *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819); *Fletcher v. Peck*, 10 U.S. 87 (1810), *Ogden v. Saunders*, 25 U.S. 213 (1827); *Grant v. Raymond*, 31 U.S. 218 (1832); *U.S. v. American Bell Telephone Company*, 167 U.S. 224 (1897).

(B) Related Cases.

This case has not previously been before this Court.

Dated: January 30, 2021

Lakshmi Arunachalam

Dr. Lakshmi Arunachalam
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SELF- REPRESENTED PETITIONER

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PETITION FOR A WRIT OF MANDAMUS

Petitioner Dr. Lakshmi Arunachalam ("Dr. Arunachalam"), a 73-year old disabled ethnic female of color, thought leader and **inventor** of a dozen patents on the Internet of Things (IoT) – Web Apps displayed on a Web browser, with a priority date of 11/13/95, hereby files this Petition for a Writ of Mandamus to the Federal Circuit from its Orders dated 12/28/2020 and 10/19/2020 denying her Petition for Writ of Mandamus to the District Courts and PTAB to do their ministerial duty to uphold their solemn oaths of office and enforce the Constitution, as declared by Chief Justice Marshall in *stare decisis* Supreme Court precedents. This Petition also serves as a Memorandum of Law. ***The Federal Circuit's Orders are void by operation of law***.

RELIEF SOUGHT

Petitioner respectfully requests that this Court order the U.S. Court of Appeals for the Federal Circuit to do its ministerial duty to uphold its solemn oaths of office and enforce the *stare decisis Mandated Prohibition* declared by this Court's Chief Justice John Marshall against repudiating Government-issued patent contract grants in *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819); *Fletcher v. Peck*, 10 U.S. 87 (1810), *Ogden v. Saunders*, 25 U.S. 213 (1827); *Grant v. Raymond*, 31 U.S. 218 (1832); *U.S. v. American Bell Telephone Company*, 167 U.S. 224 (1897) – the Supreme Law of the Land and Law of the Case and in turn, for the Federal Circuit to order the inferior courts and USPTO to do their ministerial duty

to uphold their solemn oaths of office and to enforce the *Mandated Prohibition.*

ISSUE PRESENTED

The courts and USPTO adversely dominated the process to prevent *Dartmouth College, Fletcher, et al* from ever coming before this Court, leaving the inventor with rights and no remedy.

Justice Barrett, as the last standing Justice with original jurisdiction, with the same duty and oath as the lower courts to enforce the Supreme Law of the Land — this Court's own *stare decisis Mandated Prohibition* from repudiating Government-issued patent grant contracts, declared in *Trustees of Dartmouth College v. Woodward* (1819), *Grant v. Raymond* (1832), *Fletcher v. Peck* (1810), *et al* must grant this petition for writ of mandamus, in the interest of justice, whereas Chief Justice Roberts recused, and seven Justices lost subject matter jurisdiction. Whether Justice Barrett takes this case or not, with or without quorum, she is under solemn oath duty to move against the inferior courts who have breached their solemn oaths of office and failed to enforce the Supreme Law of the Land — this Court's own *stare decisis Mandated Prohibition* from repudiating Government-issued patent grant contracts, declared in *Trustees of Dartmouth College v. Woodward* (1819), *Grant v. Raymond* (1832), *Fletcher v. Peck* (1810), *et al.*

FACTS, MEMORANDUM OF LAW, PROCESS AND PROCEDURE

1. Clerks' And Judges' Adversely Dominated Process Disorder, Without Jurisdiction,

Aiding And Abetting Antitrust, In RICO With Defendants:

to the prejudice of good order, discipline and justice, of a nature to bring discredit upon the judiciary and United States, violating federal and state laws and the Constitution. Judges acted as Attorney to Defendants, Ordered them to **not** answer Petitioner's Complaint *and* Appeal, to Default, dismissed the case without a hearing, and ordered them to untimely move for attorney's fees of $148K for not filing an answer to the Complaint and no injury after 2 years after appeal at the Supreme Court. Petitioner is "the prevailing party," not Defendants, even by the District and Appellate Courts' **procedurally foul process**.

2. Courts Failed to Enter Default and Default Judgment in Petitioner's Favor, Upon Request, when the Defendants Did Not File an Answer to Petitioner's Complaint or Appeal, As Ordered by Judges Not to Answer —Petitioner Won the Case by Default.

Defendants default. Clerks refuse to enter default and default judgment. Judges dismiss the case without a hearing. Defendants' lack of response is a Default, after being put on notice. Their silence "comprises their stipulation and confession jointly and severally to acceptance of all statements, terms, declarations, denials and provisions herein as facts, the whole truth, correct and fully binding on all parties." "Upon Default, all matters are settled *res judicata* and *stare decisis*." "Default comprises an estoppel of all actions, administrative and judicial" by courts, PTAB and Defendants against Petitioner.

3. **Judges And Clerks Abandoned Their Post— Refused To Prove Jurisdiction Upon Challenge.**

Judge Andrews and PTAB Judges McNamara/Siu admitted they bought direct stock in Defendant JPMorgan Chase & Co. and Microsoft, in the Court docket, failed to recuse, breached their solemn oaths, and refused to enforce the Supreme Law of the Land — this Court's own *stare decisis Mandated Prohibition* from repudiating Government-issued patent grant contracts, declared in *Trustees of Dartmouth College v. Woodward* (1819), *Grant v. Raymond* (1832), *Fletcher v. Peck* (1810), *et al.* Upon challenge to prove jurisdiction after losing jurisdiction in all of Petitioner's cases, Judges and clerks failed to prove jurisdiction.

4. **Judges' Retaliatory Ex-Actions Against Petitioner, Maliciously, Willfully, Knowingly And Recklessly Defamed Her As "Frivolous" And "Malicious" Without An Iota Of Evidence, for 73-Year Old, Disabled Inventor Fighting For Her Property Rights And Constitutional Rights, For Requesting The Judges And Clerks To Do Their Ministerial Duty To Abide by their Solemn Oaths and Enforce The *Mandated Prohibition* – the Law Of The Case And Law Of The Land And To Consider Patent Prosecution History — Material, Intrinsic *Prima Facie* Evidence That Her Claim Terms Are Not Indefinite And That Her Patent Claims Are Not Invalid, As Per *Stare Decisis* Supreme Court Precedents, In Accord With The Constitution:**

in *Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722 (2002); *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); *Fletcher v. Peck,* 10 U.S. 87 (1810); *Arunachalam v. Lyft*, 19-8029, voiding all Orders in **all** of Petitioner's Supreme Court cases, for want of jurisdiction; *Cooper v. Aaron*, 358 U.S. 1 (1958); *Ableman v. Booth*, 62 U.S. 524 (1859); *Sterling v. Constantin,* 287 U.S. 397 (1932)

> "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;"

and per Federal Circuit precedents in *Kumar v. Ovonic Battery Co., Inc. And Energy Conversion Devices, Inc.*, Fed. Cir. 02-1551, -1574, 03-1091 (2003), 351 F.3d 1364, 1368, 69. (2004); *Aqua Products Inc. v. Matal*, 15-1177 (Fed. Cir.2017); *Arthrex, Inc. v. Smith & Nephew, Inc.,* No. 2018-2140, slip op. (Fed.Cir.10/31/2019) applies to: "All agency actions rendered by those [unconstitutionally appointed] APJs;" *Virnetx Inc. v. Cisco Systems and USPTO* (intervenor) (Fed. Cir. 5/13/2020).

5. Expert Opinions of Stanford's Dr. Markus Covert and Dr. Jay Tenenbaum in Re-Examinations of Petitioner's Patents Prove She Is Not "Frivolous" Or "Malicious."

See Appendix 3a and 4a: Exhibits **A** and **B**.

6. The Only People Who Have Been "Frivolous" And "Malicious" Are The Adjudicators, As Chief Justice Marshall Declared In *Trustees Of Dartmouth College V. Woodward* (1819):

Courts'/PTAB's rescinding act has the effect of an *ex post facto* law and forfeits Petitioner's estate "for **a crime NOT committed** by" her, "but **by the Adjudicators**" by their Orders which "unconstitutionally impaired" the contract with the inventor, which, "as in a conveyance of land, the court found a contract that the grant should not be revoked." All court Orders in Petitioner's cases violate the U.S. Constitution, inconsistent with the "faithful execution of the solemn promise made by the United States" with the inventor and constitute treason. *See* Appendix 5a: Exhibit **C** — Daniel Brune's *Amicus Curiae* Brief in Case 20-136, and Appendix 6a: Exhibit D – Fred Garcia's *Amicus Curiae* Brief in Case 20-136, withheld by the Federal Circuit Court Clerks and not docketed. Chief Justice Marshall declared that any acts and Orders by the Judiciary that impair the obligation of the contract within the meaning of the Constitution of the United States **"are consequently unconstitutional and void."** Chief Justice Marshall declared that war was actually levied under such circumstances in *U.S. v. Burr*, 25 F. Cas. 55, 161 (CCD, Va. No. 14693).

7. This Entire Case revolves around the Judiciary Avoiding Enforcing *Dartmouth College, Fletcher, et al* At All Costs. Why? — Because Enforcing *It* Exposes The Entire

Patent System, Operating As A Criminal Enterprise, Defrauding The Public.

Courts dismissed Petitioner's Cases without a hearing for no valid reason with False Official Statements, while Chief Justice Roberts admitted by his recusal on 5/18/20 in 19-8029 that the facts and the law are on Petitioner's side. Courts cannot prove Petitioner "abused the process," if there is even a process, much less "repeatedly" so, as the courts collusively allege arbitrarily and capriciously, without any evidence and have concertedly manufactured a fact, in a pattern, with the common treasonous objective of not enforcing *Dartmouth College*, and *Fletcher*. Courts have been demeaning and defaming Petitioner for no good reason and suppressing her to silence her from exposing their culpability and have exhibited bias in a reckless manner. The Federal Circuit Court clerks and judges committed overt acts of hate crime against an elder, took away her ECF filing in adversely dominated process disorder to prevent *Dartmouth College* and *Fletcher* ever coming before the Supreme Court as that would expose the collusive fraud of the USPTO, the Federal Circuit and Congress in breach of public trust in taking granted patents without just compensation to the inventor, withheld documents and failed to docket Petitioner's filings, tampered with the public record, granted her fee waiver in all of Petitioner's cases except in the underlying case 201-36, and teased and harassed her and made False Official Statements that Petitioner's credit cards did not work, when she proved that they indeed worked.

8. Courts Cannot Determine That Petitioner's Action Was "Frivolous, Unreasonable, Or Without Foundation."

Judges 'and Clerks' EXACTIONS were clearly in excess of their jurisdiction, to deprive Petitioner of her federally protected rights — to be free from a conspiracy "to prevent, by force, intimidation, or threat" her First Amendment rights to Petition the Government for Grievance; and from deprivations "of equal protection of the laws, or of equal privileges and immunities under the laws." The courts have not proven bad faith or malice on Petitioner's part nor that any particular claim is frivolous, ***nor can they***.

District and Appellate Courts' and PTAB's procedural irregularities and falsely accusing Petitioner as "vexatious" for defending the Constitution and their cruel and unusually punitive intentions are well documented. The courts denying Petitioner a fair hearing to cover up their own culpability and lawlessness — bespeaks of the courts and PTAB biased against Petitioner, and not doing their solemn oath duty to enforce the Law of the Land. Judges' and clerks' outrage at Petitioner reveals "a 'deep-seated ... antagonism that would make fair judgment impossible.' *Liteky*, 510 U.S. at 555." Judges' Orders of a false collateral estoppel without considering Patent Prosecution History and without applying *stare decisis* Supreme Court precedents are not legally sound and are not precedent. *Cherrington v. Erie Ins. Property and Cas. Co.*, 75 S.E. 2d. 508, 513 (W. Va, 2013).

9. Special Circumstances Warrant Mandamus. Judges Did Not Find Actual Injury.

Judges did not allow Petitioner a fair hearing or fair procedural or substantive due process. Courts made it unreasonably burdensome, downright dangerous, and expensive for Petitioner to have access to the Court on the question of due process itself. Courts denied Petitioner fair access to process. Petitioner has no evidence that courts and PTAB have not violated Petitioner's rights.

10. Defendants Plagiarized Each Other. They Had Zero Damages, No Injury. Fees Are Zero.

Defendants and the Government are unjustly enriched by trillions of dollars. Petitioner was injured by trillions of dollars in financial damages and personal injury to her health. **Petitioner is the aggrieved party, entitled to damages, attorneys' fees, *not* the Defendants.**

11. The Court Lacks Jurisdiction, Except Justice Barrett, The Sole Justice With Jurisdiction.

While Chief Justice Roberts recused, seven Justices remained silent. They lost jurisdiction.

In *TC Heartland LLC v. Kraft Foods Group Brands LLC*, 581 U.S. 16-341 (1917), 137 S. Ct. 1514, the Court ruled against the Federal Circuit not abiding by the Court's precedential rulings in *Fourco Glass Co. v. Transmirra Products Corp.*, 353 U.S. 222–226 (1957) for a century. The Court must take Judicial Notice of its own *stare decisis* precedents in accord with the Contract Clause of the Constitution. Courts have been in breach of their solemn oath duty to enforce the Law of the Land. Why? To acknowledge *Fletcher* is to admit

deceiving the public for decades in a collusive fraud between the Judiciary, USPTO, the Legislature and Corporate Infringers. So the courts manufactured a false reason, calling Petitioner names, that Petitioner is "malicious," "frivolous" and has "repeatedly abused the process," for the courts' own misconduct. The courts damaged Petitioner's pristine reputation and impeccable credentials. Judges and clerks have lost their immunity, in their wanton, willful **omissions** to deprive Petitioner of her fair access to process and to the Court.

REASON WHY THE WRIT SHOULD ISSUE

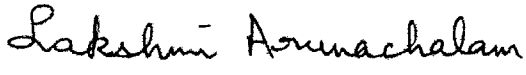
Chief Justice Marshall declared a Government-issued "grant is a contract," and "The Law of this case is the law of all. ...is applicable to contracts of all descriptions...there is nothing for the court to act upon," save enforce the Constitution – the *Mandated Prohibition,* without impairing the obligation of contracts in accord with the Constitution. The courts and USPTO, in cohort with the Defendants, have made a concerted effort to prevent the government from functioning the way it should function. They committed six independent violations of the Constitution. They violated the free speech provision. They violated the bill of attainder. They violated due process, on and on and on. They betrayed the oaths they swore to defend the United States Constitution by impairing the obligation of contracts in accord with the Constitution. Inventors have been injured physically and financially for standing for our Constitution and our country, but they should never

face such peril at the hands of the USPTO, Judiciary to hurt our democracy, and to dishonor our Constitution.

CONCLUSION

Wherefore, the Court must grant mandamus, failing which Justice Barrett must move against the USPTO and inferior court clerks and Judges for breaching their solemn oaths of office in failing to enforce the Supreme Law of the Land.

Respectfully submitted, January 30, 2021



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