

No. 20-1145



**IN THE SUPREME COURT OF THE UNITED
STATES**

October Term, _____

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. 20-1493**

**EMERGENCY PETITION FOR
WRIT OF MANDAMUS**

Dr. Lakshmi Arunachalam February 3, 2021
Self-Represented Petitioner
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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 Emergency Petition for Writ of Mandamus, in the interest of justice, failing which she has a solemn oath duty to do judicial inquiry of the Federal Circuit court's and clerks' violations of federal criminal laws 18 U.S.C. §§ 371, 1512, 1513 and 1503, and breach of solemn oaths, where Chief Justice Roberts recused, seven Justices in silence thereof lost subject matter jurisdiction, and failed in their ministerial duty to abide by their solemn oath duty to enforce the Constitution, 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 Powers¹ and Contract Clauses of the Constitution.

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, Contract and

2. Where the Federal Circuit *oppressively* required Petitioner to seek leave of Court to file papers, made False Official Statements with no iota of evidence that Petitioner is “frivolous,” “malicious,” “vexatious” for fighting for her property rights and Constitutional rights — yet failed to submit to the Hearing Panel Petitioner’s timely submitted Memorandum in Lieu of Oral Argument as per its own Order authorizing Petitioner to file, and *arbitrarily* removed it from the docket a day *after* the Panel Hearing, with False Official Statements that she did not seek leave to file and that the court docketed it in error, defrauding the Court by suppressing material² evidence, and whereas it *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 Defendants Microsoft and the USPTO the benefit

Appointments Clause of the Constitution— in contempt of the *stare decisis Mandated Prohibition* of the Constitution—against repudiating government-issued patent contract grants, as declared by Chief Justice Marshall in *Dartmouth College* and *Fletcher*—to fast-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 this Court’s *Mandated Prohibition* —the Supreme Law of the Land.

² Material *prima facie* intrinsic evidence and expert opinions by Stanford’s Dr. Markus Covert and Dr. Jay Tenenbaum that Petitioner’s patent claims are not invalid nor collaterally estopped, as per the court’s False Claims and False Official Statements, and witness testimony of the courts’ breach of solemn oaths.

of its *Aqua Products*' ruling, whereby the Federal Circuit adversely dominated the process to prevent *Dartmouth College* and *Fletcher* from ever coming before this Court, whether such process disorder constitutes abuse of process and denial of due process, fair hearing and access to the courts to petition the Government for redress of grievance, and denial of equal protection of the laws, all in violation of the 1st, 5th, 6th, 7th, 8th, and 14th Amendments of the Constitution, entitling Petitioner to Constitutional redress; and further constitutes evidence of violation of federal criminal laws 18U.S.C. §§371, 1512, 1513, and 1503, and breach of solemn oaths, "acting with an improper purpose and to engage in conduct knowingly and dishonestly with the specific intent to subvert, impede, or obstruct the proceeding;" and "acting with consciousness of wrongdoing," warranting mandamus by this Court to order that Petitioner's filing be re-docketed and submitted to the Hearing Panel 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), and *Fletcher v. Peck* (1810) and to restore Petitioner's ECF filing capability, making it downright hazardous and expensive for 73-year old disabled Petitioner during COVID lockdown to go to Fedex to have access to the court upon the question of due process itself, and that

the case be stayed until the Federal Circuit clerks and court get out of dishonor, and further requiring Justice Barrett to move for judicial inquiry and investigation of the perpetually ongoing crime in progress, which has left the Petitioner/inventor with rights and no remedy.

3. Where “there is nothing for the courts to consider,” save enforce the Constitution, as declared by this Court in *Trustees of Dartmouth College v. Woodward* (1819), whether Justice Barrett has a solemn oath duty to stop the adverse domination of process by the Federal Circuit avoiding 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), and *Fletcher v. Peck* (1810).
4. Where clerks and judges have no avenue of escape from the paramount authority of the Constitution when exertion of power has overridden private rights secured by that Constitution, whether the subject is necessarily one for judicial inquiry against individuals charged with the transgression.

PREAMBLE

This case is constitutionally more significant than *Marbury v. Madison* and more egregious in terms of denial of due process by oppression and civil rights violations than *Brown v. Board of Education*.

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 Petitioner 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 sat in silence thereof, and lost subject matter jurisdiction 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 the court, called her names without an iota of evidence, and oppressed her to keep her silent of their failure to enforce *Dartmouth College* and *Fletcher*, “acting with an improper purpose and to engage in conduct knowingly and dishonestly with the specific intent to subvert, impede, or obstruct the proceeding;” and “acting with consciousness of wrongdoing.” The evidence the Federal Circuit court and clerk’s office sought to deny has been material. The endeavor had the natural and probable effect of interfering with the due administration of justice, in violation of federal criminal laws 18 U.S.C. §§ 1512, 1513, 1503, and 18 USC §371, with crime in progress, requiring this Court to stay Federal Circuit Case 20-1493 until the Federal Circuit clerks and judges stop being in dishonor and dereliction of their ministerial duties to timely docket Petitioner’s filings and stop tampering with the public record and hand over to the Hearing panel the evidence, material to the case, which they have removed from the docket. 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.

**CERTIFICATE AS TO PARTIES, RULINGS,
AND RELATED CASES**

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

(A) Parties.

Petitioner: Dr. Lakshmi Arunachalam

Respondents: International Business Machines Corporation;

SAP America, Inc.;

JPMorgan Chase & Co.;

U.S. Court of Appeals for the Federal Circuit.

(B) Ruling Under Review. The U.S. Court of Appeals for the Federal Circuit's Order dated 2/2/2021, removing from the docket on 2/2/21 **ECF60** Memorandum in Lieu of Oral Argument, sent in by Petitioner and received by the Federal Circuit in a timely manner on 1/13/21, but docketed by the Federal Circuit only on 1/27/21 and failure by the Federal Circuit to give Petitioner's Memorandum in Lieu of Oral Argument to the ruling panel prior to the panel going into session on February 1, 2021.

ECF60 was filed by Petitioner, per leave of the Federal Circuit Court's Order **ECF56** given to Petitioner to file said Memorandum in lieu of Oral Argument, and not redundantly requiring Petitioner to file a Motion for Leave to file any paper document

as per the Court's Order **ECF55**. **ECF56** waived the Court's requirement **ECF55** to file a Motion for leave to file the Memorandum in lieu of Oral Argument. The Federal Circuit failed to grant Petitioner/Inventor her protected rights to the benefits of the equal protection of the laws and freedom of speech and freedom to petition the Government for redress of grievance in violation of the 14th and 1st Amendments to the Constitution; oppressed Petitioner; injured 73-year old, disabled Petitioner's health denying Petitioner her fundamental right to health and emergency medical care; and made it expensive, hazardous and burdensome for Petitioner to have access to the court and denied her a fair hearing and substantive and procedural due process on the question of due process itself, all in violation of the Constitutional provision. *See* ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1, §141. With respect to Fundamental, Substantive, and Due Process Itself.

(C) Related Cases. This case 20-1493 (Fed. Cir.) has not previously been before this Court.

Dated: February 3, 2021

Lakshmi Arunachalam

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SELF- REPRESENTED PETITIONER

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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**EMERGENCY PETITION FOR A WRIT OF
MANDAMUS UNDER ADVERSE DOMINATION
OF PROCESS**

Petitioner Dr. Lakshmi 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 Emergency Petition for a Writ of Mandamus to the Federal Circuit from its Orders dated 2/2/21, 1/27/21, 12/18/2020 and 11/30/2020 removing from the docket on 2/2/21 **ECF60** Memorandum in Lieu of Oral Argument, sent in by Petitioner and received by the Federal Circuit in a timely manner on 1/13/21, but docketed by the Federal Circuit only on 1/27/21 and failure by the Federal Circuit to give Petitioner's Memorandum in Lieu of Oral Argument to the ruling panel prior to the panel going into session on 2/1/21, in process disorder and tampered with the public record, violating 18 U.S.C. §§ 1512, 1513, 1503, and 18 USC §371.

ECF60 was filed by Petitioner, per leave of the Federal Circuit court's Order **ECF56** to Petitioner to file said Memorandum in lieu of Oral Argument, and not redundantly requiring Petitioner to file a Motion for Leave to file a paper document as per the Court's Order **ECF55**. *Whereas, ECF56* waived the Federal Circuit court's requirement **ECF55** to file a Motion for leave to file the Memorandum in lieu of Oral Argument. The Federal Circuit failed to grant Petitioner/Inventor her protected rights to the benefits of the equal protection of the laws, freedom

of speech and freedom to petition the Government for redress of grievance, in violation of the 14th and 1st Amendments to the Constitution; oppressed Petitioner; injured 73-year old, disabled Petitioner's health, denying Petitioner her fundamental right to health and emergency medical care; made it expensive, hazardous and burdensome for Petitioner to have access to the court; and denied her a fair hearing and substantive and procedural due process on the question of due process itself, all in violation of the Constitutional provision³, *See ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1, §141, whereby the courts and USPTO adversely dominated the process to prevent Dartmouth College⁴ and Fletcher from ever coming before this Court, leaving the inventor with rights and no remedy*, in violation of the Separation of Powers and Contract Clauses of the Constitution and

³ "...denies a litigant due process entitlement to an honest, though not learned tribunal; and if injured by the corruption or fraud of the court is entitled to redress." [§ 140];

"and final decisions upon the ultimate question of due process cannot be conclusively codified to any non-judicial tribunal. Any attempt to do this whether by direct denial of access to the courts upon this question of due process by hindering access to the courts or making resort to the courts upon it difficult, expensive, hazardous, all alike violate the Constitutional provision." [§141]

⁴ The Federal Circuit failed 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. The Federal Circuit's Orders are void by operation of law.

18 U.S.C. §§ 1512, 1513, 1503, and 18 USC §371. The USPTO and courts called her names without an iota of evidence, and oppressed her to keep her silent of their failure to enforce *Dartmouth College* and *Fletcher*, “acting with an improper purpose and to engage in conduct knowingly and dishonestly with the specific intent to subvert, impede, or obstruct the proceeding;” and “acting with consciousness of wrongdoing.” The evidence the Federal Circuit court and clerk’s office sought to deny has been material. The endeavor had the natural and probable effect of interfering with the due administration of justice.

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 abide by their oaths of office to enforce the *Mandated Prohibition* of the Constitution and stop tampering with the public record and to redocket and send to the ruling panel Circuit Judges Lourie, Wallach and Chen, Petitioner’s timely filed Memorandum in Lieu of Oral Argument, and to report to the authorities the Federal Circuit clerks’ and court’s violation of 18 U.S.C. §§ 1512, 1513, 1503, and 18 USC §371 and breach of solemn oaths by oppressing Petitioner and making her a victim of their violations of federal criminal laws.

ISSUE PRESENTED

The courts and USPTO adversely dominated the process to prevent *Dartmouth College, Fletcher, et al* from ever coming before this Court to the extent of violating federal criminal laws 18 U.S.C. §§371, 1512, 1513, 1503, and breach of solemn oaths by oppressing

Petitioner and violating the Constitution, leaving the inventor with rights and no remedy.

Justice Barrett is The Sole and Last-Standing Justice With Jurisdiction.

Justice Barrett, 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 sat in silence thereof, and lost subject matter jurisdiction. Whether Justice Barrett takes this case or not, with or without quorum, she is under solemn oath duty to move for judicial inquiry and report to the authorities the Federal Circuit court's and clerks' violation of federal criminal laws 18 U.S.C. §§ 1512, 1513, 1503, and 18 USC §371 and breach of solemn oaths.

FACTS, MEMORANDUM OF LAW, PROCESS AND PROCEDURE

- 1. Adverse Domination of Process by Federal Circuit Court and its Clerks, making 73-year old disabled Petitioner a victim of their violations of federal criminal laws 18 U.S.C. §§371, 1512, 1513, 1503, and breach of solemn oaths by oppression and disparity, denying her Equal Protection of the Laws:**

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 civil and

criminal laws and the Constitution. District Court Judges acted as Attorney to Defendants, Ordered them to not answer Petitioner's Complaint, to Default, dismissed the case without a hearing, and ordered them to untimely move for attorney's fees of \$148K for not answering 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, per Order by District Court 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. "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' 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 *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); *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); 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).

4. 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 App. 5a: Docketed version of Petitioner Dr. Lakshmi Arunachalam's Memorandum in Lieu of Oral Argument (1.13.2021), Exhibits A and B.

5. 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. 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).

6. 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 Federal Circuit case 20-136, 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.

7. 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 Redress of 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).

8. 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. 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.

REASON WHY THE WRIT SHOULD ISSUE

The courts and USPTO have made a concerted effort to prevent the government from functioning the way it should function. They committed overt crimes in violation of federal criminal laws and 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, clerks and Judiciary to hurt our democracy, and to dishonor our Constitution⁵.

⁵ 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. 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

II. Standard of Review

While, “[a] mandamus petitioner must demonstrate that its right to the writ is ‘clear and indisputable,’” *Fokker Servs.*, 818 F.3d at 749-750, “numerous decisions of the Supreme Court and this court made clear that ... Mandamus serves as a check on ... ‘usurpation of judicial power.’...” “The traditional use of the writ in aid of appellate jurisdiction ... has been to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.” *Roche v. Evaporated Milk Ass’n*, 319 U.S. 21, 26 (1943).

While every mandamus petition must meet the familiar three-factor test, namely that (i) the petitioner has no adequate alternative remedy for obtaining the relief he desires; (ii) his right to relief is clear and indisputable; and (iii) he persuades the court that, in the exercise of its discretion, the writ is appropriate under the circumstances, *Fokker Servs.*, 818 F.3d at 747, “[w]hen the writ of mandamus is sought from an appellate court to confine a trial court to a lawful exercise of its prescribed authority, the court should issue the writ almost as a matter of course.” In *Re Reyes*, 814 F.2d 168, 170 (5th Cir. 1987). If there is “a threshold question concerning ...

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 overt criminal acts to deprive Petitioner of her fair access to process and to the Court.

jurisdiction to review the district court’s interlocutory order ... [this Court] first consider[s] whether the district court legally erred.” *Fokker Servs.*, 818 F.3d at 740.

III. The Inferior Courts Legally Erred.

Binding Supreme Court and Federal Circuit precedents squarely foreclose the district and Circuit courts’ determination by financially conflicted Judges (U.S. District Court Judge Andrews, PTAB Judges McNamara and Siu) to disparately deny Petitioner/Inventor her protected rights to the benefits of the Federal Circuit’s *Arthrex* and *Virnetx* rulings that voided all PTAB rulings because the PTAB Administrative Patent Judges were appointed in violation of the Appointments Clause of the U.S. Constitution, U.S. Const., art. II, §2, cl. 2; the Federal Circuit’s *Aqua Products*’ ruling that reversed all court and PTAB rulings that did not consider “the entirety of the record” – Patent Prosecution History; the Supreme Court’s *Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722 (2002) ruling that restrains the lower courts from disparately failing to consider Patent Prosecution History in Petitioner’s cases; and the Supreme Court’s *stare decisis* prohibition of the Constitution mandated by this Court against repudiating Government-issued contract grants of any kind — the Law of the Case and the Supreme Law of the Land — 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); *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); and the courts continue in their persecution of

the Petitioner/inventor in denying her substantive and procedural due process, denying her rights to a neutral judge, denying her property rights and constitutional rights, and making it expensive, hazardous and burdensome for her to have access to justice and to the courts on the question of due process itself all alike violate the Constitutional provision, ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1, §141 and Petitioner is entitled to Constitutional Redress.

IV. This is the Rare Case Where Mandamus is warranted.

The Government misconduct by the Judiciary, the Agency (USPTO/PTAB) and Congress' unconstitutional America Invents Act violating the Appointments Clause of the U.S. Constitution, U.S. Const., art. II, §2, cl. 2., the Contract Clause and Separation of Powers Clause of the Constitution and *stare decisis* prohibition of the Constitution mandated by this Court against repudiating Government issued contract grants of any kind — the Law of the Case and the Supreme Law of the Land and suppressing material *prima facie* evidence — Patent Prosecution History that Petitioner's patent claims are neither invalid nor claim terms indefinite, provide a more-than sufficient basis for granting this Mandamus. An innocent Senior Citizen, single, disabled 73-year old female inventor of color of significant inventions of the Internet of Things (IoT) — Web Apps displayed on a Web browser, that have enabled nation to function remotely during COVID, has been the target of elder abuse, fraud and obstruction of justice by financially conflicted Judges, who know that the Federal Circuit was created in 1982 to invalidate granted patents contrary to the *stare decisis* prohibition of the

Constitution mandated by this Court against repudiating Government issued contract grants of any kind — the Law of the Case and the Supreme Law of the Land, the Contract Clause and Separation of Powers Clause of the Constitution. The egregious Government misconduct, and the decades-long abuse of elderly, disabled Petitioner, injuring her physical health, subjecting her to emotional duress, and theft of her intellectual property and patents by Corporate Infringers aided and abetted by the USPTO, Congress, clerks and financially conflicted Judges, cry out for ending this ordeal immediately and permanently.

The inferior Court's orders reveal their plan to obstruct justice in Petitioner's cases indefinitely, rubbing salt in Petitioner's open wound from the Government's misconduct and threatening her with sanctions and sanctioning her with cruel and unusual punishment, falsely dubbing her "frivolous and malicious" with all evidence pointing to the contrary, particularly for Dr. Arunachalam defending the Constitution and asking the Government, Congress, Judiciary and USPTO/PTAB to enforce the Constitution and the *Fletcher* Challenge.

Petitioner has no alternative avenue of relief, her right to relief is "clear and indisputable" and, in these extraordinary circumstances, issuance of the writ is not just appropriate, it follows "as a matter of course." *In Re Reyes*, 814 F.2d at 168. Petitioner's cases require the courts to enforce the Constitution and the *stare decisis* prohibition of the Constitution mandated by this Court against repudiating Government issued contract grants of any kind — the Law of the Case and the Supreme Law of the Land, as 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); 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); and the Contract Clause and Separation of Powers Clause of the Constitution.

V. Petitioner’s Right to Relief is “Clear and Indisputable,” and She Has no Alternative Avenue of Relief.

Petitioner has already suffered an unimaginable ordeal at the hands of unscrupulous, lawless, financially conflicted Judges (Andrews, McNamara, Siu) who have failed to enforce the law of the Land, and a seven-year abuse of elderly, disabled female inventor Dr. Ms. Lakshmi Arunachalam, injuring her physical health, subjecting her to emotional duress, and theft of her intellectual property and patents by Corporate Infringers aided and abetted by the USPTO, Congress, judges, clerks and financially conflicted Judges. She has suffered from the defamation and libel by the courts and PTAB Judge McNamara and the Defendants and their attorneys engaged in unlawful Solicitations to Solicitees, the Judges, under color of privileged documents filed in Court. Petitioner has risked her life — financial ruin, and the mental anguish and physical injury caused by clerks and financially conflicted Judges obstructing justice and hindering access to the court, for which she is entitled to Constitutional redress. All for no legitimate reason.

The wrongful and wasteful failure to enforce *Fletcher* and *Dartmouth College* must end. Since the inferior

courts refuse, Petitioner must ask this Court to order the inferior courts to stop obstructing justice and to comply with the controlling precedents of the Supreme Court and of the Federal Circuit. The Judiciary and USPTO/PTAB continuing in this fashion does not serve the interests of the public or the United States or inventors.

VI. Issuance of the Writ is Appropriate.

Petitioner, through no fault of her own, has been drawn into a nightmare of clerks obstructing justice and oppressing her and Judges failing to enforce the Law of the Land and this Court's *stare decisis Mandated Prohibition* from repudiating government issued patent contract grants. She has been subjected to deception, abuse, penury, obloquy, and humiliation. Having risked her life in service to her country and Constitution, she has found herself the target of elder abuse and obstruction of justice designed to strip her of her honor and savings, and to deprive her of her patent properties. She has been dragged through the mud and forced, through the artful withholding of information material *prima facie* evidence of Patent Prosecution History, crucial to the falsity of Judges' False Official Statements that falsely allege that her patent claims are indefinite and invalid. Having at last, through the relentless determination of her current counsel, namely, herself, as she is a self-represented litigant, brought the truth to light, she now learns that the judges who are charged with adjudicating her case impartially have decided to "play[] ... Attorney" to the Defendants. Equity demands an end to this nightmare and restoration of Petitioner's virgin patent properties and peace of mind.

The reputation of the judiciary is in jeopardy. The inferior courts abandoned any pretense of being an “objective umpire” — going so far as to sanction Petitioner and taking away her ECF filing for asking the Court to enforce the Constitution and to enforce the *stare decisis* prohibition of the Constitution mandated by this Court against repudiating Government issued contract grants of any kind — the Law of the Case and the Supreme Law of the Land, as 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); 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); and the Contract Clause, Separation of Powers Clause and the Appointments Clause of the U.S. Constitution, U.S. Const., art. II, §2, cl. 2.

Confidence in the rule of law, and the willingness of federal judges to administer it impartially, will continue to erode, if this Court fails to put a swift end to this spectacle.

CONCLUSION

Wherefore, the Court must grant said mandamus Justice Barrett must move for judicial inquiry against judges and clerks for violations of federal criminal laws 18 U.S.C. §§371, 1512, 1513, 1503, and breach of solemn oaths.

Respectfully submitted, February 3, 2021

Lakshmi Arunachalam

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**Federal Circuit Order ECF56
(12/18/20)**

12/18/2020 56 NOTICE OF SUBMISSION
WITHOUT ARGUMENT. Panel:
2102D. Case scheduled February
1, 2021. Argument is not required
and this case will be submitted to
the panel on the date indicated.
Service as of this date by the
Clerk of Court. [743844] [JAB]
[Entered: 12/18/2020 01:49 PM]

App. 2a
Federal Circuit Order ECF60
(2/2/21)

01/13/2021 60 This entry was made in error and has been removed from the docket. Document received from Doctor Lakshmi Arunachalam. [752215]-- [Edited 02/02/2021 by MJL - this submission did not comply with the court's order [55] and has been removed from the docket]. [JCP]
[Entered: 01/27/2021 08:38 PM]

The Federal Circuit entered in the docket on 1/27/21 Petitioner's Memorandum in Lieu of Oral Argument timely received by the court on 1/13/21. The Court failed to submit Petitioner's Memorandum in Lieu of Oral Argument to the Hearing Panel before the Panel Hearing on 2/1/21, and on 2/2/21, removed Petitioner's Memorandum in Lieu of Oral Argument one day after the Panel Hearing on 2/1/21, giving manufactured reasons, making False Official Statements that the submission did not comply with the Court's Order ECF55 requiring Petitioner to move for leave to file , whereas the Court waived this requirement of ECF55 by its Order of 12/18/20 authorizing Petitioner to file the Memorandum, and falsely alleged that the Court docketed it in error on 1/27/21.

App. 3a:**Federal Circuit Order ECF60
(1/27/21)**

01/13/2021 60 Paper Document received from Doctor Lakshmi Arunachalam. (PENDING REVIEW)[752215] [JCP] [Entered: 01/27/2021 08:38 PM]

02/01/2021 61 Submitted ON THE BRIEFS to Panel: Lourie, Circuit Judge; Wallach, Circuit Judge and Chen, Circuit Judge. [753009] [JCP] [Entered: 02/01/2021 11:45 AM]

The Federal Circuit entered in the docket on 1/27/21 Petitioner's Memorandum in Lieu of Oral Argument timely received by the court on 1/13/21. The Court failed to submit Petitioner's Memorandum in Lieu of Oral Argument to the Hearing Panel before the Panel Hearing on 2/1/21.

App. 4a:
Federal Circuit Order ECF55
(11/30/20)

11/30/2020 55 ORDER filed Except for merits briefs in her direct appeals, motions for extensions of time to file such briefs, and motions for leave to proceed in forma pauperis, the Clerk of this court is directed not to docket any further papers by or on behalf of Dr. Arunachalam unless her filing is accompanied by a motion for leave to file and the court grants such motion. The motion must be captioned "Motion Pursuant to Court Order Seeking Leave to File" and must certify that the grounds on which she relies for the relief she seeks have never before been rejected on the merits by this court. Failure to comply strictly with the terms of this injunction will be sufficient grounds for denying leave to file. (see order for details) (Per Curiam). Service as of this date by the Clerk of Court. [738797] [LMS] [Entered: 11/30/2020 02:34 PM]

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.

Lakshmi Arunachalam

Dr. Lakshmi Arunachalam, a woman
Self-Represented Petitioner

Executed on February 3, 2021

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