

No. 22-133

Supreme Court, U.S.  
FILED

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IN THE  
SUPREME COURT OF THE UNITED STATES

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Dr. Lakshmi Arunachalam,  
*Petitioner,*

v.

KRONOS INCORPORATED,  
*Respondent.*

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**On Petition For A Writ Of Certiorari  
To The United States Court Of Appeals  
For The Federal Circuit**

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**PETITION FOR WRIT OF CERTIORARI**

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August 4, 2022

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## QUESTIONS PRESENTED

1. Whether dismissing an appeal when a fee waiver Motion is pending is constitutional.
2. Whether dismissing the appeal after annihilating the record and falsely claiming the Appeal was not prosecuted against evidence<sup>1</sup> to the contrary, is constitutional.
3. Whether not considering material intrinsic evidence of Patent Prosecution History<sup>2</sup> makes it an improperly decided case.
4. Whether an improperly decided case<sup>3</sup> falsely claimed as precedent and basis for collateral estoppel is constitutional.
5. Whether *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819) was properly decided against impairing the obligation of contract. If so, whether not upholding it as *stare decisis* precedent of this Court is constitutional.

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<sup>1</sup> Petitioner has evidence that the Opening Appeal Brief and Opposition to the Motion to Dismiss the Appeal were timely delivered by U.S. Overnight Priority Mail and timely received by CAFC. CAFC failed to docket the Opening Appeal Brief. CAFC docketed the Opposition to the Motion to Dismiss the Appeal and removed the same from the docket.

<sup>2</sup> *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722 (2002) — Patent Prosecution History Estoppel.

<sup>3</sup> *Pi-Net International Inc. and Dr. Lakshmi Arunachalam v. JPMorgan Chase & Co.*; 2014-1495 (CAFC); 12-282 (D.Del.)

6. Whether a Judge holding financial interests in a litigant<sup>4</sup> constitutes an improperly decided case.
7. Whether denying a Case Management Conference to a citizen for 10 years, not permitting the citizen to be a litigant and gagging and sanctioning the citizen, with machinations faking as if the case went to trial, is constitutional

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<sup>4</sup> Judge Andrews admitted he held direct stock in JPMorgan Chase & Co. in *Pi-Net International Inc. v. JPMorgan Chase & Co.*, 12-282-RGA (D.Del.); 2014-1495 (CAFC); and *Arunachalam v. IBM, SAP and JPMorgan Chase & Co.*, 16-281-RGA (D.Del.); *Pi-Net International Inc v. Fulton Financial Corporation*, 14-490-RGA (D.Del.); PTAB Administrative Judges Brian McNamara and Stephen Siu, per their Financial Disclosure Statements, held stock in Microsoft in *Arunachalam v. Microsoft*.

**PARTIES TO THE PROCEEDING  
AND RULE 29.6 STATEMENT**

The Petitioner is Dr. Lakshmi Arunachalam, who was Plaintiff-Appellant below. The Respondent is Kronos Incorporated, who was Defendant-Appellee below.

Dr. Lakshmi Arunachalam is an individual, and asserts claims on behalf of herself and others similarly situated. She has no parent company and no publicly held company owns 10% or more of its stock.

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**PETITION FOR WRIT OF CERTIORARI**

Petitioner Dr. Lakshmi Arunachalam (“Arunachalam”) respectfully submits this petition for a writ of certiorari to review the Order dismissing the case by the U.S. Court of Appeals for the Federal Circuit.

**OPINIONS BELOW**

The Order of the U.S. Court of Appeals for the Federal Circuit dismissing Petitioner’s Appeal Case No. 21-1948, which is an Appeal from Case No. 1:14-cv-00091-RGA in the Delaware District Court, is reproduced at App. 1a. The Order of the Delaware District Court is reproduced at App. 2a. The above Orders are not published.

**JURISDICTION**

The U.S. Court of Appeals for the Federal Circuit entered judgment in Petitioner’s Appeal on 6/1/2022 (App.1a). This Court’s jurisdiction is invoked under 28 U.S.C. §1254(1).

**CONSTITUTIONAL AND STATUTORY  
PROVISIONS, JUDICIAL CANONS AND  
JUDICIAL RULES OF PROCEDURE  
INVOLVED****U.S. Const.:**

**Contract Clause, Art. I, §10, clause 1;** “No ...law...  
impairing the obligation of contracts.”

**Art. I, §§9 & 10:** “furnish to individual liberty, ample protection against the exercise of arbitrary power.”

**Equal Protection of the Laws Clause,  
Amend. XIV, §1;** “No ...law which shall abridge the

privileges or immunities of citizens of the United States; nor ... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

**Due Process Clause, Amends. V & XIV;**  
 “...Procedural due process is the guarantee of a fair legal process when the government tries to interfere with a person's protected interests in life, liberty, or property.” “...procedural due process requires that, at a minimum, the government provide the person notice, an opportunity to be heard at an oral hearing, and a decision by a neutral decision maker. See *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009). Substantive due process is the guarantee that the fundamental rights of citizens will not be encroached on by government...”

**Amend. I;** “Right to Petition the Government for a Redress of Grievances.”

**JUDICIAL CANONS 2, 2A, 3, 3(A)(4);**

**FRCP Rule 60(b) (1-4 & 6);**

**Fraud on the court:** a material misrepresentation has been made by CAFC, the court itself... a material false statement made with an intent to deceive (scienter), a victim's reliance on the statement and damages.

#### **BACKGROUND**

**A. Dr. Arunachalam is the inventor of the Internet of Things (IoT) — Web Applications displayed on a Web browser — her dozen patents have a priority date of 1995.**

Big-Tech and the Government have benefited by trillions of dollars from Petitioner's patents — exemplified in Apple's iPhone App Store with 2M+ Web apps (pre-packaged in China before imported into the United States), Google Play, Web banking Web apps, social networking Web apps, and any and all Web apps.

### STATEMENT OF THE CASE

**I. NATURE OF THE PROCEEDINGS:** Petitioner hereby files this *Traverse Special* against the entire (*false*) processes, proceedings and Orders of the U.S. Court of Appeals for the Federal Circuit ("CAFC") in Petitioner's Appeal Case No. 21-1948, and of the underlying Delaware District Court Case No. 1:14-cv-00091-RGA.

Petitioner filed and served her Notice of Appeal on 4/27/21. Notice of Appeal was docketed on 4/28/21 and deactivated in CAFC on 5/14/21 until disposition of the motion subject to FRAP 4(a)(4) and reactivated on 1/28/22. She timely filed and served her Motion for Fee Waiver and Opening Appeal Brief on 2/8/22 via U.S. Overnight Priority Mail. CAFC docketed her IFP Motion on 2/11/22. CAFC did not rule on the IFP Motion. CAFC failed to docket her Opening Appeal Brief. Respondent Kronos Incorporated ("KRONOS") filed a Motion to Dismiss the Appeal on 4/4/22. Arunachalam filed and served via U.S. Overnight Priority Mail her Opposition to Kronos' Motion to Dismiss on 4/8/22. CAFC docketed this and subsequently removed it off the docket. CAFC dismissed the Appeal falsely alleging Arunachalam did not prosecute the Appeal and further falsely alleged that Arunachalam did not file an Answer to

KRONOS' Motion to Dismiss, with evidence to the contrary.

**STATEMENT OF FACTS**

**B. CAFC's False Allegations Denied Petitioner Her Constitutional Rights:**

**1. Arunachalam FILED THE FORMAL OPENING APPEAL BRIEF ON 2/8/22. SHE DID NOT FAIL TO PROSECUTE.**

CAFC timely received Arunachalam's Opening Appeal Brief and did not docket it. Arunachalam does not have ECF filing at CAFC. She relies upon CAFC Clerks to docket the paper copies she sent in via the U.S. Postal Service Overnight Priority Mail. Kronos was served via First Class Mail.

**2. CAFC DOCKETED Arunachalam's IFP MOTION ON 2/11/22 AND HAS NOT RULED ON THE IFP MOTION TO DATE.**

CAFC did not docket her Opening Appeal Brief. Was CAFC waiting to rule on the IFP Motion before it docketed Arunachalam's Opening Appeal Brief? It has been over 180 days since Arunachalam filed her IFP Motion and Opening Appeal Brief in CAFC and served Kronos.

Respondent KRONOS filed a Motion to Dismiss the Appeal on 4/4/22.

Petitioner timely filed and served her Opposition to KRONOS' Motion to Dismiss the Appeal on 4/8/22.

CAFC docketed Petitioner's Opposition to the Motion to Dismiss the Appeal and removed the same from the docket.

Petitioner has evidence that the Opening Appeal Brief and Opposition to the Motion to Dismiss the Appeal were timely delivered by U.S. Priority Mail and timely received by CAFC. CAFC failed to docket Petitioner's Opening Appeal Brief.

CAFC dismissed the Appeal when the IFP Motion was pending and falsely alleged that Arunachalam did not prosecute the appeal and that she did not answer the Motion to Dismiss the Appeal, with evidence to the contrary. CAFC dismissed the IFP Motion as Moot!

**3. THE ORDER OF 6/1/22 IS FALSE:** because CAFC falsely alleged that Arunachalam did not prosecute the Appeal and that she did not respond to KRONOS' Motion to Dismiss the Appeal. Both of these statements by the CAFC are false, because Arunachalam has proof that her Opening Appeal Brief was timely delivered by U.S. Priority Mail to CAFC and that CAFC timely received it. CAFC failed to docket it. CAFC docketed Arunachalam's Fee Waiver Motion which was delivered to the Court at the same time. When KRONOS filed its Motion to Dismiss the Appeal, Arunachalam has proof that her Opposition Brief was delivered to and filed in a timely manner by CAFC. CAFC docketed her Opposition and the next day, removed it from the docket. CAFC dismissed the Appeal while her IFP Motion was still pending. This damaged Arunachalam by trillions of dollars. Fraud on the Court by the Court voids its Order.

CAFC hiding public record and not docketing it and then lying that Arunachalam did not prosecute the Appeal is shocking. CAFC dismissed the Appeal for a false manufactured reason.

**4. Suppression of Evidence Favorable to the Falsely Accused, Itself Sufficient to Amount to a Denial of Due Process by CAFC**

On 6/1/22, the Court dismissed Petitioner's Appeal, mis-stating: "...Arunachalam failed to prosecute the Appeal. She did not respond to the Motion to Dismiss the Appeal." This is false and a "suppression of evidence favorable" to the accused, itself sufficient to amount to a denial of due process. CAFC falsely accused Petitioner of falsely alleged guilt and dismissed the Appeal, while the IFP Motion was still pending. In *Brady v. Maryland*, 373 U.S. 83 (1963), this Court established that the prosecution must turn over all evidence that might exonerate the defendant to the defense.

**PROCEEDINGS OF THE DELAWARE  
DISTRICT COURT AND CAFC**

**Delaware District Court's and CAFC's Order(s) are void.**

"A decision produced by fraud upon the court is not in essence a decision at all, and never becomes final." *Kenner v. C.I.R.*, 387 F.2d 689 (7th Cir.1968).

1. CAFC hiding Petitioner's filings has corrupted the integrity of the administration of justice, as detailed *supra*.

2. In the Delaware District Court Case, Judge Andrews admitted three years later of holding stock in Arunachalam's opponent, JPMorgan Chase & Co. and refused to recuse.
3. Judge Andrews failed to consider material intrinsic evidence of Patent Prosecution History, as per Supreme Court precedent as in *Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722 (2002).
4. Judge Andrews failed to apply Supreme Court precedents as in *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819) and impaired the obligation of contract.
5. Judge Andrews dismissed Arunachalam's cases on a falsely alleged collateral estoppel without applying material intrinsic evidence of Patent Prosecution History and Supreme Court precedents as in *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819), impairing the obligation of contract.
6. Arunachalam has been **denied even an initial Case Management Conference in any of her cases for over 10 years**, not allowing her to be a litigant. Judge Andrews denied her due process and then falsely sanctioned her for being a "vexatious" litigant and ordered her to pay \$148K.

## II. ARGUMENTS

### A. CAFC Dismissed the Appeal for a False

**Manufactured Reason.**

Where is Arunachalam's Opening Appeal Brief? Has the public record been annihilated? Why was Arunachalam's Opposition to the Motion to Dismiss removed from the docket?

**B. CAFC Fraudulently dismissed the Appeal, biased in favor of KRONOS On a Manufactured Reason:**

CAFC's conduct compromised the judiciary. Where the party being damaged thereby is estopped from objecting.

1) **The 6/1/22 Order is False,** wrongly punishing Arunachalam for CAFC's abuse of process. CAFC manufactured false "facts, law, claims and defenses," evidenced *supra*. CAFC compromised the court itself; and corrupted the fair, just, and proper administration of that courthouse.

2) **CAFC Violated Arunachalam's Fundamental Rights.**

**CAFC dismissed the Appeal when Petitioner's IFP Motion was pending. CAFC deprived Petitioner of her protected rights, it is *not* an adjudication.**

3) **Conspiracy And Intent And Scienter By CAFC To Deprive Petitioner Of Her Federally Protected Rights Has Been Evidenced *Supra*.**

CAFC seriously compromised this case, and its Order is void.



**4) Judge Andrews Failed To Recuse Despite Appearance Of Bias.**

Judge Andrews' Order sanctioning Petitioner for his own violations of the Constitution is at least an appearance of impropriety.

**5) CAFC Failed To Docket Petitioner's Filings And Mutilated Her Filings:** Begs the question why?

**6) CAFC Suppressed Evidence:** to hide its violations of the Constitution.

**7) CAFC hindered the Administration of Justice, Intended To 'Subvert, Undermine, or Impede' Governmental Fact Finding, With The Requisite Consciousness of Wrongdoing, And Tampering With Evidence;**

**8) CAFC Oppressed and Gagged Arunachalam.**

Petitioner has a duty to the Court and herself to advise the Court of a process that is irregular, corrupted, or compromising or of a compromising fraud on it.

**STATEMENT OF UNDISPUTED FACTS**

Arunachalam timely filed and served her IFP Motion and Opening Appeal Brief and her Opposition to KRONOS' Motion to Dismiss via U.S. Overnight Priority Mail and received by CAFC. CAFC docketed the IFP Motion, but not the Opening Appeal Brief. CAFC docketed the Opposition to the Motion to Dismiss and removed it the next day. CAFC dismissed the Appeal, with the IFP Motion still pending, falsely

alleging Arunachalam failed to prosecute and failed to answer to the Motion to Dismiss. Furthermore, CAFC dismissed the IFP Motion as moot!! Judge Andrews failed to recuse despite admitting three years into the JPMorgan case that he held stock in JPMorgan Chase & Co. Judge Andrews failed to consider material intrinsic evidence of Patent Prosecution History and Supreme Court precedents against impairing the obligation of contract, and falsely alleged a false collateral estoppel from void Orders. The annihilation of public record and denial of due process have denied Equal protection of the laws to Arunachalam.

### **III. THIS COURT MUST REVIEW THIS CASE**

The decision of the CAFC, if followed, will conflict with this Court's precedent with respect to its findings on: (a) the denial of liberty and property without due process of law; and (b) contract law.

**This is a case of significant national importance: CAFC perpetrated the fraud, and has caused a Constitutional crisis/emergency** by propagating false collateral estoppel without considering material intrinsic evidence of Patent Prosecution History and the Law of the Land. As the axiom goes, the deceiving should be punished, *not* the deceived.

**"The Law Of This Case Is The Law Of All."**  
*Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819).

Arunachalam, a 74-year old, disabled, female inventor of the Internet of Things – Web applications displayed on a Web browser – has been denied access to the

Court for over ten years, without even an initial Case Management Conference.

CAFC and Judge Andrews defamed/libeled/sanctioned Petitioner for manufactured reasons. The waste, fraud and abuse continuing interminably in courts in all of Petitioner's cases stem from the false propaganda of a false collateral estoppel while concealing material intrinsic evidence of Patent Prosecution History, and this Court's precedents<sup>5</sup> prohibiting the impairment of the obligation of contract – the Law of the Land – and hindering access to justice by CAFC with financially conflicted Judge Andrews (admitted by Judge Andrews himself three years into the case) in Petitioner's JPMorgan Case No. 12-282-RGA(D.Del.) and Fulton Financial Corporation Case No. 14-490-RGA(D.Del.), rendering their Orders void.

Why would they all do this, when the facts and the Law of the Case<sup>6</sup> and Law of the Land are on Petitioner's side? Why such false allegations against Arunachalam who has met all the rules?

## CONCLUSION

*Wherefore*, the Court must grant the petition for a writ of certiorari.

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<sup>5</sup> *Grant v. Raymond*, 31 U.S. 218 (1832); *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819); *Fletcher v. Peck*, 10 U.S. 87 (1810).

<sup>6</sup> Courts failed to consider material intrinsic evidence of Patent Prosecution History which estops false collateral estoppel arguments. Judge Andrews admitted buying stock in JPMorgan during the pendency of that case, PTAB Judge McNamara held stock in Microsoft; and refused to recuse, their Orders are void.

August 4, 2022      Respectfully submitted,

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