No. _____

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 APPENDICES 1a, 4a, 5a

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

February 3, 2021

App. 1a

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

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

2020-1493- Arunachalam v. IBM

NOTICE OF SUBMISSION WITHOUT ORAL ARGUMENT

Your case will not be scheduled for oral argument. On February 1, 2021, the Clerk's Office will submit your case to a three-judge panel. The panel will then decide your case based on the argument in the briefs and the materials in the record of your case. This procedure is called "submission on briefs."

Oral argument will not be held if the briefs and the record fully explain the facts and the legal arguments in the case, and oral argument would not help the panel decide the case. Fed. R. App. P. 34(a)(2). In argued and in submitted cases, the panel fully considers all arguments raised by the parties, regardless of whether oral argument occurred.

Before Your Case is Submitted

You may file two other documents:

1. Memorandum in Lieu of Oral Argument

This Memorandum allows you to discuss any items the opposing party raised in its brief. The Memorandum may not exceed five (5) pages and must be hand- or type-written on 8 ½ by 11-inch paper.

The court must recieve your Memorandum, should you choose to file one, no later than 01/15/2021.

2. Motion Requesting Oral Argument

You may choose to file a motion explaining why oral argument would help the court decide your case. If your motion for oral argument is granted, the argument would be scheduled for hearing on the same date that your case is scheduled to be submitted to the court. The Clerk's Office will notify you if the panel allows argument in your case.

If you choose to file a Motion, please file one signed original motion by 01/15/2021.

When Your Case is Submitted

Your case will be one of several cases that will be submitted to the panel on the submission date. Some of these cases will be argued and some will also be submitted without argument.

Because your case is being submitted without oral argument, you do not need to attend the court session. The panel will not discuss your case during the court session. Neither you nor the opposing party will have an opportunity to speak to the panel.

After Your Case is Submitted

The panel will review the briefs and other materials in the record of your case. The panel of judges will then issue a written decision in your case. In some cases, the panel issues a decision shortly after the submission date. In other cases, the panel may take several months to issue its decision.

Once the panel issues its decision, the Clerk's Office will send you a copy. On the day the panel issues its decision, you will also be able to view your decision on the court's website after 11 a.m. (Eastern) at http://www.cafc.uscourts.gov/.

While you may contact the Clerk's Office to see if the panel has issued its decision in your case, the Clerk's Office does not know ahead of time when the panel will decide your case. The Clerk's Office cannot influence how quickly or when the panel decides your case.

Additional Assistance

If you have any questions about this notice or your case, please contact the Clerk's Office at (202) 275-8035. Please continue to contact the Clerk's Office for all communications to the court about your case or other matters.

FOR THE COURT

December 18, 2020

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court
By: J. Bayles, Deputy Clerk

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

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

LAKSHMI ARUNACHALAM,
Plaintiff-Appellant

v.

INTERNATIONAL BUSINESS MACHINES CORPORATION, SAP AMERICA, INC., J.P. MORGAN CHASE & CO.,
Defendants-Appellees

DOES 1-100,
Defendant

2020-1493

Appeal from the United States District Court for the District of Delaware in No. 1:16-cv-00281-RGA, Judge Richard G. Andrews.

PER CURIAM.

ORDER

Having considered Dr. Lakshmi Arunachalam's response to the court's October 14, 2020 show cause order, the court now imposes filing restrictions.

Dr. Arunachalam has an established pattern of vexatious behavior in this and other courts. *See, e.g., In re Arunachalam*, No. 2020-136 (Fed. Cir. Aug. 21, 2020) (denying Dr. Arunachalam leave to proceed *in forma pauperis* because her petition for a writ of mandamus was largely attacking previously closed cases and raising arguments that this court had already rejected in prior appeals), ECF No. 12; *see also Arunachalam v. Wells Fargo Bank, N.A.*, No. 19-8671, __ U.S. __, 2020 WL 5883799 (Oct. 5, 2020) ("As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petition in noncriminal matters from petitioner unless the [required] docketing fee . . . is paid and the petition is submitted in compliance with [Supreme Court] Rule 33.1." (citation omitted)). This includes numerous appeals and motions seeking to relitigate issues she already lost and motions seeking recusal or otherwise attacking the authority of this court's judges with no valid basis.

As a result of her vexatious and harassing behavior, this court in June 2019 warned Dr. Arunachalam, after she filed a motion asking "all Federal Circuit Judges" and "all attorneys of record in th[e] case to provide a certified copy of their Oaths of Office with Bond and Insurance information, Anti-Corruption Statement and Foreign-Registration Statement," that "future meritless motions will result in sanctions." *Arunachalam v. Presidio Bank*, No. 2019-1223, slip op. at 2 (Fed. Cir. June 27, 2019), ECF No. 26. Despite that warning, Dr. Arunachalam continued filing frivolous motions in her appeals, including again moving in the above-captioned appeal to "prove jurisdiction, by providing . . . oaths of office and other required Statements," ECF No. 41 at 8; *see also* ECF Nos. 43, 44, 48, and accusing court staff of committing crimes against her, ECF Nos. 42–45, 48.

Dr. Arunachalam's response confirms the need for extraordinary action here. She justifies ignoring our warnings with the same frivolous argument that the judges of

this court breached their oaths of office in failing to follow the Constitution when they rejected her contention in prior appeals that the Patent Office was barred from invalidating her patents based on the Contracts Clause and *Fletcher v. Peck*, 10 U.S. (6 Cranch) 87 (1810). She baselessly accuses judges and court employees of treason, obstruction of justice, intimidation, destruction of evidence, conspiracy, and other crimes. She falsely accuses the appellees of forgery. And she submits a series of 12 emails between her and the court staff purporting to show "evidence of hate crimes" against her, which, if anything, demonstrate that Dr. Arunachalam repeatedly and baselessly criticized our clerk's office employees, made unreasonable demands, and irrationally refused to accept that the court was unable to successfully run her credit cards to pay the docketing fee due to an issue with the credit cards she provided.

Dr. Arunachalam's history of filing repetitive motions and pleadings, raising frivolous arguments, harassing the court's staff and judges, and not following the court's rules and directives constitutes an abuse of the judicial process. Mindful that court filing injunctions are strong medicine, we conclude that the appropriate action here is to impose on Dr. Arunachalam a leave of court requirement with respect to all future filings with the exceptions of merits briefs in direct appeals, motions for extensions of time to file such briefs, and motions for leave to proceed *in forma pauperis* to waive the filing fee. We further conclude that, given her conduct during the course of litigation in this court, Dr. Arunachalam should not be allowed the privilege to electronically file in this court or to communicate with the Clerk's Office by email. This filing restriction does not, as Dr. Arunachalam contends, "bar the courthouse door to [Dr. Arunachalam] but, rather, allows [her] meaningful access while preventing repetitive or frivolous litigation." *In re Chapman*, 328 F.3d 903, 905 (7th Cir. 2003).

Accordingly,

IT IS ORDERED THAT:

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.

Dr. Arunachalam is directed to communicate with the Clerk's Office and the court only by paper filings and correspondence. To that end, the Clerk of Court is directed to take necessary and appropriate action to restrict Dr. Arunachalam from participating in electronic filing or communicating with the Clerk's Office by email or telephone. Consistent with the prefiling requirements of this Order, the Clerk's Office is directed to accept and to process only filings and papers from Dr. Arunachalam submitted by mail through the U.S. Postal Service, by third-party commercial carrier, or by deposit in the court's drop-box. Absent further leave of court, Dr. Arunachalam may also not conduct in-person business in the Clerk's Office except for a staff member retrieving a paper document from her in the lobby of the courthouse at such time as the court reopens to the public.

FOR THE COURT

November 30, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

s32

App. 5a:
Docketed version of Petitioner
Dr. Lakshmi Arunachalam's Memorandum
In Lieu of Oral Argument
(1.13.21)

2020- 1493

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

Dr. Lakshmi Arunachalam,
a woman,

v.

INTERNATIONAL BUSINESS MACHINES CORPORATION,
SAP AMERICA, INC.,
JPMORGAN CHASE & CO.,
Defendants-Appellees,

DOES 1-100,
Defendants,

Appeal from the United States District Court for the District of Delaware
in Case No. 1:16-cv-281-RGA, Judge Richard G. Andrews

Dr. Lakshmi Arunachalam's MEMORANDUM OF LAW, AS PER COURT'S VOID ORDER ECF56 THAT GRANTED LEAVE TO FILE.

January 11, 2021

Dr. Lakshmi Arunachalam, a woman,
222 Stanford Ave, Menlo Park, CA 94025
Tel: 650.690.0995; Laks22002@yahoo.com

Dr. Lakshmi Arunachalam, a woman,
Self-Represented Appellant

I, 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 – Web Apps Displayed on a Web browser, with a priority date of 11/13/95, hereby file this Memorandum of Law. ***The District Court's Orders are void by operation of law.***

DISTRICT COURT CLERK'S AND JUDGE'S LAWLESS 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, and crimes and offenses which violate federal and state laws and the Constitution. Judge Andrews acted as Attorney to Defendants, Ordered them to **not** answer my Complaint, to Default, dismissed my case and Ordered them to untimely move for attorney's fees after 2 years after appeal at the Supreme Court and awarded them $148k. I am "the prevailing party," not Defendants, even by the District Court's **procedurally foul process**. This Court must take Judicial Notice that on 11/19/2019, it denied Presidio Bank's Motion for sanctions and attorneys' fees, **ECF 36** in my Appeal in Case 19-1223. Exhibit **A**.

DISTRICT COURT FAILED TO ENTER DEFAULT AND DEFAULT JUDGMENT IN MY FAVOR, UPON REQUEST, WHEN THE DEFENDANTS DID NOT FILE AN ANSWER TO MY COMPLAINT, AS ORDERED BY JUDGE ANDREWS NOT TO ANSWER THE COMPLAINT—— I WON THE CASE.

Defendants default. Clerk refuses to enter default and default judgment. Judge dismisses the case without a hearing. After my appeal at the Federal Circuit and the Supreme Court were complete, Judge Andrews Orders Defendants, Exhibit **B,** to untimely move for attorneys' fees and grants them $148K ***for not filing an answer***

to the complaint and no injury to Defendants, two years **after** the Supreme Court ruled. Their 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 me.

DISTRICT COURT JUDGE AND CLERK ABANDONED THEIR POST—— REFUSED TO PROVE JURISDICTION UPON CHALLENGE.

Judge Andrews admitted he bought direct stock in Defendant JPMorgan Chase & Co. in the Court docket, failed to recuse, breached his solemn oath, and refused to enforce the Constitution. Upon challenge to prove jurisdiction after losing jurisdiction in all of my cases, Judge Andrews failed to prove jurisdiction.

JUDGE ANDREWS' RETALIATORY EX-ACTION AGAINST ME, MALICIOUSLY, WILLFULLY, KNOWINGLY AND RECKLESSLY DEFAMED ME AS "FRIVOLOUS" AND "MALICIOUS" WITHOUT AN IOTA OF EVIDENCE, FOR 73-YEAR OLD, DISABLED INVENTOR FIGHTING FOR MY PROPERTY RIGHTS AND CONSTITUTIONAL RIGHTS, FOR REQUESTING THE JUDGE TO DO HIS MINISTERIAL DUTY TO ENFORCE THE LAW OF THE CASE AND LAW OF THE LAND AND TO CONSIDER PATENT PROSECUTION HISTORY —— MATERIAL, INTRINSIC *PRIMA FACIE* EVIDENCE THAT MY CLAIM TERMS ARE NOT INDEFINITE AND THAT MY 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 my Supreme Court cases, for want of jurisdiction; *Cooper v. Aaron*, 358 U.S. 1 (1958); *Ableman v. Booth*, 62 U.S. 524 (1859);

> "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;" *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).

EXPERT OPINIONS OF STANFORD'S DR. MARKUS COVERT AND DR. JAY TENENBAUM IN RE-EXAMINATIONS OF MY PATENTS PROVE I AM NOT "FRIVOLOUS" OR "MALICIOUS."
See Exhibits **C** and **D**.

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):
Judge Andrews'/PTAB's rescinding act has the effect of an *ex post facto* law and forfeits my estate "for **a crime NOT committed** by" me, "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 my 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* Exhibit **E** — Daniel Brune's *Amicus Curiae* Brief in Case 20-2196. 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). This entire Case revolves around the Judiciary avoiding enforcing *Dartmouth College, et al* at all costs. **WHY?** — because enforcing *it* exposes the entire Patent System, operating as a criminal enterprise, defrauding the public. Courts dismissed my Cases for false reasons while Chief Justice Roberts admitted by his recusal on 5/18/20 in 19-8029 that the facts and the law are on my side.

COURTS CANNOT DETERMINE THAT MY ACTION WAS "FRIVOLOUS, UNREASONABLE, OR WITHOUT FOUNDATION."

Judge Andrews' EXACTION was clearly in excess of his jurisdiction, to deprive me of my federally protected rights — to be free from a conspiracy "to prevent, by force, intimidation, or threat" my 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 my part nor that any particular claim is frivolous, nor can they. The District Court's procedural irregularities and falsely accusing me as "vexatious" for defending the Constitution and Andrews' cruel and unusually punitive intentions are

well documented. The District Court denying me a fair hearing to cover up its own culpability and lawlessness — bespeaks of a court biased against me, and not doing its duty to enforce the Law of the Land. Judge Andrews' outrage at me reveals "a 'deep-seated ... antagonism that would make fair judgment impossible.' *Liteky*, 510 U.S. at 555." Judge Andrews' Order of a false collateral estoppel without considering Patent Prosecution History is not legally sound and is not precedent. *Cherrington v. Erie Ins. Property and Cas. Co.*, 75 S.E. 2d. 508, 513 (W. Va, 2013).

SPECIAL CIRCUMSTANCES MAKE AN AWARD UNJUST. JUDGE ANDREWS DID NOT FIND ACTUAL INJURY.

Judge Andrews did not allow me a fair hearing or fair procedural or substantive due process. Courts made it unreasonably burdensome, downright dangerous, and expensive for me to have access to the Court on the question of due process itself. Defendants and the Government are unjustly enriched by trillions of dollars.

DEFENDANTS PLAGIARIZED EACH OTHER. LODESTAR APPROACH CALCULATING ATTORNEY'S FEES WAS APPLIED THREE TIMES, INSTEAD OF ZERO. THEY HAD ZERO DAMAGES, NO INJURY. FEES ARE LIMITED TO LESSER OF 20% of DAMAGES AWARDED OR $4000. FEES ARE ZERO, BECAUSE DAMAGES WERE ZERO. FEE AWARDS ARE TO BE REASONABLE...DESIGNED TO PREVENT ANY SUCH "WINDFALL."

I was injured by trillions of dollars in financial damages and personal injury to my health. **I am the aggrieved party, entitled to damages, attorneys' fees, *not* the Defendants.**

January 11, 2021

Respectfully submitted,

Lakshmi Arunachalam

222 Stanford Ave, Menlo Park, CA 94025
650.690.0995; laks22002@yahoo.com

Dr. Lakshmi Arunachalam, Appellant

LIST OF EXHIBITS

Exhibit A: Federal Circuit's Order **ECF36** on 11/19/2019 that denied Presidio Bank's Motion for sanctions and attorneys' fees in my Appeal in Case 19-1223.

1/19/2019 36 5 pg, 89.12 KB ORDER filed. The motion to file an extended reply [35] is granted. The motions [28], [643874-2] to recuse judges and **Presidio Bank's request for sanctions are denied**. Service as of this date by the Clerk of Court. [650536] [19-1223, 19-1794] [JAB] [Entered: 11/19/2019 01:21 PM]

Exhibit B: Judge Andrews orders Defendants to untimely move for attorneys' fees in my District Court Case 16-281-RGA (D.Del.) in D.I. 126 on 6/29/18 at p. 3, after the case was closed and appealed:

> "...my earlier order deferring any consideration of ...requests (see D.I. 89 of 3/21/17) when I stated they could renew them "by separate motion." No separate motions have been filed. If separate motions are filed, and a part or all of the relief this motion seeks is the party's attorney's fees, the moving party should include sworn submissions sufficient to determine the amount of attorney's fees, should I decide to grant the motion." (emphasis added).

Exhibit C: Dr. Markus Covert's expert opinion in Dr. Lakshmi Arunachalam's re-examination of her patents.

Exhibit D: Dr. Jay Tenenbaum's expert opinion in Dr. Lakshmi Arunachalam's re-examination of her patent-in-suit.

Exhibit E: Daniel Brune's Amicus Curiae Brief filed in Dr. Lakshmi Arunachalam's CAFC Case 20-2196.

DECLARATION OF Dr. Lakshmi Arunachalam IN SUPPORT OF THE AFOREMENTIONED MEMORANDUM OF LAW

I, Dr. Lakshmi Arunachalam, declare:

I am the inventor and assignee of the U.S. Patent No. 7,340,506/US 7,340,506 C1 that re-emerged successfully from an *inter-partes* re-examination by the United States Patent and Trademark Office initiated by Microsoft, and also of the prior

patents-in-suit in the JPMorgan case 1:12-cv-282 (D.Del.), all of which derive their priority date from my provisional patent application with S/N 60/006,634 filed November 13, 1995. I reside at 222 Stanford Avenue, Menlo Park, CA 94025. I am *pro se* Plaintiff-Appellant in the above-captioned action. I make this declaration based on personal knowledge and, if called upon to do so, could testify competently thereto. I declare that:

1. Attached as **Exhibit A** is a true and correct copy of Federal Circuit's Order **ECF36** on 11/19/2019 that denied Presidio Bank's Motion for sanctions and attorneys' fees in my Appeal in Case 19-1223.

1/19/2019 ┌ 36 5 pg, 89.12 KB ORDER filed. The motion to file an extended reply [35] is granted. The motions [28], [643874-2] to recuse judges and **Presidio Bank's request for sanctions are denied**. Service as of this date by the Clerk of Court. [650536] [19-1223, 19-1794] [JAB] [Entered: 11/19/2019 01:21 PM]

2. Attached as **Exhibit B** is Judge Andrews' Order in which he orders Defendants to untimely move for attorneys' fees in my District Court Case 16-281-RGA (D.Del.) in D.I. 126 on 6/29/18 at p. 3, after the case was closed and appealed:

> "...my earlier order deferring any consideration of ...requests (see D.I. 89 of 3/21/17) when I stated they could renew them "by separate motion." No separate motions have been filed. If separate motions are filed, and a part or all of the relief this motion seeks is the party's attorney's fees, the moving party should include sworn submissions sufficient to determine the amount of attorney's fees, should I decide to grant the motion." (emphasis added).

3. Attached as **Exhibit C** is a true and correct copy of Dr. Markus Covert's expert opinion in Dr. Lakshmi Arunachalam's re-examination of her patents.
4. Attached as **Exhibit D** is a true and correct copy of Dr. Jay Tenenbaum's expert opinion in Dr. Lakshmi Arunachalam's re-examination of her patent-in-suit.
5. Attached as **Exhibit E is** a true and correct copy of Daniel Brune's Amicus Curiae Brief filed in Dr. Lakshmi Arunachalam's CAFC Case 20-136.

6. Judge Andrews Ordered the Defendants to **not** answer my Complaint, to Default, dismissed my case and Ordered Defendants to untimely move for

attorney's fees after 2 years and awarded them $148k. I am "the prevailing party," not Defendants, even by the District Court's procedurally foul process.

7. On 11/19/2019, this Court denied Appellee Presidio Bank's Motion for sanctions and attorneys' fees, D.I. 36 in my Appeal in Case 19-1223.
8. The judge and clerk in the District Court failed to enter default and default judgment in my favor, upon my request, when the Defendants did not file an answer to my complaint, as ordered by Judge Andrews not to answer the complaint— I already won the case.

9. Defendants untimely moved for attorneys' fees, at the Judge's Solicitation/Order to do so, and Judge Andrews granted $148K in attorneys' fees ***for no injury to Defendants***, **two years after** my Petition for Writ of Certiorari had been denied by the U.S. Supreme Court.

10. Judge Andrews admitted he bought direct stock in Defendant JPMorgan Chase & Co. and lost jurisdiction in any and all of my cases, and failed to recuse. He breached his solemn oath and refused to enforce the Constitution. Upon challenge to prove jurisdiction after losing jurisdiction, Judge Andrews refused to do so.
11. Judge Andrews maliciously, willfully, knowingly and recklessly defamed me as "frivolous" and "malicious" without an iota of evidence, for 73-year old, disabled me, the inventor, fighting for my property rights and constitutional rights, for requesting the Judge to do his ministerial duty to enforce the Law of the Case and Law of the Land and to consider Patent Prosecution History — material, intrinsic *prima facie* evidence that my claim terms are not indefinite and that my 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); *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); *Arunachalam v. Lyft*, 19-8029, in which Chief Justice Roberts recused for want of jurisdiction, voiding all his Orders in all of my cases; *Cooper v. Aaron*, 358 U.S. 1 (1958); *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; and the

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*, Fed Cir. Case 15-1177, October 4, 2017; *Arthrex, Inc. v. Smith & Nephew, Inc.*, No. 2018-2140, slip op. (Fed. Cir. Oct. 31, 2019); *Virnetx Inc. v. Cisco Systems and USPTO* (intervenor) (Fed. Cir. 5/13/2020). *Arthrex* applies to: "All agency actions rendered by those [unconstitutionally appointed] APJs."

12. Chief Justice Marshall adjudicated in *Trustees of Dartmouth College v. Woodward* (1819) that the only people who have been "frivolous" and "malicious" are the Adjudicators, and that "this rescinding act has the effect of *an ex post facto* law and forfeits the estate of" Dr. Arunachalam "for a crime NOT committed by" me, "but by the Adjudicators" by their Orders which "unconstitutionally impaired" the contract with me, the inventor, which, "as in a conveyance of land, the court found a contract that the grant should not be revoked."
13. District and Appellate Court Orders violated the U.S. Constitution, inconsistent with the "faithful execution of the solemn promise made by the United States" with the inventor and constitute treason. J. Marshall declared 'Crime by the Adjudicators' in *Fletcher*. 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."
14. This entire Case revolves around the Judiciary avoiding enforcing *Fletcher*, at all costs.
15. WHY? 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 *Dartmouth College* and Governing Supreme Court Precedents. Why has the Judiciary not enforced *Dartmouth College* and Governing Supreme Court Precedents? They know why — because enforcing *Dartmouth College et al* exposes the entire Patent System, operating as a criminal enterprise, defrauding the public.
16. I have been forced to state the obvious. Courts do not like it. So Courts dismissed my Cases for false reasons while Chief Justice Roberts admitted by his recusal on 5/18/20 that the facts and the law are on my side.

17. No court can determine that my action was "frivolous, unreasonable, or without foundation." *See* attached Exhibits **C, D,** and **E.** To the contrary, Judge Andrews' retaliatory ex-action was clearly in excess of such officer's jurisdiction, to deprive me of my federally protected rights; my right to be free from a conspiracy "to prevent, by force, intimidation, or threat" my First Amendment rights to Petition the Government for Grievance; in any court of the United States a right to be free from a conspiracy to obstruct justice; and my protected right from deprivations "of equal protection of the laws, or of equal privileges and immunities under the laws." The District Court has not proven bad faith or malice on my part nor that any particular claim is frivolous, nor can they, no can any court. The District Court's procedural irregularities and falsely accusing me as "vexatious" for defending the Constitution and its cruel and unusually punitive intentions are well documented. The District Court denying me a fair hearing to cover up its own culpability and lawlessness — bespeaks of a court not only biased against me, but not doing its duty to enforce the Law of the Land. The District Court's outrage at me does reveal "a 'deep-seated ... antagonism that would make fair judgment impossible.' *Liteky*, 510 U.S. at 555."

18. 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 the Court?"

19. Are my patent property rights being impaired by the District Court? The answer is "yes" to both questions.

20. Like J. Marshall stated in *Dartmouth College*,

> "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."

21. 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."
22. The District 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."

23. District Court Orders violate ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1, §141. <u>With respect to Fundamental, Substantive, and Due Process Itself</u>:

> "... denies a litigant due process entitlement to an honest, though not learned tribunal; and if injured by the corruption or fraud of the court <u>is entitled to redress</u>." **[ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1, § 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]**;

24. Defendant-Appellees offer no defense for their breach of solemn oaths of office and not abiding by the Mandated Prohibition declared by Chief Justice Marshall, obfuscating, with volumes of unnecessary information, irrelevant to

the case at hand, which is restricted to attorneys' fees and/or sanctions, in an attempt to drain the Public Trust Doctrine of its vitality by resorting to hair splitting and misapplying procedural doctrine.

25. *Stare Decisis* Mandated Prohibition by the Supreme Court does not support Appellees' False Claim of injury/hardship.

26. The self-serving statements of Appellees cannot flatly govern a finding of "hardship." The community's and public interests are more accurately enunciated by its elected officials and by Chief Justice Marshall, than by Appellees and their lawyers.

27. *Stare decisis* means "to adhere to precedents, and not to unsettle things which are established." Black's Law Dictionary (5th Edition, 1979). Judge Andrews' Erroneous and Fraudulent Orders do not adhere to precedents and cannot unsettle things that have been established by the Supreme Court of the United States by Chief Justice Marshall.

28. "Courts of law will part ways with precedent that is not legally sound ...." *Cherrington v. Erie Ins. Property and Cas. Co.*, 75 S.E. 2d. 508, 513 (W. Va, 2013).

29. Judge Andrews' Order of a false collateral estoppel without considering Patent Prosecution History is not legally sound and is not precedent.

30. Appellees do not claim changed facts or circumstances to avoid preclusion based on prior judgment nor create or claim a particular exception, taking this case out of the prohibition contained in the Constitution.

31. The relevant facts or circumstances have not changed such that the prior *Fletcher* decision should dictate the result in the present case.

32. Chief Justice Marshall declared in *Dartmouth College* "the obligation of contract."

> "Circumstances have not changed it. In reason, in justice, and in law, it is now what was in 1769...It is then a contract within the letter of the Constitution, and within its spirit also,...unless...create a particular exception, taking this case out of the prohibition contained in the Constitution...**The law of this case is the law of all...is applicable to contracts of every description ... there is nothing for the courts to act upon**...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) Judge Andrews "are repugnant to the Constitution of the United States, and that the judgment on this special verdict ought to have been for the plaintiffs."

33. Special circumstances make an award unjust. Judge Andrews did not find actual injury.

34. Attorneys' fees must not be awarded because of the commissions of procedural foulness— Judge Andrews acted as their attorney, Solicited and Ordered Defendants on 6/29/18 to file a Motion for Attorney's fees, whereas on 5/22/18, he entered final judgment on all claims and closed the case. Defendants' failure to apply for attorneys' fees prior to that date precluded the Defendants from applying for fees after entry of final judgment. I appealed on 6/22/18 to the Federal Circuit, Case 18-2105. Deadline for filing for attorney's fees was 14 days (6/5/2018) from Judgment. There was no good cause for Judge Andrews to extend the time for filing a motion for attorney's fees in the absence of a stipulation. Judge Andrews granted them Attorney's Fees on 1/27/20, 20 months after case was closed 5/22/18, and appealed 6/22/18.

35. Time for motion:

> "A notice of motion to claim attorney's fees for services up to and including the rendition of judgment in the trial court...must be served and filed within the time for filing a notice of appeal."

FRCP Rule 54: Defendants failed to: file a motion for attorneys' fees within 14 days after the entry of judgment; specify the judgment and the statute, rule, or other grounds entitling the movant to the award; provide a fair estimate of the amount sought; disclose the terms of any contract about fees for services for which the claim was made. Dr. Arunachalam arguing the Constitution and *Fletcher* are not unreasonable nor vexatious and does not meet the Exceptions clause to award sanctions under 28 U.S.C. §1927.

36. Judge Andrews dismissed and closed the Case on 5/22/18 (D.I. 117). On 6/3/18, I filed a Motion to Alter or Amend a Judgment pursuant to Rule 59 (e) and Motion for Relief from a Judgment or Order pursuant to 60(b) and 60(d). I filed a NOA on 6/22/18, Federal Circuit Case 18-2105. Judge Andrews

Solicited and Ordered the Defendants to seek attorney's fees in D.I. 126 on 6/29/18 at p. 3, after the case was closed and appealed:

> "...my earlier order deferring any consideration of ...requests (see D.I. 89 of 3/21/17) when I stated they could renew them "by separate motion." No separate motions have been filed. If separate motions are filed, and a part or all of the relief this motion seeks is the party's attorney's fees, the moving party should include sworn submissions sufficient to determine the amount of attorney's fees, should I decide to grant the motion." (emphasis added).

37. On 1/28/19, the Federal Circuit affirmed the District Court's Judgment and issued the Mandate on 3/21/19. Almost a year later, in response to Judge Andrews' Solicitation to file a Motion for Attorney's Fees, more than 30 days after the Mandate, IBM filed its Motion for Attorney's Fees, D.I. 183, on 4/26/19. JPMorgan filed its Motion for Attorney's Fees, D.I. 171, on 4/17/19. On 11/12/2019, D.I. 202, Judge Andrews granted the attorney's fees to all 3 Defendants. On 11/20/19, I filed a Motion (D.I. 204) for the Court to Vacate its Unconstitutional Order (D.I. 202), and to enter a new and different Order. The Court denied it on 1/27/20 in D.I. 205. I filed a NOA on 2/13/20, Federal Circuit Case 20-1493, appealing the Unconstitutional Order granting Attorney's fees and sanctions in favor of Defendants. I filed an Opening Appeal Brief on 5/4/20, solely appealing the Unconstitutional Orders granting Attorney's fees and sanctions. Nowhere did I waive any challenge to the Fee Awards nor waive any argument that the District Court abused its discretion in awarding attorney's fees, as Defendants falsely claim.
38. Judge Andrews himself admitted in the Court docket in my case 12-282-RGA (D.Del.) that he bought direct stock in JPMorgan Chase & Co. and lost subject matter jurisdiction in all of my cases. I had named Judge Andrews as a Defendant in the District Court Case 16-281, as he is associated-in-fact with the Defendants in the criminal enterprise. He failed to recuse, despite lacking jurisdiction and failed to prove jurisdiction. Judge Stark, a co-conspirator, ruled Erroneously and Fraudulently that Judge Andrews is not a Defendant in Case 16-281. All of the Orders in case 16-281-RGA (D.Del.) are void for want of jurisdiction. Judge Andrews Erroneously and Fraudulently ruled in 16-281

that I may not file any amendments without his permission, violating my rights under the First Amendment.

39. The District Court awarding Attorney's fees to Defendants is contrary to the American rule. A fee award under the bad faith exception requires subjective bad faith—"some proof of malice entirely apart from inferences arising from the possible frivolous character of a particular claim." *Copeland v. Martinez*, 603 F.2d 981, 991 (D.C. Cir. 1979), cert. denied, 444 U.S. 1044 (1980). Defendants have not proven bad faith or malice on my part nor that any particular claim is frivolous, nor can they.

> "We hold that the requisite bad faith... may not be based on a party's conduct forming the basis for that substantive claim." *Sanchez v. Rowe*, 870 F.2d 291, 295 (5th Cir. 1989).
>
> "...not compensable because they represent the cost of maintaining open access to an equitable system of justice." *Shimman v. International Union of Operating Engineers,* 469 U.S. 1215 (1985).

40. Putting the Defendants, Judges and PTAB on notice of their duty to enforce the Law of the Land— the *Mandated Prohibition* may not be construed as bad faith in the conduct of the litigation or in the act underlying the substantive claim.

41. Defendant-Appellees have not proven that my action is meritless, groundless or without foundation. The fact that a plaintiff may ultimately lose her case is not in itself a sufficient justification for the assessment of fees.

> "...Fifth Circuit has held that the ...'s conduct, be it negligent or intentional, in good faith or bad, is irrelevant to an award of attorneys' fees." *Brown v. Culpepper,* 559 F.2d 274, 278 (5th Cir. 1977).

42. Defendant-Appellees are not the "prevailing party," as they did not obtain a favorable "final judgment following a full trial on the merits." They defaulted.

43. Nor did they establish their entitlement to some relief on the merits of their claims nor did they achieve any victories on the merits. Judge Andrews did not allow me a fair hearing or fair procedural or substantive due process. The fee award is unjust.

"...Being granted the right to a new trial was not a victory on the merits; nor were any favorable procedural or evidentiary rulings victories on the merits..." *Bradley v. Richmond School Board*, 416 U.S. 696, 723 (1974).

44. Defendant-Appellees did not succeed on any significant issue in litigation which achieves some of the benefit the parties sought in the suit. Defendant-Appellees did not prevail on a "significant issue" in order to be eligible for a fee award, nor did they prevail on the "central" issue in the litigation. They failed to prove any essential element of their claim for monetary relief. The Supreme Court has held that the only reasonable fee is no fee at all. They have not proven any actual injury they incurred. The District Court failed to address the significant issue and central issue in litigation in my cases. Consequently, Defendant-Appellees are entitled to no award of attorneys' fees.

"...the hours spent on the unsuccessful claim should be excluded in considering the amount of a reasonable fee." *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983).

"...although a party must prevail on a "significant" issue in order to be eligible for a fee award, it need not prevail on the "central" issue in the litigation." *Texas State Teachers Association v. Garland Independent School District*, 489 U.S. 782, 791 (1989). "[T]he degree of the plaintiff's success in relation to the other goals of the lawsuit is a factor critical to the determination of the size of a reasonable fee, not to eligibility for a fee award at all." Id. at 790.

"...a plaintiff who is awarded only nominal damages—in this case one dollar when...sought $17 million—is a prevailing party for attorneys' fees purposes." *Farrar v. Hobby*, 506 U.S. 103 (1992). 'Nevertheless, "[w]hen a plaintiff recovers only nominal damages because of his failure to prove an essential element of his claim for monetary relief..., the only reasonable fee is usually no fee at all." Id. at 115.
'In this case, ...but cannot prove actual injury." Id. at 112. Consequently, although he was a "prevailing party," he was entitled to no award of attorneys' fees.'

45. Defendant-Appellees plagiarized each other. Lodestar approach calculating attorney's fees was applied three times, instead of zero. They had no damages. They had no injury. There was zero damages or benefits awards to Defendant-Appellees. Fees are limited to lesser of 20% of damages awarded or $4000. Fees are zero, because damages were zero. Fee awards are to be reasonable...designed to prevent any such "windfall."
46. I was injured by trillions of dollars in financial damages and personal injury to my health. Defendant-Appellees suffered no injury. I was injured in my business and property by reason of Defendant-Appellees' violation of, or combination or conspiracy to violate the Unfair Competition Act, 15 U.S.C. § 72. I am the aggrieved party, entitled to damages, attorneys' fees, not the Defendant-Appellees.
47. The Supreme Court specifically held that:

> "...the "novelty [and] complexity of the issues," "the special skill and experience of counsel," the "quality of representation," and the "results obtained" from the litigation are presumably fully reflected in the lodestar amount and thus cannot serve as independent bases for increasing the basic fee award." *Blum v. Stenson*, 465 U.S. 886, 898-900 (1984).
>
> "In support of the American rule, ...since litigation is at best uncertain, one should not be penalized for merely defending or prosecuting a lawsuit...." *Fleischmann v. Maier Brewing Co.*, 386 U.S. 714, 718 (1967). "[T]he poor might be unjustly discouraged from instituting actions to vindicate their rights if the penalty for losing included the fees of their opponents' counsel."

48. **In this case, damages incurred by Defendant-Appellees is zero.** 20% of damage of zero is zero, not $148K.

> RULE 54.3. Award of Attorney's Fees. (a) ... Where a judgment is not a final judgment on all claims,....
> U.S.C. § 2412(d)(1)(B): A party seeking an award of fees...shall, within thirty days of final judgment in the action, submit to the court an application for fees ...

> 28 U.S.C. § 2678. Attorney fees; penalty: "No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 25 per centum of any judgment rendered pursuant to section 1346(b) of this title...shall be fined not more than $2,000 or imprisoned not more than one year...."

49. **Defendant-Appellees incurred no injury.** I was injured by the collective nonfeasance of the courts, USPTO and legislature (AIA) and concerted malfeasance by Judge Andrews and Defendant-Appellees:

50. I am the victim of Defendant-Appellees' and Judge Andrews' egregious misconduct, procedural chicanery, obstructing justice, **breach of oaths of office, breach of public trust and breach of contract**. I complied with all court orders, I did not delay the proceedings, asking the Court to enforce the Law of the Land— *Mandated Prohibition* by Justice Marshall is **not frivolous**. **Judge Andrews awarding attorney's fees to Defendants did not benefit the public nor did it enforce the right that affects the public interest, nor was it an equitable remedy**. It is unfair to me, the victim, as **it was Judge Andrews and Appellees who acted in malice, in bad faith and oppressed me**. I have been financially and physically injured. I have been deprived of my royalties. My inventions are in ubiquitous use worldwide, allowing Microsoft, IBM, SAP, JPMorgan and the U.S. Government to make $trillions, including Judges Andrews, PTAB Judges McNamara, and Siu, with stock in the above Corporations and Microsoft, who refused to recuse.

51. This is a case of Collective Nonfeasance by District Court Judge Andrews, Legislature and Executive Branch (USPTO) in their failure to enforce the Law of the Case and Supreme Law of the Land — the *Mandated Prohibition* from repudiating a Government-issued contract grant — declared by Chief Justice Marshall. They disparately failed to abide by both Federal Circuit and Supreme Court Precedents, while concertedly sharing a common objective — to remain silent as fraud, willfully and wantonly avoiding enforcing *Fletcher v. Peck* (1810). America Invents Act legalized the Executive Branch USPTO's unconstitutionally appointed judges (APJs) to perform the function of the Judiciary in violation of the Separation of Powers, Contract and Appointments Clauses of the Constitution, as declared in *Arthrex*.

52. This entire Case revolves around the Judiciary avoiding enforcing *Fletcher* at all costs and shutting me down. They know why — because enforcing *Fletcher* exposes the entire Patent System, operating as a criminal enterprise, defrauding the public.
53. The rest is about Malfeasance by Judge Andrews and the USPTO/PTAB oppressing me, bullying me into silence for being the first one to put them on notice of their solemn oath duty to enforce *Fletcher*. The denial of due process could not have been more egregious by Judge Andrews acting as Attorney to Defendants. As a result, I have not had my day in court.
54. Judge Andrews and USPTO impaired the contract protected by the Constitution of the United States by not considering intrinsic material *prima facie* evidence when claims were unambiguous in view of intrinsic evidence – Patent Prosecution History.
55. They failed to apply this Court's *Aqua Products'* reversal of all such Erroneous and Fraudulent Orders that failed to consider "the entirety of the record."
56. Financially conflicted Judges Andrews, McNamara and Siu admitted holding direct stock in the Defendants JPMorgan and Microsoft, refused to recuse and made False Official Statements and False Claims of collateral estoppel, falsely propagated across all District and Appellate courts.
57. They aided and abetted in the theft of my property, unjustly enriching Defendant-Appellees by trillions of dollars. <u>They limited competition, this is antitrust</u>. They and Appellees collectively committed inchoate offenses.
58. This rescinding act has the effect of an *ex post facto* law and forfeits my estate "for a crime not committed by" me, "but by the Adjudicators" by their Orders which "unconstitutionally impaired" the contract with me, which, "as in a conveyance of land, the court found a contract that the grant should not be revoked."
59. They intimidated me, took away my electronic filing capability, disparately ordered me to call a teleconference meeting with the Agency and Defendants to request my filings be docketed, awarded $148K as attorneys' fees in retaliation for moving to recuse due to their financial conflicts of interest.
60. They denied me both procedural and substantive due process. Courts dismissed my cases despite a medical crisis. Judges ridiculed me for my

speech impediment from a head injury, refused to release the audio transcripts, tampered with the record, hid and struck my filings.

61. They punished me under the color of law and authority in retaliatory, cruel and unusual punishment in violation of the 8th Amendment.

62. **I am entitled to Constitutional Redress.**

63. 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." The Supreme Court already reversed in 1810 and 1819 the unconstitutional, void, Erroneous and Fraudulent Orders in my cases.

64. **DENIAL OF ATTORNEYS' FEES AND SANCTIONS IS WARRANTED, PURSUANT TO THE PUBLIC INTEREST DOCTRINE AND BECAUSE MY NOTICE TO THE COURT TO ENFORCE *STARE DECISIS* SUPREME COURT'S *MANDATED PROHIBITION* BENEFITS THE PUBLIC AND I BROUGHT THIS ACTION TO ENFORCE A RIGHT THAT SIGNIFICANTLY AFFECTS THE PUBLIC INTEREST.**

65. Government misconduct by Judge Andrews, Agency (USPTO/PTAB) violating the Separation of Powers and Contract Clauses of the Constitution and *stare decisis Mandated Prohibition* 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 my patent claims are neither invalid nor claim terms indefinite, provide a more-than sufficient basis for denying attorneys' fees and sanctions against me. I, an innocent Senior Citizen, single, disabled 73-year old female inventor of significant inventions of the Internet of Things (IoT) — Web Apps displayed on a Web browser, that have enabled the nation to function remotely during COVID, am the target of elder abuse, fraud and obstruction of justice by financially conflicted Judge Andrews, who knows that he is not authorized to invalidate granted patents contrary to *Fletcher*. The egregious misconduct by Judge Andrews, and the seven-year abuse of elderly, single, disabled Dr. Arunachalam, injuring her physical health, subjecting her to emotional duress, and theft of her intellectual property and patents by Appellees aided and abetted by the USPTO, Congress and

financially conflicted APJs McNamara and Siu, cry out for ending this ordeal immediately and permanently.

66. Judge Andrews' Orders in this and all of my cases he presides over reveal his plan to obstruct justice in my cases indefinitely, rubbing salt in my open wound from Judge Andrews' and APJs' misconduct and threatening me with sanctions and sanctioning me with cruel and unusual punishment, falsely dubbing me "frivolous and malicious" with all evidence pointing to the contrary, particularly for defending the Constitution and asking Judge Andrews and PTAB to enforce *Fletcher*.

67. I have already suffered an unimaginable ordeal at the hands of unscrupulous, lawless, financially conflicted Judges who failed to enforce *Fletcher* - the Law of the Land. I suffered from the defamation and libel by Judge Andrews, PTAB Judge McNamara, Appellees and their attorneys engaged in unlawful Solicitations, under cover of privileged documents filed in court. I revere our nation and the Constitution, for which I risked my life — financial ruin, mental anguish and physical injury caused by financially conflicted Judges obstructing justice and hindering access to the court, entitling me to Constitutional redress.

68. The wrongful and wasteful failure to enforce *Fletcher* and *Dartmouth College* must end. **The Judiciary and USPTO/PTAB continuing in this fashion does not serve the interests of the public** or the United States or inventors.

69. DENIAL OF ATTORNEYS' FEES AND SANCTIONS IS APPROPRIATE.

70. I, through no fault of my own, was drawn into a nightmare of Judges failing to enforce the *Mandated Prohibition*. I was subjected to deception, abuse, penury, obloquy, and humiliation. Having risked my life in service to our nation, I found myself the target of elder abuse and obstruction of justice designed to strip me of my savings, and to deprive me of my patent properties. I have 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 Judge Andrews' False Official Statements that falsely allege that my patent claims are indefinite and invalid and of a false collateral estoppel from his Erroneous and Fraudulent Orders. Having at last, through the relentless determination of my current counsel, namely, myself, brought the truth to light, I now learn that the judge who is

charged with adjudicating my case impartially has decided to "play[] ... Attorney" to Defendant-Appellees. Equity demands an end to this nightmare and restoration of my virgin patent properties and peace of mind.

71. The reputation of the judiciary is in jeopardy. Judge Andrews "in this case has abandoned any pretense of being an objective umpire" — going so far as to sanction me for asking the Court to enforce the *stare decisis Mandated Prohibition*; and Separation of Powers and Contract Clauses of the U.S. Constitution.

72. 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 debacle.

73. Judge Andrews' manifest procedural irregularities and falsely accusing Dr. Arunachalam as "vexatious" for defending the Constitution and his cruel and unusually punitive intentions are well documented and is "the very antithesis of calling balls and strikes."

74. Judge Andrews sanctioning me $148K, hiding my documents without filing and docketing them to cover up his own culpability and lawlessness — bespeaks of a judge not only biased against me, but not doing his duty to enforce the Law of the Land.

75. APPELLEES' ATTORNEYS' MATERIAL MISREPRESENTATION OF FALSE GROUNDS IN STATEMENT OF ISSUES CONSTITUTES FRAUD ON THE COURT, SEDITIOUS ATTACK ON THE CONSTITUTION, PATTERNED BREACH OF SOLEMN OATHS OF OFFICE, OBSTRUCTION OF CONSTITUTIONAL JUSTICE, A CONSTITUTIONAL EMERGENCY.

76. Appellees' attorneys have been engaged in a false propaganda of collateral estoppel from void Orders by financially-conflicted judges, who did not consider "the entirety of the record"— Patent Prosecution History — material *prima facie* evidence that inventor's patent claim terms are not indefinite, nor patent claims invalid, as falsely alleged by Appellees. *Aqua Products Inc. v. Matal*, Fed. Cir. 15-1177 (2017) voided these Orders. Judges failed to enforce GOVERNING Supreme Court precedents that a grant is a contract that cannot

be repudiated— the Law of the Case and Supreme Law of the Land — **in breach of solemn oaths of office and fiduciary duty/trust**.

77. Appellees, attorneys, Courts, PTAB and USDOJ were put on notice of governing Supreme Court precedents and *Aqua Products*. They have remained silent (as fraud) in willful or culpable silence. "Silence" implies knowledge, and an opportunity to act upon it." *Pence v Langdon*, 99 US 578 (1878). Their 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 Appellees against me.

78. JUDICIARY AND PTAB'S MISFEASANCE UNDER COLOR OF LAW: COURTS AND PTAB DISPARATELY DENIED ME MY PROTECTED RIGHTS TO: DUE PROCESS, IN AN ORCHESTRATED FARCE AND FALSE PROPAGANDA OF A FALSELY ALLEGED COLLATERAL ESTOPPEL FROM VOID ORDERS IN A COLLUSIVE ASSOCIATION-IN-FACT PROCESS AS SOLICITEES TO SOLICITATIONS BY APPELLEES/LAWYERS TO AID AND ABET ANTI-TRUST.

79. The Courts did not consider material *prima facie* evidence, and condemned before inquiry, when claims were unambiguous in view of *prima facie* material intrinsic evidence of Patent Prosecution History, never considered by any Court in any of my cases, starting from the very first case, nor examine independent and dependent claims of my virgin U.S. Patent Nos. 7,930,340; 8,271,339, never examined by any court nor re-examined by PTAB, nor of any of my patents.

80. Even if the claims of my U.S. Patent Nos. 5,987,500; 8,037,158; and 8,108,492 are invalid (which they are not), as falsely alleged by Appellees and Judges in an orchestrated farce, those so-called "invalid" claims of the '500, '492 and '158 patents have no effect on the independent or dependent claims of the patent-in-suit. The District Court never reached the patent case.

81. "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." 35 USC § 282.

82. The very Patent Statute proves SAP's Statement of Issues blatantly false that "patent claims asserted were barred by collateral estoppel either because they were squarely invalidated in prior cases or depended on claims previously invalidated."
83. Judge Andrews admitted he had stock in JPMorgan during the pendency of that case. Supreme Court precedents and *Aqua Products* collaterally estop Appellees' false allegations of collateral estoppel from void Orders.
84. 10/31/19 ARTHREX PRECEDENT MUST APPLY—PTAB JUDGES UNCONSTITUTIONAL — CHANGE IN LAW DURING APPEAL.
85. PTAB judges acting outside of their authority voids all PTAB IPR/CBM rulings.
86. INVENTOR RIGHTS ACT PASSED 12/18/19 BY CONGRESS— GIVES SUBSTANTIAL NEW RIGHTS TO INVENTORS WHO OWN THEIR OWN PATENTS,
    to opt out of PTAB re-exams and recover all profits made by infringers.
87. MEMORANDUM OF PUBLIC CONTRACT AND CONSTITUTIONAL ENTITLEMENTS DENIED FOR WANT OF 'DUE PROCESS' ACCESS UPON THE QUESTION ITSELF.

88. Courts made it unreasonably burdensome, downright dangerous, and expensive for me to have access to the Court on the question of due process itself.

I declare under the penalty of perjury under the laws of the United States and the State of California and Delaware that the foregoing is true and correct. Executed this 11th day of January, 2021 in Menlo Park, California.

Lakshmi Arunachalam

222 Stanford Avenue
Menlo Park, CA 94025
650 690 0995, laks22002@yahoo.com

Dr. Lakshmi Arunachalam

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.

Executed on January 11, 2021

Lakshmi Arunachalam

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Dr. Lakshmi Arunachalam, a woman,
Self-Represented Appellant

CERTIFICATE OF MAILING AND SERVICE

I certify that on 1/11/2021, I filed an original of the foregoing paper, Exhibits, and my Declaration in support thereof, with the Clerk of the Court in the United States Court of Appeals for the Federal Circuit, via FEDEX priority express overnight, to:
The Clerk of the Court,
U.S. Court of Appeals for the Federal Circuit,
717 Madison Pl NW, Washington, DC 20439

and I certify that on the same day, I served a copy on counsel of record for all Appellees, via email and by Express Mail via the U.S. Postal Service for overnight delivery at the following addresses:

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January 11, 2021

Respectfully submitted,

Lakshmi Arunachalam

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Dr. Lakshmi Arunachalam, a woman,
Self-Represented Appellant

Exhibit C

IN THE PATENT AND TRADEMARK OFFICE

In re Patent No. 6,212,556	)	
	)	
Patent Owner: WebXchange, Inc.	)	Art Unit: 3992
	)	
REEXAM Control NO: 90/010,417	)	Examiner: Z. Cabrera
	)	
Re-exam filing date: 2/23/2009	)	
	)	
Patent issue date: 04/03/2001	)	
	)	
Title: CONFIGURABLE VALUE- ADDED NETWORK (VAN) SWITCHING	)	

DECLARATION OF DR. MARKUS W. COVERT

1. My name is Dr. Markus W. Covert of 804 Clark Way, Palo Alto, CA 94304. I have been retained to offer opinions with respect to prior art references cited in this reexamination. I base these opinions on my education and training in informatics, described below.

2. I am currently an Assistant Professor of Bioengineering at Stanford University and teach and do research in computational biology and bioinformatics. My hourly rate in consulting is $250.

3. For three years starting in January 2004, I was a postdoctoral fellow at the California Institute of Technology, working with the Nobel Prize winner and then-President of Caltech, David Baltimore. During that time, I was awarded a highly competitive Damon Runyon postdoctoral fellowship, as well as a fellowship from the National Institutes of Health, for my work in understanding complex biological systems.

I hold a Ph.D. degree in Bioengineering and Bioinformatics from the University of California, San Diego, and was the first graduate of this competitive program.

4. My resume is attached as an exhibit at the end of this declaration. I have published several papers on computational biology and bioinformatics, including in such journals as *Science* and *Nature.* I also have taught a class at Stanford on computational methods for studying biology for three years now.

5. I am familiar with United States patent number 6,212,556 ("the '556 patent") and the current reexamination (control number 90/010,417). In particular, I am familiar with Requester's arguments and Requester's Cited Art:

1. Payne (US 5,715,314);
2. McPartlan (US 5,822,569);
3. Kahn (US 6,135,646);
4. Shwed (US 5,835,726);
5. Braden (RFC 1122 - "Requirements for Internet Hosts – Communication Layers");
6. CORBA ("The Common Object Request Broker: Architecture and Specification Revision 2.0 July 1995, Updated July 1996");
7. Orfali ("The Essential Distributed Objects Survival Guide" - Robert Orfali, Dan Harkey, Jeri Edwards,1996 John Wiley &Sons);
8. Popp (US 6,249,291);
9. Gifford (US 5,724,424; US Ser. No. 08/168,519);
10. Ginter (US 5,910,987);
11. Crandall (US 5,159,632);

12. Elgamal (US 5,671,279);

13. Atkinson (RFC 1825 - "Security Architecture for the Internet Protocol"); and

14. Birrell (Network Objects - SRC Research Report 115, Andrew Birrell, Greg Nelson, Susan Owicki, and Edward Wobber).

6. I have found that all of these documents are missing several critical aspects found in Claims 1-30 of the '556 patent. I will begin with Payne and Gifford. Payne and Gifford are closely related to each other. Both describe a user jumping from one URL to another URL, otherwise known as Web browsing. Payne and Gifford describe a user typing in a URL and browsing the Website of a Merchant, who displays the images of products. They further describe that the Web server serves standard HTML documents (more commonly known as Web pages) to the user. The user may choose to go to another Website. In order to go to another Website, the user must leave the Merchant Website. When the user chooses to hotlink to another URL, there is only one computer system, the Web server, that he browses.

7. The merchant Web server presents a Web page with a hotlink in it. When the user clicks the hotlink, the user leaves the merchant Website. The user is no longer at the merchant Website and is now at the payment Website. In other words, the user's browsing is one-to-one – only the user and the Web server are involved, and not a second computer system. The payment Web server presents the user with a Web page with a Web form, so the user may fill out personal information and hits the submit button. The Web server strips the form and sends one field at a time to CGI using standard I/O, which then forwards it to a Back-office application. There is no Web application, nor one with a data structure in the front-end Web page. Neither Payne nor

Gifford contain any hint, mention of, or use of object-oriented programming techniques. So there is no "object", nor "object identity", nor "networked object", nor "object routing", much less on a "value-added network" atop the Web that offers a Web application as an on-line service atop the Web. There is no data structure, nor an encapsulated data structure, that is transmitted from the Web page through a Web server to the Back-office application. There is no connected Web application or a connected Back-Office application. Gifford's use of a timestamp or "nonce" does not change this. Payment Web server presents a Web page with a hotlink in it. When the user clicks the hotlink, the user leaves the payment Website. The user is no longer at the payment Website and is now at the merchant Website. Again, only the user and the Web server are involved, and not a second computer system. URLs are passed serially as the buyer opens a new account, attempts login, etc.

8. I find that the '556 patent has several aspects that are missing in Payne and Gifford. One is embodied in the mention of an "object identity" with "information entries and attributes." Another aspect missing in Payne and Gifford is the use of an "object" which is a data structure. Payne and Gifford have fields in a database, such as ID, price, etc. These fields are not "object identity" nor "attributes", as they are not related to a data structure or "object", as in the '556 patent. A related aspect that is missing in Payne and Gifford is the notion of a "networked object" that is described in the '556 patent. Payne and Gifford do not automate the flow of a Web transaction over an end-to-end channel, routing encapsulated data structures atop the Internet or Web through a Web server to, for example, a Back-office application, as in the '556 patent. Payne and Gifford are each missing "object routing".

9. "Object routing" leads to dramatic advantages of the '556 and its parent patents over any of the Requester's cited art, such as any-to-any communication, end-to-end seamless automation, n-way transactions on the Web, an intelligent overlay service network across the value-chain from user to provider, Web applications offered as online services, a powerful platform for Web applications and services-on-demand over the Web, cloud computing, and many more advantages.

10. None of the references Requester has cited, discuss the exchange of structured information between the user and transactional application executing for example, at the Back-office of a Web merchant or between the purchaser, payment service, merchant, and/or any other involved parties, nor an end-to-end channel allowing an encapsulated data structure to be transmitted atop the Web through a Web server from a Web page. None of the cited art describe an open channel dynamically created on-demand through a Web server between a Web application and a transactional application.

11. In Payne and Gifford, the application logic is not on the front-end Web page, payment application is local to the Back-office, not on the front-end Web page. Their database does not provide the correlation between front and back-end. There are also several features of the '556 patent that are significantly missing in Payne and Gifford, namely, the automation of the flow of a Web transaction in a Web application, nor is there an intelligent service network atop the Web. Payne and Gifford do not even hint at "object routing", nor do they have a "networked object".

12. Upon examination, it is clear that McPartlan has essentially nothing to do with the '556 patent, Payne, Gifford, Ginter, or Popp. McPartlan focuses on the management of a physical network of physical devices.

13. Unlike the '556 patent, McPartlan does not relate to Web applications, including Internet commerce. The physical device in McPartlan is referred to as an object, but the McPartlan object is not a data structure. Nor is it a data structure upon which methods, operations or transactions can be performed, as one might with the "object" in the '556 patent, such as making a travel reservation on the Web, etc. The McPartlan object is not even related to object-oriented programming. There is no "object routing" in McPartlan. No methods, nor operations upon McPartlan's objects, nor object routing are possible or even mentioned or alluded to in McPartlan.

14. There are also several features of the '556 patent that are significantly missing in Ginter. Ginter describes a digital rights management system, which includes a container with content (for example, a digitized film) and a code key to unlock the content for use. This container is termed an object in Ginter, but has no relationship to the "object" in the '556 patent. The Ginter container has an ID; however, this ID is a field in a database. Furthermore, the control described in Ginter is not the distributed control of the '556 patent, that includes "networked object", "object routing", automation of the flow of a Web transaction in a Web application, nor of an intelligent service network atop the Web.

15. Of all the prior art cited by the Requester, only Popp refers to object-oriented programming. Popp teaches the use of object-oriented programming to create new web pages automatically. The object-oriented programming objects described in

Popp are display elements – in other words, object-oriented programming is used to generate HTML text which can be read as web pages in browsers. Popp does not even hint at "object routing", nor does he have a "networked object". When Popp talks about control, he talks about the control of the template of a Web page, for repetitive elements on a Web page and for varying the display.

16. In November 1995, object-oriented programming was still quite controversial. The few truly object-oriented programming languages were not in widespread use. It was more common to find languages which were adapted to include some object-oriented features. "Controversial" is the antithesis of "obvious".

17. Several features of the '556 patent are missing from the cited art, and are not obvious in any way, even if the cited references were combined in different permutations or taken individually. These include, but are not necessarily limited to, "networked object", and "object routing", as described in detail above. There would have been no motivation or possibility to combine hardware monitoring and diagnostics as in McPartlan with rendering of a Web page as in Popp, or with hotlinking, Web browsing, CGI and HTML as in Payne and Gifford, or with encryption key for protecting from piracy of content as in Ginter, or with transport layer messages via the physical Internet as in CORBA and Orfali, individually or in any permutation of the above. The '556 patent, therefore, makes several substantial, non-intuitive innovative leaps beyond the state of the cited art, all together as well as separately.

18. In Dr. Arunachalam's inventions in the '556 patent, a "value-added network" is a service network atop the Web that offers a Web application connecting to a transactional application. A "value-added network" is a service network over which

real-time Web transactions can be performed from a Web application by accessing a transactional application offered as an on-line service via the Web.

19. A service network offers a service, or an on-line service atop the Web. A service is an application, as stated in the '556 and its parent patents as "a particular type of application or service". An on-line service atop the Web is a Web application. So, a "value-added network" is a service network atop the Web, that offers a Web application as an on-line service. The Web application offered over the service network atop the Web is the value-add in the value-added network.

20. In the '556 patent, a "value-added network" includes "a service network running on top of an IP-based facilities network such as the Internet, the Web ...". This distinction of:

- a service network over a physical network or IP-based facilities network, such as the Internet, the Web or email networks;
- the service network atop the Web versus the physical Internet; and
- the application layer, as in the application layer of the OSI model, as in the '556 patent versus the lower layers such as the transport layer, like TCP/IP, or link layer or network layer or MAC layer

needs to be kept in mind in distinguishing the '556 patent from the Requester's cited art. On-the-wire communication at the transport layer, such as CORBA, Orfali, Birrell, Braden, Kahn, Ginter; physical network like Shwed, Braden, McPartlan, is clearly at a lower layer versus a "value-added network", as in the 556 patent.

21. In the '556 patent, a user specifies a **real-time Web transaction from a Web application** connecting to a transactional application, as opposed to mere Web

browsing. If this were mere Web browsing as described in Payne, Gifford and Popp, one would never get past the Web server to a Back-Office transactional application. They would never make it to a Back-Office in real-time, let alone to a transactional application at the Back-Office. That is one of the reasons they end up with deferred transactions.

22. The '556 patent describes a user value-chain in which real-time Web transactions occur from a user interacting with a Web application. The user value-chain consists of:

- a user,
- a Web server,
- a Web page displaying one or more Web applications,
- a Web application including "object"(s) or data structures specific to the Web application,
- a user transaction request from a Web application,
- object router,
- an open channel over which "objects" are routed through a Web server,
- a transactional application to service the request,
- a service network connecting a Web application to a transactional application, (aka a value-added network), and
- real-time Web transaction.

23. If the Requester's cited art is considered individually or in any combination, no real-time Web transactions occur from a user interacting with a Web application. None of the cited art offers a Web application.

24. In Payne, Gifford and Popp, there is a user, a Web server, and even a Web page, but not a Web page displaying one or more Web applications. Their user value-chain does not result in real-time Web transactions from a user interacting with a Web application, for a simple reason that there is no Web application.

25. In McPartlan, Braden, Shwed, there is a physical network, but no service network and not even a user for there to be a user value chain. No real-time Web transactions occur from a user interacting with a Web application.

26. In CORBA, Orfali, Birrell, there is a transport layer, that is a lower layer than the application layer, and there is no service network. They describe objects, but no Web applications. There is no data structures specific to a Web application. There is no user transaction request from a Web application. There is no object routing. There is no service network connecting a Web application to a transactional application, (aka a value-added network). No real-time Web transactions occur from a user interacting with a Web application.

27. In Kahn, Ginter, Atkinson, Crandall, Elgamal, there is no service network and no Web application. They offer encryption and digital rights' management. Kahn and Ginter describe objects, but not objects that are data structures. Their objects are files, for example, video files, that need to be protected from piracy. Such files may be shared from a network server via a LAN, which is a physical network. There is no user transaction request from a Web application. There is no object routing. There is no service network connecting a Web application to a transactional application, (aka a value-added network). No real-time Web transactions occur from a user interacting with a Web application.

28. By combining these four groups of Requester's cited art, namely:

- the Web server group (Payne, Gifford, Popp),
- the physical network group (McPartlan, Braden, Shwed),
- the transport layer group (CORBA, Orfali, Birrell), and
- the file sharing over a physical network group (Kahn, Ginter, Atkinson, Crandall, Elgamal),

they are still missing the inventive novelty in the '556 patent, namely:

- a Web application,
- "object"(s) or data structures specific to a Web application,
- a user transaction request from a Web application,
- object routing,
- a service network connecting a Web application to a transactional application, and
- an open channel over which "objects" are routed through a Web server.

Therefore, Requester's cited art in any combination cannot re-create Patentee's inventions, namely, a configurable value-added network switch that enables real-time Web transactions on a value-added network atop the Web.

29. In addition, Patentee's inventions enable:

- n-way real-time Web transactions,
- automating a transaction from beginning to end in real-time,
- holding a transaction captive at the network entry point on the Web,
- aggregation of Web application content,
- dynamic virtual packaging,

- remote service partners,
- routing switch within the application layer of the OSI model,
- transactional application selection mechanism,
- PoSvc application list on a Web page,
- user selects a transactional application,
- "user specification from a network application",
- connected Web application,
- "transaction link between network application and transactional application,"
- "connected with the value-added network with the transactional application,"
- service network that offers a Web application,
- "service network on top of an IP-based facilities network,"
- service network control,
- usage-based services,
- enabling service management of the value-added network service, to perform OAM&P functions on the services network,
- automated state management,
- DOLSIB, and
- client-server-client server n-way in n-tier management model.

Terms such as aggregation of content, dynamic virtual packaging, value-added service-specific virtual private network of remote service partners relate to the n-way transactions and co-operating service partners, packaging and aggregating Web applications as content in Applicant's patents. Once again, Requester's cited art lack these features.

30. In the '556 patent, a value-added network switch connects a user with an on-line service in a service network atop the Web that offers a Web application connecting to a transactional application. A value-added network switch links a user with an on-line service in a service network offering a Web-enabled transactional application. A "VAN switch" provides distributed control of the flow of a Web transaction in a Web application in a service network atop the Web. A "VAN switch" is an end-to-end solution that provides the value-added network service or Web application atop the Web. A "VAN switch" includes an "OSI application layer switch in a service network atop the Web". "Exchange and Management Agent constitute a VAN switch." A VAN switch consists of boundary service, switching service, management service and application service. A VAN switch includes the Point-of-Service Web applications on a Web page, connecting through a Web server to a transactional application, executing anywhere across a service network atop the Web, utilizing object routing. A switch in a physical network, as in a Cisco switch or Cisco router in a physical network, is not what the "switch" in the '556 patent is about. Such a physical network switch operates clearly at a lower layer than the "application layer network" or "service network atop the Web", as in the '556 patent.

31. "Real-time transactions" in Applicant's patents are real-time Web transactions from a Web application. Real-time Web transactions are performed by a user accessing an on-line service in a service network offering a Web-enabled transactional application. Real-time Web transactions performed from a Web application by accessing a transactional application offered as an on-line service via the Web. In simple words, real-time Web transactions are performed over a "value-added

network" that is a service network atop the Web that offers a Web application connecting to a transactional application. There is a clear distinction between Web browsing versus **real-time Web transactions from a Web application**, as described in the '556 patent. It is noteworthy that there is an absence of a Web application in each of Requester's cited art. So, no real-time transactions are performed in Requester's cited art, because there are no real-time Web transactions from a non-existent Web application.

32. Requester's cited art may include an application local to the Back-end. It does not necessarily follow that such an application connects to a Web application at the front-end. This leaves behind a disjointed island of information not connected through a Web server to a non-existent front-end Web application.

33. In the '556 patent, for the purposes of clarification, a "transactional application" is a PoSvc application. A "transactional application selection mechanism" is a PoSvc application list on a Web page. A "network application" is a Web application connecting to a transactional application over a service network atop the Web. A "user application" is a PoSvc transactional application or a Web application. A "user specification from a network application" is a Web transaction specified by a user from a Web application connecting to a transactional application over a service network atop the Web. A "user specification from a network application" is a real-time Web transaction specified by a user, a Web transaction that a user desires to perform, to access, for example, a Web merchant's services via the Web, from a Web application connecting to a transactional application over a service network atop the Web.

34. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true.

Signature: Markus W. Covert Date: 2·12·2010

Dr. Markus W. Covert

EXHIBIT A: DR. MARKUS W. COVERT'S RESUME

Positions

2007-	Assistant Professor, Department of Bioengineering, Stanford University.
2004-2006	Postdoctoral Scholar, David Baltimore Lab, Biology Division, Caltech.
2001	Research Scientist Consultant, Genomatica, Inc.
1998-2003	Graduate Student, Palsson Lab, Department of Bioengineering, UCSD.
1997-1998	Engineer, Research and Development, Elesys, Inc.
1996-1997	Research Assistant, Chemical Engineering Department, BYU.

Honors

2007-	National Cancer Institute, Pathway to Independence Award (K99/R00).
2004-2006	Damon Runyon Cancer Research Foundation, Postdoctoral Fellowship.
2004	National Cancer Institute, Postdoctoral Fellowship, 2004 (declined).
2003	University of California, San Diego, First Graduate in Bioinformatics.
1991-1997	Brigham Young University, Ezra Taft Benson Presidential Scholarship.

Professional Societies

2002-2009	Biomedical Engineering Society
1996-2003	American Institute of Chemical Engineers

Peer-reviewed publications (in chronological order)

1. Lee TK, Denny EM, Sanghvi JC, Gaston JE, Maynard ND, and Covert MW. "A stochastic switch determines the cellular response to LPS", in revision.
2. Seok J, Xiao W, Moldawer LL, Davis RW, and Covert MW. "A dynamic network of transcription in LPS-treated human subjects", in review.
3. Hughey JJ, Lee TK, Covert MW. "Modeling Mammalian Signal Transduction Networks" In Press, Wiley Interdisciplinary Reviews: Systems Biology.
4. Terzer M, Maynard ND, Covert MW, and Stelling J."Genome-scale metabolic networks", In Press, Wiley Interdisciplinary Reviews: Systems Biology.
5. Covert MW (Corresponding Author), Xiao N, Chen TJ, and Karr JR. "Integrated Flux Balance Analysis Model of Escherichia coli" Bioinformatics. 2008. Sep15;24(18): 2044-50. PMID: 18621757
6. Covert MW, Leung TH, Gaston JE, Baltimore D. "Achieving stability of lipopolysaccharide-induced NF-κB activation" Science. 2005. 309(5742): 1854-7.
7. Covert MW. "Integrated regulatory and metabolic models" Computational Systems Biology. Academic Press, New York, 2005.
8. Herrgård MJ, Covert MW, Palsson BØ. "Reconstruction of microbial transcriptional regulatory networks" Curr Opin Biotechnol. 2004. 15(1): 70-7.
9. Covert MW, Knight EM, Reed JL, Herrgård MJ, Palsson BØ. "Integrating high-throughput and computational data elucidates bacterial networks" Nature. 2004. 429(6987): 92-6.

10. Covert MW, Palsson BØ. "Constraints-based models: regulation of gene expression reduces the steady-state solution space" J Theor Biol. 2003. 221(3): 309-25.

11. Covert MW, Famili I, Palsson BØ. "Identifying constraints that govern cell behavior: a key to converting conceptual to computational models in biology?" Biotechnol Bioeng. 2003. 84(7): 763-72.

12. Herrgård MJ, Covert MW, Palsson BØ. "Reconciling gene expression data with known genome-scale regulatory network structures" Genome Res. 2003. 13(11): 2423-34.

13. Covert MW, Palsson BØ. "Transcriptional regulation in constraints-based metabolic models of Escherichia coli" J Biol Chem. 2002. 277(31): 28058-64.

14. Schilling CH, Covert MW, Famili I, Church GM, Edwards JS, Palsson BØ. "Genome-scale metabolic model of Helicobacter pylori 26695" J Bacteriol. 2002. 184(16): 4582-93.

15. Covert MW, Schilling CH, Famili I, Edwards JS, Goryanin II, Selkov E, Palsson BØ. "Metabolic modeling of microbial strains in silico" Trends Biochem Sci. 2001. 26(3): 179-86.

16. Covert MW, Schilling CH, Palsson BØ. "Regulation of gene expression in flux balance models of metabolism" J Theor Biol. 2001. 213(1): 73-88.

17. Edwards JS, et al. "Genomic Engineering of Bacterial Metabolism" Encyclopedia of Microbiology. Academic Press, New York, 2000.

Patents

1. Bradshaw, G.L., Covert, M.W., R.Q., Sorensen, M.K., and Unter, J.E., "Radial Printing System and Method," United States Patent 6,264,295 July 2001
2. Palsson, B.O., Covert, M.W., and M.J. Herrgard, "Models and Methods for Determining Systemic Properties of Regulated Reaction Networks". Patent Pending (Application Number 20040072723)
3. Palsson, B.O., Famili, I., and Covert, M.V. and C.H. Schilling, "Human Metabolic Models and Methods," Patent Pending (Application Number 20040029149).
4. Palsson, B.O., Covert, M.W., and C.H. Schilling, "Models and Methods for Determining Systemic Properties of Regulated Reaction Networks," Patent Pending (Application Number 20030059792).

Exhibit D.

IN THE PATENT AND TRADEMARK OFFICE

In re patent No. 7,340,506	)	
	)	
Patent Owner: WebXchange, Inc.	)	Art Unit: 3992
	)	
REEXAM Control NO: 95/001,129	)	Examiner: Z. Cabrera
	)	
Reexam filing date: 12/19/2008	)	
	)	
Patent issue date: 03/04/2008	)	
	)	
Title: VALUE-ADDED NETWORK SWITCHING AND OBJECT ROUTING	)	
	)	

DECLARATION OF DR. JAY M. TENENBAUM

1. My name is Dr. Jay M. Tenenbaum. My address is 169 University Avenue, Palo Alto, CA 94301. I have been asked to offer opinions with respect to prior art references cited in this reexamination. I base these opinions on my experience as a recognized pioneer and visionary in Internet and Web technologies, and my training and education.

2. I am currently Chairman and Chief Scientist of CollabRx, Inc. in Palo Alto, CA. I bring to CollabRx the unique perspective of a world-renowned Internet commerce pioneer and visionary. I was Founder and CEO of Enterprise Integration Technologies, the first company to conduct a commercial Internet transaction (1992), secure Web transaction (1993) and Internet auction (1993). In 1994, I founded CommerceNet, the first industry association for Internet Commerce. In 1997, I co-founded Veo Systems, the company that pioneered the use of XML for automating business-to-business transactions. I joined Commerce One in January 1999, when it acquired Veo Systems.

As Chief Scientist of Commerce One, I was instrumental in shaping the company's business and technology strategies for the Global Trading Web. Post Commerce One, I was an officer and director of Webify Solutions, which was sold to IBM in 2006, and Medstory, which was sold to Microsoft in 2007. Earlier in my career, I was a prominent AI researcher and led AI research groups at SRI International and Schlumberger Ltd. I am a fellow and former board member of the American Association for Artificial Intelligence, and a former consulting Professor of Computer Science at Stanford. I currently serve as a director of Efficient Finance, Patients Like Me, and the Public Library of Science, and am a consulting professor of Information Technology at Carnegie Mellon's new West Coast campus. I hold B.S. and M.S. degrees in Electrical Engineering from MIT, and a Ph.D. from Stanford.

3. At CollabRx, I am applying my knowledge as a pioneer in Internet technologies to personalized genomic medicine. I am working to slash the time and cost of developing personalized therapies for those with rare and neglected diseases by creating virtual biotechs that marry advances in genomics and computational/systems biology with the efficiencies of web-based collaborative research. At CollabRx, I am aiming to transform the life sciences industry—by connecting research labs, biotechs, pharmas and their service providers into a networked ecosystem of interoperable research services that can be rapidly assembled to develop new therapies with unprecedented efficiencies and economies of scale. My mission is finding treatments for rare and orphan diseases within the lifetimes and collective means of current patients. Today there are over 6,000 such diseases identified, afflicting over 25 million people.

4. Attached as Exhibit A is my resume. I have published many papers, been awarded numerous patents, and received many honors during my career on a wide range of topics, from Internet and Web technologies to Web-based collaborative personalized genomic medicine to Internet technologies applied to computational biology and bioinformatics to AI.

5. I have been briefed by the inventor on U.S. Patent 7,340,506 titled Value-Added Network Switching and Object Routing ("'the '506 patent"), the provisional application 60/006634 ("the '634 provisional application"); and the references that have been asserted against the '506 patent in the reexamination proceeding including U.S. Patent 6,249,291 to Popp ("Popp"); U.S. Patent 5,715,314 to Payne ("Payne") and U.S. Patent 5,910,987 to Ginter ("Ginter"), U.S. Patent 5,724,424 to Gifford ("Gifford"), and a set of references directed to the Simple Network Management Protocol including "Structure and Identification of Management Information for TCP/IP-based Internets," Rose and McCloghrie, Network Working Group Requests for Comments No. 1155 ("Rose RFC 1155"), "Management Information Base for Network Management of TCP/IP based Internets: MIB-II," Network Working Group Request for Comments No. 1213 ("McCloghrie RFC 1213"), "Party MIB for version 2 of the Simple Network Management Protocol (SNMPv2)," Network Working Group Request for Comments No. 1447 ("McCloghrie RFC 1447"), and "Managing Internet works with SNMP: the definitive guide to the Simple Network Management Protocol and SNMP version 2" by Mark A. Miller ("Miller").

6. It is my understanding, based on these briefings, that the '506 patent is directed to interactive Web applications and exchange across a service network atop

the Web. More particularly, a Point of Service (PoSvc) application that encapsulates the application logic in a data structure called an "object" is provided at a Web page. This makes it a starting point for the control of the user experience and automation of the transaction flow. The application logic is specific to and associated with the business process of the on-line service offered by a provider atop the Web. The operations that may be performed upon this data structure are the transactions a user may perform in the value-added service or business process. Associating "information entries" input by a user with the "attributes" in the data structure personalizes the transaction. The instantiated data structure, called an "object identity", is transmitted/routed over an open channel across a value-added service network atop the Web. This type of communication between the personalized data structure with the transactional "object" executing in a Back-office application of a Web merchant makes it a "networked object" and is called "object routing" because the personalized data structure is transmitted over the open channel atop the Web through a Web server. The open channel is created on-demand, in real-time, so object routing can be performed when a user transacts.

7. I have been told that numerous examples of these Web applications are described in the '506 patent, such as checking account, savings account, HR applications, payroll applications, and other PoSvc applications on a Web page. These allow users to perform two-way, three-way, extended to n-way transactions and any-to-any communications on the Web, thus facilitating a large, flexible variety of robust, real-time transactions on the Web.

8. Prior to 1995, with the invention of the '506 patent, and the first public demonstrations of the Java programming environment, simple Web publishing storefronts were the norm. An application was local to the Back-office. There were no PoSvc applications on the front-end on a Web page, much less connecting to a transactional application executing, for example, at the Back-office. There was no application logic or business process logic at the front-end on a Web page. A Web form was commonly filled out by a user and submitted to a Web server, but there was no Web application on the Web page. Rather, these publishing storefronts merely automated order-taking on the Web and passed a request from a Web server. The invention in the '506 patent was a leap forward to automating interactive Web applications by creating an open channel for routing objects through a Web server across a service network atop the Web.

9. The invention in the '506 patent represents the evolution of the Web from Web publishing, Web forms, and CGI to automated Web applications and Web transactions. The invention in the '506 patent filled a need for a universal, automated, open solution for Web applications and Web transactions. Communication of structured information specific to online services over the Web provides distributed control of the value-added service network and automation of the transaction flow. Transmitting the application logic encapsulated as an "object" from a Web page to a transactional application executing at the Back-office of a Web merchant serves to connect application logic from a Web page to the Back-end. The inventor of the '506 Patent, in contrast to other approaches at that time, viewed the problem to be solved as a networking problem, advancing from the world of physical networks and lower layers of

the OSI model, such as TCP/IP, to an intelligent overlay service network atop the Web through a Web server from a PoSvc application on a Web page across an open channel to the Back-office of a Web merchant.

10. I have reviewed documents relating to use of Microsoft .net by companies such as Dell ("New Dell Sales Tool Can Reduce Dell Sales Call Times by 10 Percent or More, Substantially Improve Profitability, Exhibit B); and Allstate ("Allstate Uses Web Services To Quickly Create Insurance Policy Management Solution," Exhibit C and "Allstate Connects With Countrywide Producer Network In Seven Months Using Microsoft Visual Studio .Net And The .Net Framework," Exhibit D). It my opinion based on my knowledge of Web commercial services and my review of documents such as those at Exhibits B, C, and D, that products such as Dell.com's Tax and Shipping web service, Dell.com order status web services, the Allstate Customer Care Center and accessAllstate.com, Fedex Ship Manager@FedEx.com, Fedex Global Trade Manager, and Fedex's Web Services i) have achieved commercial success and ii) have achieved that commercial success because they use concepts covered by the '506 patent. For example, they create objects that are personalized for a user (e.g., a customer) and that can be routed to an application executing on a second computer system anywhere on the network.

11. SNMP is a protocol for monitoring and managing physical devices in a network. As I understand it, SNMP has nothing to do with Web applications and the '506 patent.

12. Based on the briefing I received, it is therefore my opinion that none of the references listed in paragraph 5 disclose the invention of the '506 patent.

13. All statements made herein of my own knowledge are true and all statements made on information received via briefings are believed to be true.

Signature: _____ Date: May 31, 2009

Dr. Jay M. Tenenbaum

EXHIBIT A: DR. JAY M. TENENBAUM'S BIO

Jay M. Tenenbaum, Ph.D., Chairman and Chief Scientist, CollabRx:

Jay M. ("Marty") Tenenbaum is the founder, Chairman and Chief Scientist of CollabRx. Dr. Tenenbaum brings to CollabRx the unique perspective of a world-renowned Internet commerce pioneer and visionary. He was founder and CEO of Enterprise Integration Technologies, the first company to conduct a commercial Internet transaction (1992), secure Web transaction (1993) and Internet auction (1993). In 1994, he founded CommerceNet to accelerate business use of the Internet. In 1997, he co-founded Veo Systems, the company that pioneered the use of XML for automating business-to-business transactions. Dr. Tenenbaum joined Commerce One in January 1999, when it acquired Veo Systems. As Chief Scientist, he was instrumental in shaping the company's business and technology strategies for the Global Trading Web. Post Commerce One, Dr. Tenenbaum was an officer and director of Webify Solutions, which was sold to IBM in 2006, and Medstory, which was sold to Microsoft in 2007. Earlier in his career, Dr. Tenenbaum was a prominent AI researcher and led AI research groups at SRI International and Schlumberger Ltd. Dr. Tenenbaum is a fellow and former board member of the American Association for Artificial Intelligence, and a former consulting professor of Computer Science at Stanford. He currently serves as a director of Efficient Finance, Patients Like Me, and the Public Library of Science, and is a consulting professor of Information Technology at Carnegie Mellon's new West Coast campus. Dr. Tenenbaum holds B.S. and M.S. degrees in Electrical Engineering from MIT, and a Ph.D. from Stanford.

CollabRx is slashing the time and cost of developing personalized therapies for those with rare and neglected diseases by creating virtual biotechs that marry advances in genomics and computational/systems biology with the efficiencies of web-based collaborative research. CollabRx aims to transform the life sciences industry—by connecting research labs, biotechs, pharmas and their service providers into a networked ecosystem of interoperable research services that can be rapidly assembled to develop new therapies with unprecedented efficiencies and economies of scale. Their mission is finding treatments for rare and orphan diseases within the lifetimes and collective means of current patients. Today there are over 6,000 such diseases identified, afflicting over 25 million people. In the coming age of personalized genomic medicine, every disease will be rare and every individual's condition unique.

Exhibit E

20-2196

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

Dr. Lakshmi Arunachalam,
a woman,

v.

CITIGROUP INC.,
CITICORP,
CITIBANK N.A.,
Defendants-Appellees,

DOES 1-100,
Defendants,

Appeal from the United States District Court for the District of Delaware
in Case No. 1:14-cv-00373-RGA, Judge Richard G. Andrews

Amicus Curiae, Daniel Brune's
MOTION FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF IN SUPPORT OF PETITIONER'S PETITION FOR *EN BANC* REHEARING

November 12, 2020

Daniel Brune,
1200 Via Tornasol
Aptos, CA 95003
Tel: 831.818.5950; Email:danbrune@me.com
Daniel Brune, Amicus Curiae

I, Daniel Brune, hereby move this Court for leave to file an *amicus curiae* brief in support of Petitioner, Dr. Lakshmi Arunachalam.

A: Movant's Interest:

My interest, as a movant, is in the process of justice, because it appears that this essential ingredient is blocked in all of Dr. Lakshmi Arunachalam's cases. I'm hopeful that this court may eventually achieve justice, as the Petitioner is otherwise left with protected rights and no remedy.

(B) The reason why an *amicus curiae* brief is desirable and why the matters asserted are relevant to the disposition of the case:

An *amicus curiae* brief is desirable, because there has been a denial of due process by the courts which have failed to perform their ministerial duty to uphold their solemn oaths of office to defend the Constitution. The courts have dismissed over 100 of Petitioner's cases without a hearing. It's been proven that some of the judges hearing these cases own direct stock in the Defendants. They are effectively acting as attorneys to the Defendant and ordering the Defendant to go into Default. It does not appear accidental that this has happened in over 100 cases.

The matters asserted in this case are relevant to the disposition of the case because the courts, clerks and the USPTO/PTAB failed to perform their ministerial duty to uphold their solemn oaths of office to enforce the Constitution — the Law of the Case and Law of the Land. In doing my research, I was the first to discover the

Supreme Court precedents that apply to this case and must be enforced by this Court— *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); *Ogden v. Saunders*, 25 U.S. 213 (1827) and affirmations thereof. Chief Justice Marshall declared the sanctity of patent grant contracts between the Federal Government and the inventor, in accordance with the Contract Clause, IP Clause and Separation of Powers Clause of the Constitution and ruled that any Orders that failed to uphold the obligation of contracts in accord with the Constitution are void and unconstitutional. This constitutes denial of due process. The Courts have oppressed Dr. Arunachalam, who has not had her day in court in over 100 cases.

CONSENT: Opposed.

CONCLUSION: ***Wherefore,*** I request that the Court grant my Motion.

November 12, 2020

Respectfully submitted,

Daniel Brune
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Tel. 831-818-5950
Email: danbrune@me.com
Daniel Brune, Amicus Curiae

20-2196

IN THE
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Dr. Lakshmi Arunachalam,
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November 12, 2020

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Daniel Brune, Amicus Curiae

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STATEMENT OF THE IDENTITY OF THE *AMICUS CURIAE*, ITS INTEREST IN THE CASE, AND THE SOURCE OF ITS AUTHORITY TO FILE

I, Daniel Brune, the *amicus curiae* in this case, live in California at 1200 Via Tornasol, Aptos, CA 95003.

I am a former U.S. Air Force Major and Senior Pilot who served over 12 years on active duty. I was awarded two Air Medals for flying potentially hazardous surveillance missions over the Middle East that were ordered by the Joint Chiefs of Staff. After an honorable discharge from the U.S. Air Force, I was hired by a major international airline, retiring in 2017. My service to this country began when I solemnly swore that I "will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God". To this day, I still abide by that oath. Likewise, I expect our judges to abide by their solemn oath to "administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as a judge under the Constitution and laws of the of the United States. So help me God." Attorneys also swear an oath to support the Constitution, which I expect them to honor as well. My question is: why is this not

happening in the cases of Dr. Lakshmi Arunachalam? Was she not to expect the same treatment of other citizens of this country? Was this elderly, disabled, female of color, who continually works night and day to convince a court to give her the same considerations as those with more money and power, somehow lesser in stature or importance in the eyes of the law? I think not, and I am appalled that this is even an issue. I cannot think of any inventor who has provided the world with such a ground-breaking invention - the actual first step to every technological thing we enjoy today - who has been so ignored by the courts. Primarily, she has not had her day in court in over 100 cases! She has been denied her due process and right to trial by jury. I was always under the impression that the courts would listen to every aspect of a case and not deny the landmark Supreme Court precedents that have endured for over two hundred years.

AMICUS CURIAE'S INTEREST IN THIS CASE: is in the process of justice, because it appears that this essential ingredient is blocked in all of Dr. Lakshmi Arunachalam's cases. It is hopeful that this court may eventually achieve justice, as the Petitioner is left with protected rights and no remedy.

SOURCE OF *AMICUS CURIAE*'S AUTHORITY TO FILE: I sent an email on November 12, 2020 to Appellees in this case for consent to file this *amicus curiae* brief. Appellees oppose. I further filed a Motion for Leave to file this *Amicus Curiae* Brief.

STATEMENT OF *AMICUS CURIAE* ON WHO AUTHORED THE BRIEF AND WHO CONTRIBUTED MONEY TO AUTHOR THE BRIEF:

1. I, Daniel Brune, declare that I authored this brief.

2. Neither Petitioner or Appellees nor their counsel authored the brief in whole or in part.

3. No party or a party's counsel contributed money that was intended to fund preparing or submitting the brief; and

4. No person, - other than the *amicus curiae*, who is an individual, (there are no members, and no counsel) - contributed money that was intended to fund preparing or submitting the brief.

November 12, 2020

Respectfully submitted,

Daniel Brune,
1200 Via Tornasol
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Tel: 831.818.5950; Email:danbrune@me.com
Daniel Brune, Amicus Curiae

AMICUS CURIAE BRIEF IN SUPPORT OF PETITIONER DR. LAKSHMI ARUNACHALAM'S PETITION FOR *EN BANC* REHEARING

I, Daniel Brune, an *amicus curiae,* hereby file this *Amicus Curiae* Brief in support of Petitioner, Dr. Lakshmi Arunachalam.

SUMMARY OF ARGUMENT: I served this country because I believe in its ideals, and the opportunities it makes available to anyone with the knowledge, skill, and determination to realize their dreams. It should go without saying that "liberty and justice" is expected to be afforded to all. I have followed Dr. Arunachalam's cases because it became increasingly obvious that she somehow didn't matter to the judiciary. When I find the number of cases where her due process has been denied her, some where the judges themselves held some type of stock ownership in the defendants, I am nearly speechless. How can this occur in the United States of America with a Constitution that has served us well for so long? This is a shameful example of how public officials have failed to perform their ministerial duties, thus denying Petitioner due process by ignoring their solemn oaths of office to defend the Constitution.

ARGUMENT: Dr. Arunachalam has done everything by the book. The Law of the Case and the Law of the Land are firmly in her favor. Ignoring Supreme Court precedents and other similar behavior should have been identified and stopped long ago, by judges who had earlier knowledge of her cases, their strength, and their veracity. This brilliant inventor, forced to act as her own attorney due to financial

hardships caused by this apparently flawed system, deserves to have her due process restored.

This is undoubtedly an extraordinary situation, where Dr. Lakshmi Arunachalam, an American citizen, has continually been denied due process by the courts. Court officials' ministerial duties to enforce the Constitution have been ignored in over 100 cases, requiring this Court to reverse the District Court and allow Dr. Arunachalam to have her day in Court. Numerous legal precedents have also been ignored, which cannot be allowed to continue in a legal system long considered to be the best in the world.

CONCLUSION: It should be evident to all who read this brief that there is something wrong with the egregious treatment endured by Dr. Arunachalam over the course of her many cases brought before the judiciary. Please give this brilliant, gifted inventor the chance to have her "day in court" and the opportunity to present her cases completely - not ignoring the entirety of the record. I believe that if this examination is made, any reasonable person will see Dr. Arunachalam's invention is, fundamentally and foundationally, the technology which we know as the Internet of Things - Web Applications Displayed on a Web Browser. Without her technology, literally trillions of dollars of market capitalization would not exist. Dr. Arunachalam deserves to claim her rightful ownership of what she alone has created. To ignore this request to restore due process for one inventor will harm

innovation. It will be a signal to other inventors that there is no incentive to put the time, effort, and money into a potentially lifesaving or life-altering invention, due to the probability that large corporations with more money, power, and influence will take it as their own.

November 12, 2020 Respectfully submitted,

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Daniel Brune, Amicus Curiae