Case No. 20-7519

In The Supreme Court of the United States

Angadbir Singh Salwan

Petitioner

VS.

Andrei Iancu
Director of US Patent Office

Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT (CAFC)
Appeal no. 2020-1061

Angadbir Singh Salwan

Petitioner

VS.

Andrei Iancu
Director of US Patent Office

Respondent

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT (CAFC)
Appeal no. 2020-1301

PETITION FOR WRIT OF CERTIORARI

Mr. Angadbir Singh Salwan
Pro Se

5225 Pooks Hill Road, Unit 1502N
Bethesda, MD 20814

absalwan@physician2patient.net
Cell Phone: (301) 233-3061

Date: January 26, 2021

QUESTIONS PRESENTED FOR REVIEW

(1) The US District Court for the Eastern District of Virginia (**EDVA**) judge **Ms. Leonie Brinkema,** the clerks of CAFC, and the CAFC panel of judges **O'Malley, Reyna** and **Chen,** are all **corrupt**. They are "**covering up**" the **corruption** among USPTO examiners and PTAB judges. This corruption is **financed** by China's Communist party (**CCP**) through large US companies like Google and Apple. Judge Brinkema, *knowingly and willfully*, wrote **6 false statements** in her OPINION **favoring** the defendant USPTO, thereby rejecting petitioner Salwan's civil **case no. 1:18-cv-1543**. Mr. Salwan filed an appeal to CAFC (case no. 20-1061) against judge Brinkema for her **recusal**. To **cover-up** the wrong-doings of judge Brinkema, the CAFC - instead of judge **Brinkema** - assigned the **Director of USPTO** as the **defendant** in the case.

The **1st question** presented to this court is – whether this highest court in the United States has the **courage** and **willingness** to abolish this CORRUPTION (financed by CCP) in the lower courts, which is causing serious damages to the **small inventors** like Mr. Salwan, and having adverse affect on the **intellectual property** and **economy** of our country?

(2) The CAFC has written **5 false statements** in its Opinion, thereby affirming the US District Court's decision for civil case number **1:18-cv-1543**. In this civil case, judge Brinkema also wrote **6 false statements** in her Opinion, thereby affirming PTAB's judgment against Salwan for his patent application no. **15/188,000**. The PTAB (Patent Trial and Appeal Board) **falsely alleged** in its Opinion that **claim 1** (the representative claim of the invention) comprising a unique, new and useful Electronic Medical Records **(EMR) Computing system,** is an **abstract**

idea, and therefore, not patentable under 35 USC § 101. This decision **directly conflicts** with the U.S. Supreme court's decision w.r.t. the **abstract idea**, an implicit **exception** of section 101:

> "Because abstract ideas and laws of nature are **basic tools** of scientific and technological work, monopolizing those tools might thwart the **object** of the patent laws by **impeding innovation**; *Mayo Collaborative Services v. Prometheus Laboratories, Inc. 566 U.S. ___, 132 S.Ct. 1289, 1293 (2012).*

The appellant Salwan has provided **substantial evidence** in his Appeal Briefs to CAFC (and to EDVA, PTAB) that his claim 1 **does not monopolize** EMR computing systems.

This Court has further held repeatedly that a court must make the **abstract idea** determination by evaluating the claims **"as a whole".** But CAFC has ignored this rulings of the Supreme Court.

The **2nd question** presented to this court is – whether this court should **reverse** CAFC's final **judgment,** which **conflicts** with the **Supreme Court ruling**?

PARTIES TO THE PROCEEDINGS

All parties to this Action are set forth in the Caption.

TABLE OF CONTENTS

APPENDICES

TABLE OF AUTHORITIES

Federal Cases Page no.

Federal Statutes

Other Authorities

PETITION FOR WRIT OF CERTIORARI

Petitioner/plaintiff Mr. Angadbir Salwan respectfully requests this court to issue a writ of certiorari to review the judgments of the US Court of Appeals for the Federal Circuit (CAFC) for case numbers **2020-1061** and **2020-1301**.

OPINIONS BELOW

The CAFC panel of judges have written a combined Opinion for Salwan's two cases. The Opinion of CAFC denying both **Appeals** is reproduced in APPENDIX-A of this writ. The Opinion of the US District Court for the Eastern District of VA (Civil Case no. **1:18-cv-01543**) is reproduced in APPENDIX-B.

STATEMENT OF JURISDICTION

The CAFC issued its judgments for both the cases on September 8, 2020. The CAFC denied petitioner's timely-filed Appeals. This court has jurisdiction pursuant to 28 U.S.C. § 1254(1) to review the writ. The petitioner is filing a single writ for both cases under Rule 12.4 of the US Supreme Court, because both cases involve identical questions.

STATUTORY PROVISIONS AND USPTO REGULATIONS INVOLVED

i) 35. U.S.C. § 101 - Inventions Patentable

Whoever invents or discovers any **new and useful process**, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

ii) USPTO's MPEP 2106 - Patent Subject Matter Eligibility [R-07.2015]

There are two criteria for determining subject matter eligibility under **35 U.S.C. 101** and both must be satisfied. The claimed invention (1) must be directed to one of the four statutory categories, and (2) **must not** be **wholly** directed to subject matter encompassing a **judicially**

recognized **exception**, as defined below. The following **two step analysis** is used to evaluate these criteria.

THE FOUR CATEGORIES OF STATUTORY SUBJECT MATTER

Step 1: Is the claim directed to one of the four patent-eligible subject matter categories: process, **machine**, manufacture, or composition of matter? The subject matter of the claim must be directed to one of the four subject matter categories. If it is not, the claim is not eligible for patent protection and should be rejected under **35 U.S.C. 101**, for at least this reason.

JUDICIAL EXCEPTIONS TO THE FOUR CATEGORIES

Step 2: Does the claim **wholly embrace** a judicially recognized exception, which includes laws of nature, natural phenomena, and **abstract ideas**?

Analysis of Subject Matter Eligibility

While **abstract ideas**, natural phenomena, and laws of nature are not eligible for patenting, **methods** and products **employing abstract ideas**, natural phenomena, and laws of nature to **perform a real-world function may well be**. Thus, if a claim is directed to a judicial exception, it must be analyzed to determine whether the elements of the claim, considered both individually and as an ordered combination, are sufficient to ensure that the **claim as a whole** amounts to **significantly more** than the exception itself - this has been termed a search for an inventive concept. *Alice Corp.,* 134 S. Ct. at 2357, 110 USPQ2d at 1981. This analysis considers whether the **claim as a whole** is for a **particular application** of an **abstract idea**, natural phenomenon, or law of nature, as **opposed to** the **abstract idea**, natural phenomenon, or law of nature **itself**. *Mayo*

Collaborative Serv. v. Prometheus Labs., Inc., 566 U.S. _, 132 S. Ct. 1289, 1293-94, 101 USPQ2d 1961, 1965-66 (2012) (citing Diehr, 450 U.S. at 187, 209 USPQ at 7).

iii) "Because abstract ideas and laws of nature are **basic tools** of scientific and technological work, monopolizing those tools might thwart the **object** of the patent laws by **impeding innovation**; *Mayo Collaborative Services v. Prometheus Laboratories, Inc. 566 U.S. ___, 132 S.Ct. 1289, 1293 (2012).*

STATEMENT OF THE CASE

This case is about **CORRUPTION**...! Corruption in USPTO... corruption in US District Court of Alexandria,VA (EDVA)... and corruption in CAFC. This corruption is **financed** by the **China's** Communist party (CCP) through large US companies like Google and Apple etc. These large companies and CCP have been **stealing** the intellectual property of **small poor inventors** like Mr. Salwan. He is filing this writ seeking JUSTICE from this highest court in America.

1.0 Corruption in USPTO and US Courts

Corruption is the **main reason** why PTAB of the patent office, the US District Court of VA (EDVA), and the CAFC have **rejected** Salwan's patent application **15/188,000**. Not surprisingly, the big tech companies like **Google** and **Apple** are behind this deep rooted corruption... and **China's Communist Party** (CCP) is supporting/**financing** this corruption. The recent presidential election related **fraudulent events** have exposed this CCP corruption to everyone in the **world**. If the **justices** of this court will not become **bold** enough to kill this corruption, within few years... the CCP will start ruling USA. And all leaders of our country - including the USPTO officers, **judges** and **JUSTICES** of the US courts will no longer **exist**.

1.1 Summary of Corruption in USPTO

The recent corruption in USPTO was started by Ms. **Michelle Lee**, who was appointed by Mr. Obama as the Director of USPTO. (It appears some level of corruption existed even prior to Ms. Lee.) She was a CHINESE lady (most likely belonging to **CCP**), and a former **Google** employee. She created the **corrupt culture** in PTO. She hired a number of **PTAB judges** who were x-employees of **Apple** and other large companies. The justices of this court must be familiar with the fact that these PTAB judges do not have credentials of a judge, and their appointments have

been ruled **unconstitutional** by CAFC; *Arthrex , Inc. v. Smith & Nephew*, Inc. 941 F.3rd 1320 (Fed. Cir. 2019).

During these years, the PTO adopted an unspoken and **illegal practice**, which was also practiced by the **examiners**. PTO had been **favoring large corporations** over small inventors. The patent applications of small inventors would be repeatedly rejected by the examiners... for **years**, if the application **scope** was **broad**. A flag named "Sensitive Application Warning System" (**SAWS**) was attached to these applications, which was quietly instructing the examiner NOT to issue the patent. This allowed **large corrupt companies** (Google, Apple etc. and **Chinese** companies) to use the inventions of small US inventors FREE of cost. For many issued patents, the large companies have been filing Appeals to the PTAB, and PTAB's unconstitutional judges had been **canceling patents**. According to data compiled by **www.USInventor.Org**, PTAB has cancelled **84% patents**. Ms. Lee was replaced by the present director Mr. Andrei Iancu in 2017. But many corrupt examiners and PTAB judges are still working at PTO... and **corruption** continues till date.

1.2 Summary of PTO Corruption related to Salwan's Patent Applications

Since September **2011**, two applications of Mr. Salwan (including the current application number **15/188,000**) have been **repeatedly** rejected by two different examiners. In their rejections, they completely ignored the applicable patent laws, wrote many **false statements** (LIES); and used them as the grounds for rejections. For 1st application, Salwan complained to the examiner's SPE (Supervisory Patent Examiner), and then to the Director of the Technology Center. Instead of investigating the complaints, both got **angry** at Mr. Salwan. (Salwan has their emails as evidence.) The same thing happened for Salwan's second application **15/188,000**; the SPE called Mr. Sawlan and **yelled** at him on phone.

For both applications, Salwan filed appeals to the PTAB. Unfortunately, PTAB judges rejected both appeals by writing more **false statements** to **cover-up** the examiners' illegal rejections. Hoping for JUSTICE, Mr. Salwan filed two complaints to the **Director** of USPTO (with detailed supporting evidence). Both complaints were **dismissed** without any investigation.

Since writing **false statements,** *knowingly and willfully,* by any federal government employee is a crime (felony) under **Title 18 US Code § 1001,** Salwan had no choice but to file **criminal complaints** against both the examiners, and the PTAB judges. These complaints are still pending.

*Note: Salwan has substantial documentary **evidence** to support above **acts of corruption** by USPTO employees. He can furnish the same, if needed, by this court during trial.*

1.3 Evidence of Corruption in US District Court (EDVA)

After the PTAB denied his appeal for patent application 15/188,000, Salwan filed a civil action 1:18-cv-1543 in the EDVA under **35 US Code § 145**. In the beginning of the case, he was assigned a court **hearing** (Oral Arguments) on August 9, 2019. Just two days before the hearing date, he called EDVA to find out the court number and time of hearing. He was shocked when the clerk informed him that the hearing was **cancelled** on 5th; and the court has decided to proceed without the hearing. The court did not bother to inform Salwan about canceling the hearing. The clerk who answered the phone said that she will send a copy in the mail. Obviously, it was delivered to Salwan after the hearing date. This was the **1st evidence** of **corruption** in EDVA. At that point, Salwan knew the court will reject his case.

*Note: The reason for not granting the **Oral Hearing** is obvious. Since a court hearing is open to the public, Judge **Brinkema** knew that Mr. Salwan would expose the patent office **corruption** to the public, which would make it difficult for her to **cover-up** the wrong doings of the **examiner** and PTAB **judges**.*

When Salwan received the Opinion of EDVA, he found that judge **Brinkema** had written **6 materially false statements, favoring** the defendant USPTO, in the Opinion. She used those false statements as the grounds for rejecting Salwan's claim 1. In order for this court to review/analyze that 6 statements are **false**, it is necessary to read the language of **claim 1**, the representative claim of the invention reproduced below.

1.3.1 Claim 1 (15/188,000 application)

An **EMR computing system** for exchanging patient health information among healthcare user groups or the healthcare user group and patients over a network, the system comprising:

> a **central computer program** embodied in a computer readable medium or embodied in a **central server** and a **central database** storing patient **EMR** data for access by **authorized** users, the central computer program configured to:
>
> > communicate through at least one computer program, which includes **EMR** and **billing software**, with at least one **private database** for a healthcare user group, the database comprising at least patient EMR and billing data, and accounting data **confidential** for the healthcare user group;
> >
> > **receive** from the at least one private database **EMR data** including at least one of health problems, medications, diagnosis, prescriptions, notes written by a healthcare service provider, diagnostic test results or patient accounts data for storing in the central database, <u>wherein the healthcare user group's **confidential** accounts data including one or more **insurance companies accounts data,** is not received;</u>
> >
> > selectively retrieve the stored EMR data, generate one or more healthcare reports including one or more of health problem list, medication list, diagnoses report, prescription, diagnostic test result report, patient billing report; and
> >
> > transmit one or more healthcare reports to an authorized healthcare user group or the authorized patient for reviewing.

A preferred embodiment of claim 1- "Patient Portal" - makes it easy to understand the claim.

1.3.2 Patient Portal

The **Patient Portal** is a preferred embodiment – a real world **practical application** – of the subject matter claimed by the independent claims 1 and 10. A patient portal has a secure website (Central Server with a database) that stores patient **clinical data** (healthcare information). It may

also store patient accounts data. This secure website is accessed only by the authorized healthcare service providers (such as medical offices and hospitals) and the patients. After a patient visits the medical office and is examined by the doctor, the medical staff enters information about his visit in a local computer with private database. The local EMR software, which includes billing software, separates the patient **clinical data** from the medical office's **accounts data** (which is **confidential** to the medical office and therefore not transferred) and transmits the clinical data to the central server/database. The patient's **accounts data**, which is different from the **medical office's confidential accounts data**, may also be transferred to the central server. The central server **computes** various **medical reports** from the patient data uploaded by the medical offices. Other authorized medical offices, hospitals, doctors etc. and the **patient** himself/herself can access his/her healthcare information including medical reports or billing reports from the central server through the Internet.

The claim 1 of Salwan's previous application is reproduced herein for the convenience of this court for comparison purposes.

1.3.3 Claim 1 (application 12/587,101)

The invention claimed is:
1. A **method** for transferring patient health information among healthcare user groups or patients via a network, the method comprising:

providing at least one **central data storage** configured to receive and store patient health data from one or more private data storages of healthcare user groups, at least one **central computer program** embodied in at least one computer readable medium or embodied in at least one **central server** for processing and transferring patient health information stored in the one or more central data storages, and at least one **device** for providing user **authorization** to access patient data stored in the one or more central data storages, and configuring the central computer program or the central server for:

communicating through at least one **computer program,** which includes EMR and billing software, embodied in a computer readable medium with at least one **private data storage** storing electronic medical record **(EMR)** information originated, entered and controlled by at least one or more first healthcare service providers affiliated with the one or more healthcare user groups, including at least accounts information **confidential** for the first healthcare user groups, the confidential information includes at least **accounts information** of one or more **insurance companies**, which is at least used by the billing software to calculate patient portion of the bill, and **clinical data** generated by one or more service providers;

receiving from the at least one private data storage the EMR information for storing, processing and transmission to at least one of the patients, **or** one or more second healthcare user groups, wherein the information **confidential** for the first healthcare user groups including at least the **accounts information** of one or more insurance companies is not received and stored at the central data storage;

storing the received **EMR** information generated by the one or more service providers including at least one of health problems, medications, diagnosis, prescriptions, notes written by the service Providers, diagnostic test results or patient accounts data in the at least one **central** data storage;

selectively retrieving the stored EMR information, generating one or more healthcare reports including one or more of health problem list, medication list, diagnoses report, prescription, diagnostic test result report, patient billing report; and

transmitting one or more healthcare reports to at least the second authorized healthcare user groups or the patient for reviewing.

1.3.4 Judge Brinkema's Six (6) False Statements

The following **false statements** are taken from pages 10-12 of the Opinion [Dkt. No.24] written by EDVA judge **Brinkema**.

1) On page 10, 2nd paragraph states:

> Like the claims of the '101 application, the claims of the '000 application (i.e., application no. 15/188,000) are **generally directed** to the abstract idea of "**billing**" and.....

Claim 1, the representative claim of Salwan's prior application 12/587,101 includes the wording:

> "... accounts information of one or more insurance companies, which is used to **calculate patient portion of the bill**...".

But **claim 1** of the appellant's current '000 application does not have any such wording which includes **"billing".**

2) The same paragraph on page 10 further states:

> The claims in the '000 application represent "fundamental **economic** and **conventional business practices**", which are often held to be abstract. See, e.g., Alice, 573 U.S. at 219 (finding **"a method of exchanging financial obligations between two parties using a third-party intermediary to mitigate settlement risk**" abstract);

The current '000 application has 20 claims. No claim (especially claim 1) has any wording that comes even close to claiming or **implying** "economic or conventional business practices" - exchanging financial obligations between two parties, using any third-party intermediary, or mitigating settlement risk.

3) The same paragraph on page 10 further states:

> (observing that "claims directed to the mere formation and manipulation of **economic relations**" have been held to involve abstract ideas).

Again, none of the 20 claims, explicitly or implicitly, claim any kind of manipulation of **economic relations**.

4) On page 11, 2nd paragraph, states:

> Plaintiff observes, correctly, that the Federal Circuit in Salwan I discussed the following limitation included in **claim 1** of the '101 application: "**billing software to calculate a patient's bill**".

This statement is **false**. As described above in section (1), a method-step of **claim 1** of the '101 application states:

> "... **accounts information** of one or more insurance companies, which is used to **calculate patient portion of the bill**...".

The same paragraph on page 10 further states:

> "But the '000 application also references **"billing software"**, A52, and the **differences** between that limitation and the one at issue in the '101 application are **not significant** enough for the Court to conclude that the Federal Circuit's conclusions do not apply here."

The above statements clearly show judge Brinkema's **malafide intentions**. First, she cited a **false statement** which does not exist in **claim 1** of the '101 or '000 applications; and then she **equated** that false statement with **"billing software".** Claim 1 of '000 application only cites "billing software", which is not the same as "...calculate patient portion of the bill...", or "billing".

A claim **as a whole** claiming **only** the concept of "billing" may be directed to an abstract idea. However, that is not the case for claim 1 of the '000 application. Claim 1 as a **whole** is directed to a real-world practical application – **Patient Portal**, which is not an abstract idea.

5) On page 12, 1st paragraph states:

> Moreover, the Federal Circuit's opinion did not rely on the '101 application's **billing software** alone,...

The CAFC did not reject the '101 application using the term **"billing software"** as an "abstract idea"; judge Brinkema has created this **false statement**. In its opinion, the CAFC had written:

"At *Alice* step one, we hold that the claims are directed to the **abstract idea of billing insurance companies…".**

6) On page 12, 1st paragraph further states:

> ...it **also** concluded that the **"transfer of patient EMR"** is **abstract**. *Salwan I* at 941.Salwan has offered **no evidence** to **suggest** that the '000 application is **not** similarly directed to the **"transfer patient EMR".**

Again, the above statement created by judge Brinkema is **false**. As described above, an embodiment of **claim 1** (as a **whole**) – the **Patient Portal** (presented as **evidence** by Mr. Salwan) is a real-world practical application – and **not** just "transfer of patient EMR".

Judge **Brinkema** has used above **6 materially false statements** in her Opinion as the **grounds** for rejecting claim 1 as an **abstract idea** under **35 USC § 101**, and subsequently not granting the **Summary Judgment** in favor of Mr. Salwan.

CONCLUSION

Based on the above, the actions of judge **Brinkema** provide **substantial evidence** of **corruption**. She, *knowingly and willfully*, **covered-up** the corruption among USPTO employees. Her actions are a criminal offence (**felony**) under **18 US Code § 1001**.

1.4 Evidence of Corruption in CAFC for Case no. 20-1061

1.4.1 CAFC Assigned USPTO as the Defendant instead of Judge Brinkema

The evidence of corruption in CAFC appeared on **day one** of Salwan's 1st appeal. He filed the Notice of Appeal on 10/14/19 for appeal no. **20-1061** for the **recusal** of judge **Brinkema** from civil case no. **1:18-cv-1543** in EDVA. In this civil case, Mrs. Brinkema was the judge, and the Director of USPTO was the defendant. On 10/15/19, the appeal was docketed [ECF No. 1], in which the CAFC clerk assigned **Mr. Iancu**, the Director of USPTO, as the **defendant** instead of judge **Brinkema**.

1.4. 2 Salwan's all Motions in CAFC to Recuse judge Brinkema were Denied

On 10/25/19, the appellant filed a motion [ECF No. 2] requesting the court to **change** the **defendant** from the PTO director to judge Brinkema. But CAFC did not bother to reply for a month. Meanwhile, the USPTO attorneys proceeded with the case by filing Entry of Appearance and other documents - to defend judge Brinkema. On 11/13/19, Salwan filed a motion [ECF. No. 11] requesting the court to **recuse** all USPTO attorneys, because they were representing USPTO, and not judge Brinkema.

The important wording used in Salwan's motion is reproduced below.

MOTION to RECUSE all USPTO ATTORNEYS

> I, the appellant Mr. Salwan, hereby **move** (request) this court to **recuse** USPTO attorneys Ms. Kimball, Ms. Dang and others from my current appeal for the following reasons.
>
> On 10/25/19, I filed a **motion** to change the Appellee from Mr. Iancu (Director of USPTO) to Judge Mrs. Brinkema, which is currently pending before this court. At present, Ms. Dang, Ms. Kimball and some other USPTO attorneys have filed "Entry of Appearance" before this court to defend judge Brinkema. US Dist.Court and USPTO are two separate entities. USPTO is the **defendant** in my civil case 1:18-CV-1543. I have filed this appeal that judge Brinkema is BIASED favoring USPTO, and therefore she should be recused. If USPTO attorneys are allowed to defend Judge Brinkema (or any other judge), that means USPTO and US Dist. Court are **one team.** In that case, justice will NEVER be delivered to me, or ANYONE else who files a case against USPTO.
>
> For the above reasons, I **move** (request) this court to **recuse** all USPTO attorneys from my current appeal. They should not be allowed to write any **"Briefs"** defending Judge Brinkema, or appear in any **Oral Hearing**.

On 11/21/19, the clerk of CAFC issued an Order [ECF No. 9] denying Salwan's motion to **change** the **defendant** from the Director of USPTO Mr. Iancu to the judge Brinkema **without** giving any **explanation**. He wrote:

> The court notes that Mr. Iancu was the defendant in the district court and remains the proper appelle in this appeal. To the extent that Mr. Salwan wishes to argue that Judge Brinkema should have recused in his case, he should raise such issues in his Brief.

Please note that the Order did not have the name/signature of any CAFC judge.

On 12/17/19, the CAFC clerk issued an Order [ECF No. 17] denying Salwan's motion [ECF. No. 11] for the recusal of USPTO attorneys. Once again, the clerk gave no **explanation**, and simply wrote one line:

> The court cannot say that Mr. Salwan has **shown** disqualification would be appropriate.

*Please note that the sentence written by the clerk is ambiguous and wrong. Mr. Salwan has **shown** enough reasons in his motion as described above.*

Thereafter, Salwan filed a number of motions [ECF Nos. 20, 21, 25, 29, 34, 43] for the recusal of judge **Brinkema**; recusal of USPTO attorneys; and dismissal of **Briefs** written/filed by USPTO attorneys. But the CAFC clerk issued Orders [ECF Nos. 28, 30, 41] denying all of them. None of the orders had the name/signature of any CAFC judge.

1.4.3 CAFC denied Salwan's multiple Motions for Oral Hearing

Mr. Salwan filed a number of motions [ECF Nos. 26, 34, 43, 44, 50] requesting the court to grant him **Oral Hearing** to present his arguments. But CAFC clerk issued orders [ECF Nos. 30, 41] rejecting all of them.

*Note: The reason for CAFC not granting the **Oral Hearing** for case no. 20-1061 is similar to EDVA case. Since a court hearing is open to the **public**, the CAFC clerk/judges knew that Mr. Salwan will expose the **corruption** in EDVA/CAFC to the public, which would make it difficult for them to **cover-up** the wrong doings of judge **Brinkema**.*

1.4.4 Conclusion about Motions

The CAFC **denied** every motion filed by Mr. Salwan; and **granted** every motion filed by USPTO attorneys (wrongfully) representing judge Brinkema. CAFC, *knowingly and willfully*, ignored the important fact that judge Brinkema is not an **employees** of USPTO. Therefore, the

USPTO Director Mr. Iancu cannot be the **legal defendant** in Salwan's appeal for the **recusal** of judge Brinkema.

1.5 Evidence of Corruption in CAFC for Salwan's 2nd Appeal

On 11/27/19, Mr. Salwan filed his 2nd Notice of Appeal to CAFC. This appeal [ECF No. 15] was for the **recusal** of judge **Brinkema** on the grounds of a **criminal complaint** filed by Mr. Salwan with the police department, Alexandria, VA for violating **18 US Code § 1001**, a **felony** punishable by fine and up to **5 years** of imprisonment. Since Judge Brinkema is the "**defendant**" in Salwan's "**criminal complaint**", by law, she must be **recused** from all civil/criminal cases filed by the appellant Salwan, including civil case no. 1:18-CV-1543.

On 11/29/19, instead of assigning a **new case number**, the CAFC clerk entered this notice as a "**Supplemental Notice of Appeal**" for case no. 20-1061. Thereafter, CAFC completely ignored Salwan's 2nd notice of appeal, and did not bother to issue an Order to **recuse** judge Brinkema.

1.6 Evidence of Corruption in CAFC for Case no. 20-1301

1.6.1 Salwan's all Motions in CAFC for Oral Hearing were Denied

Similar to case no. 20-1061, Salwan filed a number of motions [ECF Nos. 21, 27, 28] in CAFC requesting **Oral Hearing**. But the clerk/judges of the court issued Orders [ECF Nos. 25, 30, 32] denying all motions without giving any **explanation**.

*Note: The reason for CAFC not granting the **Oral Hearing** for case no. 20-1301 is similar to case no. 20-1061. Since a court hearing is open to the **public**, the CAFC clerk/judges knew that Mr. Salwan will expose the **corruption** in EDVA/CAFC to the public, which would make it difficult for them to **cover-up** the wrong doings of judge **Brinkema**.*

1.6.2 Salwan's Multiple Motions to Revoke Judge Brinkema's Order were Denied

On 10/23/2019, judge Brinkema issued an ORDER [Dkt. No. 34] denying Salwan's "Motion to Amend the Judgment". In denying the motion, Judge Brinkema **wrongfully** used "Federal Rule of Appellate Procedure 4(a)(4)(B)(i).

On 2/21/20, Salwan filed a motion in CAFC [ECF No. 8] requesting the court to **revoke** Judge Brinkema's ORDER denying his "Motion to Amend the Judgment". In his motion, he wrote:

> **"Falsely** using rule 4(a)(4)(B)(i) as the basis to reject my "Motion to AMEND the JUDGMENT" provides further **evidence** of Mrs. Brinkema's malafide intentions to **cover-up illegal actions** of the USPTO's examiner and PTAB."

On 3/20/20, the clerk of the court issued an Order [ECF No. 15] **denying** the motion without giving any **explanation**. Mr. Salwan again filed motions [ECF Nos.16, 20], but the clerk again denied the motions by issuing an Order/letter [ECF No. 19, 23].

1.6.3 CAFC did not address 6 False Statements in the Opinion of Judge Brinkema

In its Opinion (ECF No. 37], on page 8, the CAFC panel of judges **completely ignored** to address the contents of the **6 materially false statements** written by judge **Brinkema**. They were unable to **refute** the **evidence** presented by Mr. Salwan. So, they **dismissed** the issue by blaming Mr. Salwan (in foot note [1]) having:

> "a history of accusing judicial officers and court personnel of bias against him upon entry of dissatisfying decision."

1.6.4 CAFC did not address "Patient Portal" in its Opinion

The CAFC panel of three judges rejected claim 1 by writing a number of **conclusory** statements using high level generic terms related to computers (network, computer program, central server etc.). But they **completely ignored** to address the most important argument presented by Mr. Salwan - the **Patient Portal** - a preferred embodiment of claim 1.

1.6.5 CAFC's 5 Materially False Statements in its Opinion

On page 7, 1st paragraph of the Opinion, the CAFC judges wrote their **1st false statement.**

> **1st False Statement**
> (i) "Comparing the claims of the '101 application at issue in *Salwan I,* and the claims of the '000 application at issue here, reveals that **both sets** of claims are **directed to** communication of patient health information over a physician-patient network..."

The part of the statement underlined above is completely **false**. The claim 1 of current '000 application states (page 7 above):

> *"An **EMR computing system** for exchanging patient health information among healthcare user groups or the healthcare user group and patients over a network,..."*

The CAFC judges, *knowingly and willfully,* have omitted the significant element - "An **EMR computing system" -** of the current **claim 1** in its **1st false statement.**

The claim 1 of the previous application no. 12/587,101 (cited as '101 application by CAFC) is a **method claim** (pages 8- 9 above), which states:

> *"A **method** for transferring patient health information among healthcare user groups or patients via a network..."*

Claim 1 of the previous '101 application did not have the element "**EMR computing system"** in its language - an evidence of CAFC's **1st statement** being **false**. Furthermore, the CAFC's **2nd False Statement** in paragraph 4 on page 6 of its Opinion cannot be used as **grounds to reject** the current '000 application claim 1.

> **2nd False Statement**
> (ii) "We agree with the USPTO that our review of the district court's decision on the patent eligibility of Salwan's claims must **parallel** our decision in *Salwan I.*"

As described above, there is no **"parallel"** between the "claims 1" of Salwan's two applications.

On page 7, 1st paragraph of the Opinion, the CAFC judges wrote their **3rd false statement.**

> **3rd False Statement**
> (iii) "The claims in **both** applications read on **organizing human activity** with respect to medical information,..."

The above statement written by CAFC judges is completely **false**. The claim 1 of **both** applications (pages 7 - 9 above) include "**computer activity**", and not any **human activity**. The CAFC wrote the **conclusory** statement without citing any **elements** of the claims, and without any **supporting evidence**.

On page 7, 2nd paragraph of the Opinion, the CAFC judges wrote their **4th** and **5th false statements**.

> **4th False Statement**
> (iv) "The claims in the '000 application recite additional **method steps identical** to the ones in the '101 application.

First, in the above **false statement**, CAFC has cited claim 1 of Salwan's previous '101 application, which is a **method claim**. But claim 1 of the current application 15/188,000 (cited by CAFC as '000 application) is an **apparatus/system claim**, more specifically an "**EMR computing system**" (page 7 above). Obviously, the claim 1 of the current '000 application has **elements/components** of the **EMR computing system**, and not any **"method steps".**

Second, claim 1 of the previous '101 application was not directed to **EMR**. Therefore, it is "**not identical**" to the claim 1 of the current '000 application, as **falsely stated** by CAFC judges.

> **5th False Statement**
> (v) Here, too, Salwan's claims merely recite **well-known process** related to organizing patient health, **insurance**, and **billing information**..."

First, since claim 1 of current '000 application is an **apparatus/system** claim (and not a **method** claim), it does not claim any **"process"**, as **falsely stated** by CAFC. Further, as described below (pages 21-22), the CAFC's allegation that the process is "**well-known**" is also **false**.

Second, the claim 1 is not directed to any **process** related to organizing **insurance** information. The CAFC wrote the **conclusory** statement without citing any **element** of claim 1, and without any **supporting evidence**. As described earlier, the claim 1 of current application is directed to a unique patent eligible **EMR Computing System;** a preferred embodiment of claim 1 being **the Patient Portal**.

Third, the claim 1 (page 7 above) recites **billing software**, and not **billing information**. Billing software is a component/element of the EMR computing system, and not any kind of **process** as falsely alleged by the CAFC.

CONCLUSION

As described above by Salwan, there is **substantial evidence** of **CORRUPTION** among USPTO, EDVA and CAFC employees. The examiner **illegally rejected** current application (no. 15/188,000) completely ignoring US patent laws and writing **materially false statements**. Then, PTAB wrote a number of **materially false statements** to **cover-up** the examiner's **illegal rejections**. Thereafter, judge **Brinkema** completely ignored the evidence presented by Mr. Salwan in his Appeal Briefs, wrote **6 materially false statements** in her Opinion to **cover-up** PTAB's illegal rejections, and rejected Salwans's case. And finally, the CAFC judges ignored **undisputable evidence** presented in Salwan's Appeal Briefs, wrote **5 materially false statements** to cover-up judge Brinkema's illegal rejections, and rejected Salwan's both appeals.

petition for writ.) Even though, the merits of case no. 17-5614 are not directly applicable herein, Salwan refutes CAFC's decision for **wrongfully** rejecting his previous '101 application.

2.2 Materially False Statements written by CAFC Judges

As described above in section 1.6.5, the panel of CAFC judges wrote **5 materially false statements** in their Opinion on pages 6-7, in a **failed attempt** to prove that claim 1 of the current '000 application is an **abstract idea**. The evidence and arguments presented above as part of the **"corruption evidence"** are also applicable here w.r.t. the **merits** of the case to determine the patent eligibility of claim 1.

2.3 False Argument written by CAFC

Besides writing 5 false statements cited above, the CAFC also wrote a **false argument** in their Opinion.

On page 7, 1st paragrph, CAFC wrote:

> (a) "The claims at issue in both applications read on **organizing human activity** with respect to medical information, i.e., abstract **process** that can be **performed by an individual**."

In writing their Opinion, the CAFC has completely ignored the **Patient Portal** evidence presented by Mr. Salwan in his Appeal Brief (reproduced above on pages 7- 8). The **Patient Portal** is a particular patent eligible **EMR computing system** comprising servers, databases, computer programs, computers and a network (e.g., Internet) and not a simple "**process**" as **falsely** alleged by CAFC. Therefore, the argument - "performed by an **individual**" - is **completely false**.

2.4 "Claim as a Whole" must be directed to "Abstract idea" under 35 USC § 101

The USPTO's MPEP 2106 (pages 1-3 above) requires that the "**claim as a whole**" must be **directed** to one of the four judicial exceptions, in this case an **abstract idea,** to be **rejected** under 35 USC § 101.

improvement to the current claim 1 over the prior art, making the invention **patentable** under 35 USC section § 101.

2.6 CAFC did not reject claim 1 as "Monopolizing" the Basic Tools of Technology

The CAFC has declared the claim 1 directed to an **abstract idea** based on the following **false statements** (already explained above):

> (a) "**directed to** communication of patient health information over a physician-patient network"
> (b) "organizing **human activity**"
> (c) "**process** related to organizing patient health, **insurance**, and **billing information**"
> (d) "abstract process that can be performed by an **individual**"

In its opinion, the CAFC did not reject claim 1 alleging that it **"monopolizes"** any **basic tool** of **science** or **technology**. Therefore, the judgment of CAFC **directly conflicts** with the US Supreme Court's opinion/ruling w.r.t. the **abstract idea**, an **exception** of section **101**:

> "Because abstract ideas and laws of nature are **basic tools** of scientific and technological work, **monopolizing** those tools might thwart the **object** of the patent laws by **impeding innovation**; *Mayo Collaborative Services v. Prometheus Laboratories, Inc. 566 U.S. ___, 132 S.Ct. 1289, 1293 (2012).*

A simple search on the Internet reveals that there are **50+** companies offering **EMR Computing Systems** (and EMR Software - which are essentially **methods**) within United States. This fact alone provides **substantial evidence** that the EMR computing system of the current application **does not monopolize** the EMR system/software industry.

3.0 REASONS IN SUPPORT OF GRANTING THE WRIT

3.1 Corruption is the **main reason** for appellant Salwan filing this writ. **Corruption** in USPTO... **corruption** in EDVA... and **corruption** in CAFC. This corruption is having **adverse affect** on the **intellectual property** and the **economy** of our country. This corruption is **financed** by China's Communist party (**CCP**) through large US companies like Google and Apple.

If the CAFC's **wrong** judgment (which affirmed PTAB's **wrong** decision) is not **"reversed"** by this court, the **corruption** will continue causing significant **damages** to innocent **small inventors** like Salwan, because the US courts will not deliver JUSTICE to them in the future.

This CCP corruption is a national threat to the democratic republic of USA. If the **justices** of this court will not take necessary steps to kill this **corruption**, within few years... the **CCP** will start ruling USA. And all leaders of our country - including the USPTO officers, **judges and JUSTICES** of the US courts will no longer **exist**.

3.2 The **CAFC judgment** for this case directly **conflicts** with the US Supreme Court's prior **ruling** w.r.t. the **abstract idea**, a judiciary **exception** of section **101**:

> "Because abstract ideas and laws of nature are **basic tools** of scientific and technological work, **monopolizing** those tools might thwart the **object** of the patent laws by **impeding innovation**; *Mayo Collaborative Services v. Prometheus Laboratories, Inc. 566 U.S. ___, 132 S.Ct. 1289, 1293 (2012).*

A simple search on the **Internet** reveals that there are **50+** companies offering **EMR Computing systems** (and EMR Software - which are essentially **methods**) within United States. This fact alone provides **substantial evidence** that the EMR computing system of the current application **does not monopolize** the EMR system/software industry. If the decision of CAFC is not **"reversed"** by this court, it would definitely **impede innovation** in the future. Therefore, Mr. Salwan respectfully submits that the writ of certiorari be **granted**.

3.3 The **USPTO** has **issued** more than **3,000 patents** for "EMR systems/methods". A multi-million dollar EMR industry exists in the country. This provides **substantial evidence** that the EMR systems/methods have **practical applications** in the real world, and therefore, are not

abstract ideas. If CAFC's judgment is not "**reversed**", those 3,000+ patents could be challenged and invalidated by **"infringers"** making **false** allegations that **all** EMR systems/methods are **abstract ideas**. Furthermore, CAFC's judgment in present case (20-1301) could change the **interpretation** of **exceptions** cited in 35 USC § **101**, and USPTO will never be able to issue another patent in **"EMR industry"**.

CONCLUSION

Based on the above facts and reasons/arguments, Mr. Salwan respectfully submits that this **writ** for certiorari be **granted**. As a small inventor, he has been suffering for the last 8 years because of **corruption** in USPTO and CAFC. He is seeking JUSTICE from this highest court in the country.

Respectfully submitted,

/Angadbir Singh Salwan/

Pro Se