

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Dr. Catherine Gwei-inn Lin-Hendel, Ph.D. Physics
Dr. Rudolf Heinz Hendel, Ph.D. Physics
PRO SE

Plaintiffs

COMPLAINT

-against-

Wilmington Trust
Wilmington Trust National Association as Trustee for
MFRA Trust 2014-2
MFRA Trust Investors and Shareholders
M&T Bank, parent company of Wilmington Trust,
CEO Rene F. Jones
Fay Servicing & CEO Ed Fay
Friedman Vartolo, LLP, & Adam Friedman
(Additional co-conspirators maybe added during the course
of this complaint)

Jury Trial: ☒ Yes

Defendants

I. Parties in this complaint:

A: Plaintiff Information

Plaintiffs	Name 1:	Dr. Catherine G. Lin-Hendel, Ph. D. Physics
	Name 2:	Dr. Rudolf H. Hendel, Ph.D. Physics
	Street Address	26 Ridge Road
	County, City	Union, Summit,
	State & Zip Code	New Jersey, 07901
	Home Telephone	(908)373-3378;
	Mobile 1: (408)761-3559;	Mobile 2:(408)533-5847
	Email 1: linhendel@gmail.com ;	Email 2: rudihendel@gmail.com

PATENT THEFT; RACKETEERING ACTS; COLLECTION OF UNLAWFUL DEBT; CONSPIRACY TO STEAL HOME AND HOME-EQUITY;
DECEPTIVE AND PREDATORY LENDING/FORECLOSURE PRACTICE; INTERFERENCE AND DEPRIVATION OF ECONOMIC ADVANTAGES;

1 B: Defendant Information:

2 Defendant 1: *Wilmington Trust, National Association, aka. Wilmington Trust Corporation*

3
4 Wilmington Trust Top Management:

5 Darren J. King, Executive Vice President and Chief Financial Officer

6 (same position titled also held at M&T Bank Corporation by King)

7 Jack Beeson, Head of Global Capital Markets Group

8 Todd Tautfest, Managing Director of Southeast Region

9 Robert J. Bojdak, Executive Vice President

10 Wilmington Trust as Trustee of MFRA TRUST 2014-2

11 Address: 350 Park Ave, New York, NY 10022

12 Phone: (212) 415-0500

13 <http://www.wilmingtontrust.com/wtcom/>

14 Defendant 2: *Wilmington Trust Parent Company*

15 M&T Bank Corporation

16 Chairman & CEO Mr. Rene F. Jones, et. al.

17 One M&T Plaza, Buffalo, NY 14203, United States

18 <https://www.mtb.com/>

19 Tel: Corporate: 716-635-4000; General Services: 1-800-724-2440;

20 email: custserv@mtb.com

21 Defendant 3: *MFRA TRUST 2014-2, Owners, Shareholders, Investors and Trustee*

22 Address: 350 Park Ave, New York, NY 10022

23 Phone: (212) 415-0500

24 Defendant 4: *Fay Servicing & Founder & CEO Ed Fay;*

25 901 S. 2nd St. Suite 201; Springfield, IL 62704

26 Tel: (312) 610-7039

27 Defendant 5: *Friedman Vartolo, LLP and*

28 Adam Friedman, Esq. (afriedman@FriedmanVartolo.com)

<https://friedmanvartolo.com/>

85 Broad St., Suite 501, New York City, NY 10004

1325 Franklin Ave., Suite 230, Garden City, New York 11530

Email: info@friedmanvartolo.com

Tel: (212) 471-5100

I. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. There are five types of cases that can be heard in federal court: 1) Federal Question - Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case; 2) Diversity of Citizenship - Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case; 3) U.S. Government Plaintiff; and 4) U.S. Government Defendant.

A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☒ Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

Willful Intellectual Property Theft--Protection of Intellectual Property 15 USC Chapter 107.

Willful Patent Infringements (since at least 2011): 35 U.S. Code § 271.

Racketeering, Fraud and Organized Conspiracy of Fraud, Theft, Plunder, Abuse and

Intimidation, collection of an unlawful debt against the Plaintiffs; RICO ACT: 18

U.S. C. § 1962 & § 1964.

Conspiracy to steal Home and Home Equity through Deceptive and Predatory Lending and

Foreclosure Practices, 12 USC 5538: Mortgage loans; Rulemaking procedures;

Enforcement; Consumer Financial Protection Act of 2010, the Federal Trade

Commission Act [15 U.S.C. 41 et seq.], and such other relief as the court deems

appropriate.

Economic and Financial Fraud against elderly (senior) immigrant minority citizens.

Interference and Deprivation of Economic Advantage against (senior) immigrant minority citizens.

Conspiracy to incapacitate Plaintiffs from enforcing Plaintiffs' Intellectual Property Rights against Defendants' Willful Intellectual Property Theft and Patent Thefts.

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II. Statement of Claim:

Willful Patent Theft, Conspiracy to steal Home and Home-Equity through Deceptive and Predatory Lending/Foreclosure, Interference and Deprivation of Economic Advantages

A. Where: The facts, events and acts giving rise to the claims in this case occurred in the City of Summit, NJ and at the Union County Vicinage of the Superior Court of New Jersey, and on the Internet.

B. When: The facts, acts and events described below of each of the Defendants occurred from the beginning of 2011 to the present time and are ongoing.

1. This complaint arises from Defendants' unlawful infringements since at least 2011 on the following United States patents: 7,308,653; 7,712,044; 8,108,792; 8,850,352; 9,053,205; 9,405,852 and 10,296,198 of a family of patented inventions and at least one additional patented invention 8,438,487 to which Dr. Lin-Hendel is the inventor and Plaintiffs are the owners. The entirety of the first issued patent 7,308,653 of the family of patented inventions and the first page and the claims pages of each of the above listed patents are presented in Exhibit 1. All patented inventions owned by Plaintiff are listed in Exhibit 2, many of which Defendants may also have infringed. Several notifications of Defendant's unlawful infringements. Exhibits 1 and 2 were provided to Defendants, who did not respond to any.

2. Defendant Wilmington Trust is one of the top 10 American Institutions by fiduciary assets. It has total assets of \$3.5 Billion. Its products include **Global Corporate and Institutional Services, Private Banking, Investment Management, Fiduciary Services and Family Office**. In 2010, it became a wholly owned subsidiary of M&T Bank Corporation. M&T Bank Corporation is an American bank holding company headquartered in Buffalo, New York, with total assets of \$120 Billion and net income of approximately \$2 Billion in 2018. M&T Bank's revenue was \$6.02 Billion in 2017, which grew substantially in 2018. The Bank had legal

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1 issues in 2011 through 2014 on Money Laundering drug proceeds. (Exhibit 3).
2 *Wilmington Trust, its wholly owning parent company M&T Bank Corporation, and its agent Fay*
3 *Servicing and attorney Friedman Vartolo* have taken the art of Goliath plundering David to a
4 new level, buying Plaintiff's \$1.34 Million mortgage having a lien against their home (with an
5 estimated value of \$13 Million) from Bank of America in October 2017 and immediately
6 beginning a deceptive and predatory lending and foreclosure practice against Plaintiffs,
7 conspiring to entrap and push Plaintiffs into total financial ruin and homelessness, pocketing a
8 \$11 Million Home-Equity, and incapacitating Plaintiffs from ever being able to support a lawsuit
9 to enforce their patent rights against Defendants' patent theft, which Defendants have been
10 committing since 2011.

11 3. Defendants bought Plaintiffs' mortgage in October 2017 from the original issuer
12 Bank of America (B of A) after Plaintiffs were targeted in an oppressive, mafia style hate crime
13 involving vandalism, assaults, and "Theft by Lawsuit" using underhanded tactics including
14 Fraud upon the Court starting in 2013 by a family who had purchased Plaintiff's neighboring
15 property in the fall of 2010 with the assistance of the family's lawyer (Mr. Mezzacca) who has
16 an active role in these coordinated attacks. The out-of-the-blue attacks caused Plaintiff filing for
17 bankruptcy protection in August 2016. Plaintiffs continued to make mortgage payments until
18 February, 2017. Defendants then colluded with Mezzacca and White & Williams (W&W) lawyer
19 Michael Kassak to deceptively force Plaintiffs out of Chapter 11 protection. Thereafter,
20 Defendants pushed an onerous, oppressive, deceptive and predatory foreclosure process, further
21 exhausting Plaintiff's time, energy and financial resources, while ignoring Plaintiff's repeated
22 infringement notifications and appeals to start licensing negotiations. All of Plaintiff's efforts
23 were in vain. Defendants instead collaborated with Mezzacca to intensify the oppression and
24 assaults against the Plaintiffs and accelerated its deceptive and predatory foreclosure process
25 against Plaintiffs, clearly intending to drive Plaintiffs out of their home to incapacitate Plaintiffs
26 from being able to enforce Plaintiffs' patent rights, while pocketing Plaintiff's high value home
27 (with an estimated \$11+ Million Home-Equity and significant added historical, architectural,
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1 artistic, material and construction values which are no longer duplicable today). The mortgage
2 balance of \$1.34 Million which Defendant Wilmington Trust purchased from B of A is
3 realistically less than 1/10th of the value of Plaintiffs' home and less than 1/100th of the true value
4 of the Defendants' Intellectual Property theft against Plaintiffs since at least 2011.

5 4. Plaintiffs are physicists, technologists, inventors and entrepreneurs. Dr. Catherine
6 G. Lin- Hendel came from Taiwan to the US in the fall of 1972 to pursue Ph.D. studies in
7 Physics at the University of Oregon. Plaintiff Dr. Rudolf H. Hendel came from West Germany at
8 the same time to the same school, also to study in the same Ph.D. program in Physics. Often
9 studying together, they shared their love of America and the American people, while also falling
10 in love with each other. They married in 1973 and made America their home country. They
11 earned their Ph.D. degrees in 1978 and 1979 respectively. Thereafter, they began distinguished
12 careers contributing to America's high technology economy, beginning at Tektronix in
13 Beaverton Oregon, which made high end instrumentations for research and development in
14 science and technology.

15 5. In 1981, Plaintiffs were recruited to AT&T Bell Laboratories, and continued their
16 distinguished careers as prominent scientists and technologists developing the then budding Very
17 Large Scale and Very High Speed Semiconductor and Integrated Circuit Technologies, their
18 applications in Digital Electronics and high speed computing. Plaintiffs earned USA Citizenship
19 in early 1980's based on their talents and merits, having made significant contributions to
20 science and semiconductor technology industries in the USA already by then. The Plaintiffs
21 continued to live a comfortable, peaceful and productive life making substantial contributions to
22 the creation and advancement of America's high technology economy until 2013, when evil
23 targeted and struck them, beginning a relentless seven years of targeted attacks, abuse and
24 including seriously defrauding Plaintiffs through the Union County Vicinage of the Superior
25 Court of New Jersey. These acts destroyed Plaintiffs' previous comfortable, peaceful and
26 productive life, and incapacitated them from enforcing their patent rights while facing
27 homelessness at ages 69 and 70.

1 6. Dr. Lin-Hendel worked at AT&T Bell Laboratories' Murray Hill location from
2 1981 through 1996, Dr. Hendel from 1981 through 1985. Dr. Hendel left Bell Laboratories to
3 commercialize ultra-high-speed III-V (GaAs) semiconductor technology for ultra-high-speed
4 digital electronics control and computing applications. Subsequently Dr. Hendel turned his
5 interest into foundational technologies for the manufacturing of semiconductor integrated circuits
6 (SIC) – the processes and processing equipment, joining Material Research Corporation (MRC)
7 in New York as Director of Application Engineering and then Applied Materials Corporation in
8 California (AMAT) to become AMAT's managing director of technology road-mapping and
9 strategic marketing. Both firms licensed patented inventions from Bell Laboratories, and
10 honestly and lawfully paid licensing and royalty fees to Bell Laboratories without litigation. Dr.
11 Hendel left AMAT in 2009 to focus on developing paradigm changing ideas in lithography, the
12 most important and costly part of Silicon IC manufacturing, with each traditional high-resolution
13 lithography exposure tool from ASML priced at \$60 Million to \$80 Million, and the new EUV
14 (Extreme Ultra Violet Light) lithography systems costing more than \$120 Million each. ASML is
15 a Dutch company and has monopoly on Lithography exposure tools. United States no longer has
16 capability in this most important tool for Silicon IC manufacturing.

17 7. In 1991 Plaintiffs purchased a large historical home at 26 Ridge Road in Summit,
18 which they restored, renovated and modernized, and installed a park like landscaping on its
19 grounds. According to an assessment by Chubb Insurance Corporation, which had insured the
20 Hendels' prior home beginning in 1981, and then the 26 Ridge Road home beginning in 1991,
21 the 26 Ridge Road home has an insured replacement value of \$11 Million, using average SQFT
22 replacement cost figures to determine the insured value. This assessment determined the
23 premium which the Hendels had to pay to have the home insured. Adding the average \$2 million
24 lot value for a One-Acre lot in the desirable northside area of the City of Summit, valued this
25 property at \$13 million without considering its extraordinary historic, architectural, artistic,
26 material and construction values that could not be duplicated today, and thus not insured. The
27 home was designed and built by America's only Presidential Gold Medalist Architect Henry
28 Bacon from 1886 through 1891. Architect Henry Bacon also designed and built the Lincoln

1 Memorial in Washington D.C. among other noted public landmarks and monuments. The history
2 *and beauty of the Hendels' 26 Ridge home and information on its architect, its superb design,*
3 quality material and superior constructions, photos and videos have been available on the
4 Internet since early to mid-2000's to today.

5 8. Dr. Lin-Hendel joined Applied Materials in 1996. The Hendels then purchased a
6 second home in Los Gatos, California, a Silicon Valley high-tech community, and began
7 commuting between Silicon Valley and Plaintiff's 26 Ridge Road, Summit, New Jersey home,
8 gradually spending more time at Plaintiffs' California home. Dr. Lin-Hendel left AMAT in late
9 1997 to focus on budding Internet technologies, developing revolutionarily better, quicker and
10 more effective and interactive means of Machine/Computer/Internet and Human interface
11 technologies such as safely serving applications to user communities from centralized server-
12 farms through Internet and Intranet. The concept took off and was coined as "Cloud Computing"
13 years later.

14 9. From 1998 to 2002, Plaintiff Dr. Lin-Hendel invented, developed and
15 implemented a wide array of revolutionarily effective Internet-Machine and Human Interface
16 technologies, for which she applied for and earned patents. These patents began to issue in 2007.
17 Exhibit I shows the first issued patent 7,308,653 in the family of patented inventions infringed
18 by the Defendants in full, the first page and the claims pages of the 6 patents issued
19 subsequently, as well as patent 8,438,487 also infringed by Defendants. A patent application has
20 to prove an invention to be indeed new and novel while conveying significant benefits above the
21 state of the art of the field of invention existing prior to the invention, **it must also teach the**
22 **invention sufficiently that an ordinarily skilled person in the field of the invention can**
23 **implement and duplicate it.** For getting the benefit of this teaching, users of a patented
24 invention are required to obtain a license from the owner of the patent by paying a licensing fee
25 upfront before lawful use can begin and renewing the license by paying annual licensing and
26 royalty fees thereafter for every year of use of the patented invention.

10. The American patent data base of already issued patents, patent applications and especially the publication of newly issued patents in a field of inventions are monitored diligently by corporations and employees engaging in businesses related to the field of invention. The patent database has become a hot bed of innovation and stimulus to an innovative economy. It also has increasingly and unfortunately become a guided source to the most valuable intellectual property of the United States, from which international multinationals, especially those based in Communist China (the Peoples' Republic of China – PRC) steal intellectual property--ideas and inventions from small-entity and small business inventors, from which the best inventions are most often created. But the unlawful theft users of these inventions have no intention to pay. They just use the invention, effectively stealing, and wait until they are sued and have lost in the Court. This behavior began in earnest during the tech stock crash of 2000, and seriously worsened with the 2008 world-wide liquidity crisis, resulting in a drastic degradation of business ethics, particularly regarding intellectual property and patent rights. It may have started as a cost-cutting action, getting away with using small-entity inventions and not paying the required licensing and royalty fees. Corporations discovered that they could get away with stealing from the small-entity/small-business inventors and patent owners, who depended on good faith business behavior honoring intellectual property and patent laws by the users/infringers of their patents, to whom they are required to teach their inventions within the patents. Small-entity inventors and patent owners cannot afford to litigate against powerful and rich corporations. The Patent landscape has become a scene of theft and plunder by large Corporations against small Inventors. If caught infringing, Corporations would aggressively fight to not pay anything at all. Plaintiffs discussed enforcing Plaintiffs' patent rights with several IP attorneys, and were told that large corporate patent thieves would not hesitate to take steps to destroy the small-entity inventors and patent owners if they attempted to enforce. Not only would they launch a brutal attack against the "validity" of the patents without basis in fact or law, but they would also personally attack the inventor, digging up or creating dirt to destroy the inventor's reputation, livelihood and family. The IP lawyers told Plaintiffs that Corporate patent thieves would rather pay lawyers to destroy the inventor than paying the inventor, stressing the

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1 personal risks to grievous harm to a small-entity inventor who has a large number of patented
 2 *inventions which are considered too good to miss (not use) by the multinational corporations.* In
 3 such conversations, the IP attorneys would invariably recommend Plaintiffs to deposit the
 4 patents into an LLC and invite a large and powerful hedge fund to be co-owners of the LLC to
 5 fund and front the enforcements of the Patents. Plaintiffs were skeptical; having no idea how true
 6 these warnings have turned out to be. In Defendants, Plaintiffs experienced how determinedly
 7 abusive and destructive corporate patent thieves can behave toward the patent owners—the
 8 Plaintiffs whose (at least) 8 patents Defendants have enjoyed using since 2011, with no intent to
 9 ever pay for that use.

10 11. In 2011 and 2012 Plaintiffs began to notice that International Multinational
 11 Corporations were infringing on a family of patented inventions, in which Dr. Lin-Hendel taught
 12 methods and systems to automatically display multiple content-sets and changing from
 13 displaying a content-set in a time-interval to displaying a next content-set in a next time-interval
 14 in a designated prime display area on a webpage. These patented inventions dramatically
 15 improved the usage and capacity of prime display areas on a webpage where site owners could
 16 dynamically, efficiently, and attractively push far more content in a time-shared manner to attract
 17 site-visitor attention, drastically increasing site-visitors' visibility to products and services the
 18 site owner has to offer, as well as drastically improve the site visitor's access to information and
 19 purchasing venues for the products and services. The set of patents in this family of patented
 20 inventions have a priority date of January 20, 2001 when a provisional application was filed. The
 21 non-provisional application was filed on January 19, 2002, thus the patents' lifetime is to Jan 19,
 22 2022 + 615 days USPTO granted for its delayed examination and issuing, arriving at an
 23 expiration date of **September 25, 2024**. USC 35 concerning Patents states that an entity using
 24 any of the claimed aspects of a patented invention is required, by law, to pay licensing and
 25 royalty fees to the owner of the patent from the time of its first use to the last day of its use of
 26 these patents up to the patent's expiration date. Refusing to make such payment or willfully use
 27 other means to avoid paying is an act of Willful Patent Theft, a most serious form of Intellectual
 28 Property Theft. Large punitive damages may be and should be added on top of granted damage

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1 awards. Such organized acts of oppression and deprivation may also qualify for compensation
2 *and penalties under the RICO Act.*

3 12. **The Defendants have been willfully infringing since at least 2011 on US**
4 **Patents: 7,308,653; 7,712,044; 8,108,792; 8,850,352; 9,053,205; and 9,405,852 belonging to**
5 **Plaintiffs.** Plaintiffs have repeatedly notified Defendants of their infringements while appealing
6 to Defendants' sense of decency, honor and patriotism reminding Defendants that these patents
7 have also been infringed by Communist China aka Peoples' Republic of China's (PRC's) largest
8 State Owned Enterprises (SOEs) and Multinationals. Defendants chose to ignore the notifications
9 and appeals, but instead accelerated and worsened their manipulative, deceptive and predatory
10 lending and foreclosure actions against Plaintiffs. At the meantime, an additional patent in this
11 family is recently issued by USPTO: **10,296,198**. Plaintiffs recently noticed that Defendants as
12 well as the PRC banks have also infringed on a separate patent **8,438,487** teaching 'One Click
13 Navigation'.

14 13. This family of patents has also been infringed by some of the world's largest
15 multinational corporations such as Apple and Microsoft, Amazon and eBay while seeming to be
16 especially attractive to PRC's largest multinationals and SOEs such as banks, many of which
17 include mortgage, loans, investing, trusts and insurances with their banking business—very
18 similar to the Defendants Wilmington Trust / M&T Bank/model than that of a typical Western
19 Banks such as Bank of America. Also infringing are PRC's telecom giants Huawei, ZTE, China
20 Unicom, China Telecom and Xiaomi, PRC's Internet companies Baidu, Tencent, Sohu, etc., and
21 weapons, aircraft builders and ship builders like Northern Industry Corporation, Aviation
22 Industry Corporation of China (AVIC) and China Shipbuilding Industry Corporation (CSIC).
23 Plaintiffs have told Defendants of this fact, hoping to appeal to patriotism, in vain. Plaintiffs had
24 sent out infringement notifications in 2011 and 2012 to several infringers, but they were ignored.
25 **In order to fund a serious enforcement of Dr. Lin-Hendel's patent rights against the giant**
26 **patent thieves while also seeding the commercialization of the new Lithography technology**
27 **Dr. Hendel's team had successfully developed between 2009 to 2012, Plaintiffs decided to**
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1 sell their high value 26 Ridge Road home with an estimated \$11.5 million equity and an \$1.35
2 million mortgage balance owed to Bank of America. At that time, due to significant changes in
3 the political landscape in the PRC and a scheduled leadership change, there were many wealthy
4 PRC nationals seeking to immigrate to the US. The Hendels began to receive tentative offers in
5 2012 and had a firm offer in early 2013 through an intermediary.

6 14. The Gaetas, a family of seven purchased and moved into 199 Summit Ave.
7 neighboring the Plaintiffs' 26 Ridge Road home (and sharing a nearly 350 feet property line) in
8 August/September of 2010. The Gaetas told the Hendels shortly after moving in, that they had
9 been aware of the extraordinary history and beauty of the Hendels' 26 Ridge Road home, and
10 had researched it on the Internet, as well as aware of the fact that the Hendels spent most of their
11 time working in California and staying in their California home, which allowed them to
12 frequently trespass onto the Hendels' grounds and use them as they wished.

13 15. In early 2013 Plaintiffs discovered that their mature giant specimen incense
14 bamboo grove had been vandalized, which had provided a dense, fragrant, beautiful, evergreen,
15 40 feet high visual screening to the large, wide and tall dwelling in close proximity to the
16 property line and the Plaintiffs' equally large, wide and tall dwelling, each with ~30 windows
17 facing each other. The Gaetas had also clear-cut a grove of noise screening yellow-groove
18 bamboos which had existed for at least 15 years between the dwelling of 199 Summit Avenue
19 and the corresponding section of the wood fence bordering the two neighboring properties. The
20 Gaeta Family further vandalized the Plaintiffs' incense bamboo grove to its total destruction,
21 launched a bewildering and vicious campaign of extortion, intimidation, bullying, physical,
22 verbal, emotional and psychological abuses and assaults against Plaintiffs including frequently
23 calling the Plaintiffs "pedophiles" with having their 5 daughters propped up above the wood
24 fence posing provocatively, while the whole family of 7 chanted "pedophiles, pedophiles" and
25 other epithets against Plaintiffs. The daughters also were taught to join the parents to taunt
26 Plaintiffs whenever Plaintiffs set foot out of their house. The Gaetas, in conspiracy with their
27 lawyer Mezzacca also filed a fraudulent complaint on or about October 1, 2013 with fabricated
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1 minor property damage claims at the Law Division of Union County Vicinage of the Superior
2 *Court of New Jersey not only against the Hendels, but also against the titled owners of their*
3 *home—the personal trusts of the Hendels, an obvious overkill for the minor and fabricated*
4 *property damage claims which even if true could not reasonably add up to \$600. The Gaetas’*
5 *criminal acts had an effect of sabotaging the Plaintiffs’ sale to the wealthy Chinese national, and*
6 *were obviously designed for this purpose. The vicious campaign of hate crimes continued, as*
7 *well as interfering with Plaintiffs subsequent effort to sell their home in the domestic market*
8 *after the sale to the Chinese national was sabotaged by the Gaetas. The Gaetas’ wildly damaging*
9 *acts against the Hendels were unfolding in full view of Chubb Insurance who at the time was*
10 *defending the Hendels from the obviously frivolous and fraudulent lawsuit with fabricated but*
11 *minor property damage claims filed by the Gaetas/Mr. Mezzacca.*

12 16. The Gaetas’ campaign wrecked much larger property, financial and personal
13 damages upon the Hendels, causing Chubb (who also insured the Gaetas) to be exposed to far
14 larger damages wrecked by the Gaetas upon the Hendels in full view of Chubb. Chubb tried
15 multiple ways to avoid the potential of being held liable for the damages caused by the Gaetas,
16 and ultimately conspired with Gaetas/Mezzacca to stage a conflicted and compromised judge to
17 force the Hendels to file counterclaims if they wanted to be compensated for any of the damages
18 the Gaetas had wrecked upon them. These counterclaims were then used as a platform to hire the
19 most vicious attack lawyers from a big insurer interest protection law firm (White & Williams),
20 who – in the name of defending the Gaetas against the Hendel counterclaims, were in fact to
21 relentlessly and viciously attack the Hendels to exhaust the Hendels’ finance, time, energy,
22 resources, psychology and emotion, in order to side-step Chubb’s liability of insurance coverages
23 to the large and real damages the Gaetas had wrecked upon the Hendels. The scheme of a multi-
24 faceted fraud against the Hendels and Fraud upon the Court unfolded with expert familiarity and
25 dexterity.

26 17. Plaintiffs’ finances depleted, they had to file for bankruptcy protection. The
27 Chubb financed attack for its own purpose to thwart the Hendels the insurance coverage to the
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1 large damages the Gaetas had wrecked upon the Hendels, effectively assisted the original
2 *Geata/Mezzacca conspiracy to set up conditions with a goal to enable them to appropriate the*
3 Hendel Home for pennies on the dollar, either through an insider buy in a Sheriff forced sale, an
4 insider buy in a bankruptcy foreclosure sale, or an insider buy in a tax sale. After the Hendels
5 filed for Chapter 11 protection in August/September of 2016, they struggled to pay the \$5,000
6 monthly payment to the \$1.34 Million Bank of America home mortgage with a lien on their
7 home, the \$53,000 annual property taxes, and a slew of Federal and State income taxes.
8 Eventually, Plaintiffs had to choose to default on one of these three obligations. In February
9 2017, Plaintiffs stopped paying their obligations to Bank of America to be able to pay property
10 taxes and Federal and State income taxes while living a bare-minimum existence, which
11 Plaintiffs had never experienced before. The Gaetas/Mezzacca and the law firm White &
12 Williams (W&W) Chubb hired to attacked the Hendels with assistance of a conflicted and
13 compromised judge, managed to be awarded legal fees, even though Chubb had offered to pay
14 Mezzacca's fees (which he declined) and W& W's Michael Kassak and his team of 3 lawyers
15 and the corresponding support staff of paralegals and assistants had already been paid by Chubb
16 in full. With the likely unlawful declaration of the Hendels owing legal fees to Mezzacca and
17 W&W, the Gaetas/Mezzacca and White & Williams had access to monitor the Hendels'
18 bankruptcy, monthly financial statements, and mortgage payment situation closely, which they
19 did. The \$15,000 fee award to Mezzacca and a \$75,000 few award to W& W's Kassak team was
20 issued by Judge Walsh three months after the Hendels filed for Chapter 11 protection. The
21 Gaetas were paid \$20,000 by Chubb from the Hendels' Chubb policy and Chubb successfully
22 avoided having to pay for any of the large damages the Gaetas had wrecked on the Hendels.

23 18. In October 2017, the Hendels received a surprise letter from Bank of America
24 stating that Wilmington Trust had purchased the Hendels' \$1.34 Million mortgage on the
25 Hendels' 26 Ridge Road home. Defendants Wilmington Trust and its agents Fay Servicing and
26 Friedman Vartolo immediately began to align with Mezzacca and W&W to force the Hendels
27 out of Chapter 11 protection on or about 4/22/2018, more than one month before the ballots for
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1 the Hendels' Reorganization Plan filed at the Bankruptcy Court were due (5/31/2018).
2 *Immediately thereafter, a deceptive and predatory foreclosure practice commenced in parallel*
3 *with an exhaustive data fishing-expedition, starting with the fake "Loss Mitigation" which the*
4 *Defendants immediately terminated after Defendants successfully forced the Hendels out of*
5 *Chapter 11 protection, then with a fake "Loan Modification," and a fake "Mediation" which*
6 *Defendants dangled in front of the Plaintiffs as bait for maximizing the data and information*
7 *collection from the Hendels.*

8 19. In July 2018, Dr. Lin-Hendel found Defendants' extensive infringements of the
9 Lin-Hendel Patents on Defendants' websites, similar to and as sophisticated and extensive as the
10 infringements implemented by some of the most sophisticated and largest Chinese SOE banks.
11 Dr. Lin-Hendel wrote infringement notifications to Defendants with seven examples of their
12 infringements and requested legitimate additional website data related to the infringements while
13 inviting M&T Bank and Wilmington Trust to negotiations to cure its infringements. The
14 notification documents were sent on July 30, 2018 and emailed on August 1, 2018. (Exhibit 4 -
15 A1). Defendants ignored the notifications but accelerated the deceptive and predatory foreclosing
16 on Plaintiffs' home. On May 05, 2019, a repeat infringement notification which also documented
17 the deceptive and predatory lending and foreclosure practices Defendants' agents had pushed on
18 Plaintiffs, was again sent to the top executive management team of M&T Bank and Wilmington
19 Trust (Exhibit 4 - A2). The many claim-charts in Exhibit 4 - A1 and Exhibit 4 - A2 demonstrate
20 Wilmington Trust, M&T Bank, Fay Servicing, and even Friedman Vartolo's willful
21 infringements of the Lin-Hendel patents. Subsequently, the deceptive and predatory foreclosing
22 practice of the Defendants accelerated and worsened even further.

23 21. The dates of the events indicate that Defendants never intended to offer any of
24 Loss Mitigation, Loan Modification, or Mediation.

25 a. Defendants deceptively forced the Hendels out of Chapter 11 protection on
26 4/22/2018, ahead of the 5/31/2018 Ballot due Date for the Hendels' Reorganization Plan and
27 immediately terminated the Plaintiffs' Loss Mitigation application. Defendants, Mezzacca and
28

1 W&W jointly and falsely claimed to the Courts that the Hendels never “bothered” to file a
2 *Reorganization Plan, which is an outright lie intended to mislead the Courts.*

3 b. Defendants denied Plaintiffs’ Loan Modification application on March 26, 2019,
4 as soon as Defendants determined that they had obtained all the detailed and exhaustive
5 financial, asset, tax filing documents they could get, including a blank IRS document release
6 form which they compelled the Hendels to sign (on threats of canceling the Loan Modification if
7 they refused). March 26, 2019 is ahead of the March 31, 2019 date which Defendants had given
8 Plaintiffs as the last day Plaintiffs could declare a wish to apply for Loan Modification, and from
9 that time through the subsequent application and review processes Foreclosure action would be
10 suspended. Defendants in parallel secretly obtained a Summary Judgement to Foreclose from
11 Judge Perfilio at Union County’s Chancery Division, while telling Plaintiffs that the motion for
12 Summary Judgement was “NOT IN PLAY due to Plaintiffs’ Loan Modification application. The
13 deceptively obtained Summary Judgement was dated days before the court scheduled Mediation
14 was to take place.

15 c. Defendants sent a certified notification of Intent to Enter Final Judgement to
16 Plaintiffs dated April 10, 2019 for which the Hendels received a First Notice of Attempt to
17 Deliver from USPS on the evening of May 08, 2019 which they picked up from USPS on May
18 10, 2019. The notice by law had to offer a 10-day window after the Plaintiffs’ receipt of the
19 Notice to declare a good faith intent to cure the default and a 45 day period for the Plaintiffs to
20 cure the default before Defendants could enter a motion for Final Judgement to Foreclose.
21 Plaintiffs sent a notarized declaration of intent to cure and a proposal to cure the default on May
22 18, 2019, which Mr. Adam Friedman acknowledged receipt and did not object to the Plaintiffs’
23 proposal. This led Plaintiffs to believe that Plaintiffs’ Mortgage Payoff Proposal was acceptable
24 to Defendants while also believing that Plaintiffs had until July 4th, 45 days after May 20 to
25 execute the Mortgage Payoff.

26 d. To Plaintiffs’ surprise, they received a notice from Defendants on or about
27 6/17/2019 that Defendants had already filed the motion for Final Judgement to Foreclose on the
28 Plaintiffs’ home on 6/11/2019, giving the Hendels until Monday 6/24/2019 to oppose

1 Defendants' motion. The Hendels had to scramble to execute the Mortgage Payoff, and emailed
2 *it on 6/20/2019 and express mailed Plaintiffs' intent to oppose Defendants' motion for Final*
3 *Judgement* and an executed and notarized Hendel Mortgage Payoff Document Package by
4 transferring 5% of the at least \$50 Million debt conservatively estimated previously assuming
5 only 3 years of infringement on a family of 6 patents in licensing and royalty fees Defendants
6 Wilmington Trust and its parent M&T Bank Corporation owed the Plaintiffs. Plaintiffs had
7 communicated this estimated debt level to Defendants before and received no objection. More
8 recently, Plaintiffs found from searching in the Web Archives that Defendants have been
9 willfully infringing on this family of patents since at least 2011, and also at least on one more
10 other patent. The USPTO issued an additional patent to the family of 6 patents, making it a
11 family of 7 patents now. Plaintiffs' Mortgage Payoff executed on June 20, 2019 is consistent
12 with the May 18, 2019 Plaintiff proposal. In both cases, Plaintiffs stated a good faith expectation
13 of a good faith refund of the excess amount when an agreement on a definitive amount of
14 licensing and royalty fees Defendants have owed Plaintiffs is reached. The amount of the
15 transferred asset base – on a significantly lower estimate of Defendants' debt owed to Plaintiffs –
16 is worth at least \$2.5 Million, \$1 Million in excess of the mortgage balance. With the transfer of
17 this asset, the Hendels requested that Defendants withdraw their Motion for Final Judgement to
18 Foreclose, revoke the Summary Judgement to Foreclose which Defendants had deceptively
19 attained, and remove the mortgage's lien against the Plaintiffs home. By the past record of the
20 serious lack of good faith, we fear that Defendants will continue to influence, manipulate and
21 mislead the Chancery Court at Union County to continue the push to foreclose Plaintiffs' home
22 in order to pocket (with their co-conspirators) the at least \$11 Million Equity and the additional
23 intrinsic values that are inestimable and cannot be duplicated, while driving Plaintiffs from their
24 home and totally incapacitate Plaintiffs from enforcing their patent rights against the Defendants'
25 long standing patent theft against Plaintiffs.

26 22. The opposition documents (Exhibit 4 which includes the Hendel Mortgage Payoff
27 Package) to the Defendants' motion at the Chancery Court in Union County on June 24, 2019,
28 were emailed to NJ Courts' Office of Foreclosure in Trenton and paper originals express mailed

PATENT THEFT; RACKETEERING ACTS; COLLECTION OF UNLAWFUL DEBT; CONSPIRACY TO STEAL HOME AND HOME-EQUITY;
DECEPTIVE AND PREDATORY LENDING/FORECLOSURE PRACTICE; INTERFERENCE AND DEPRIVATION OF ECONOMIC ADVANTAGES;

1 on June 24, 2019 to arrive on June 25. We believe that Defendants had deceptively designed, and
2 *expected Plaintiffs to miss the deadline they designed with grossly delayed mailing. Most people*
3 would not be able to meet this deceptive and unfair deadline rigged with deceptive practice.

4 23. On or about March 25, 2019, concurrently with Wilmington Trust's declaration of
5 their denial of the Hendel application for a Loan Modification, Gaetas/Mezzacca obtained a
6 Sheriff's Levy to place a Levy on the Hendel bank accounts, and issued subpoenas to the
7 Hendels and Wilmington Trust via Friedman Vartolo for all documents and records the Hendels
8 had submitted to Defendants via Friedman Vartolo, including the IRS document/record release
9 form which Defendants had insisted to leave the intended recipients of the IRS records and
10 documents blank. The coordination between Defendants and at least Mezzacca if not also W&W
11 now becomes apparent. To claim these highly timed activities as "coincidences" is statistically
12 unlikely. The inventor and patent owner information is detailed on the first page of every patent.
13 It is therefore easy for a corporate patent thief to inquire in the neighborhood of the small-entity
14 inventor and patent owner of a large number of patented inventions which the corporate
15 intellectual property thief desires to use, to find a cunning lawyer with connections in the
16 inventor's neighborhood and the local courts to wreak havoc in the life and financial health of
17 the inventor, to destroy him/her, preventing him/her from enforcing his/her patent rights against
18 the corporate patent thief. In this case, there are at least eight patents Defendants have wanted to
19 use and have used for free since 2011/2012. The Mezzacca Levy of the Plaintiffs' bank accounts
20 further impedes the Hendels' ability to pay taxes, including property taxes, IRS and State income
21 taxes on time, pushing for an alternative route of a cheap tax-sale of the Hendel home, so that
22 these insiders could buy it cheap and split the large Equity, or to retain the property in a Trust for
23 its inestimable intrinsic values that are no longer duplicable today. These predatory actions
24 against Plaintiffs have the effect to seriously impede, if not prevent Plaintiffs from ever
25 enforcing Plaintiffs' patent rights against Defendants, as well as against the myriad of
26 international multinational corporations, especially the PRC's SOE banks. The NYC Branch of
27 The Agriculture Bank of China is holding assets of \$10 Billion of the \$3.4 Trillion AB China's
28 assets. AB China operates on a similar business model as Wilmington Trust and M&T Bank,

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1 and AB China's ways of implementing its infringements are nearly identical to the ways
2 *Wilmington Trust and M&T Bank have chosen to implement theirs. The facts of CPR's*
3 extensive infringement were revealed to Defendants in hope of appealing to Defendants' sense of
4 patriotism. The revelation was in vain and only sped up Defendants' bad faith, deceptive and
5 predatory push to Foreclose Plaintiffs' home.

6 24. During the past seven years of horror and hell, Plaintiffs had not only received
7 numerous harassing calls (while on the "do not call list") but had received thinly veiled death
8 threats and smearing on the Internet. Such threats and smearing are mafia-like tactics similar to
9 what the Gaetas had delivered in person and Mezzacca and W&W had delivered at the Union
10 County Courts. The information subpoenas by Mezzacca and supported by W&W send a
11 message to the Hendels that Plaintiffs' safety could be in serious jeopardy, if Plaintiffs continue
12 to resist the attacks, predation, and plunder by this syndicate! The warnings of the IP
13 Enforcement attorneys long ago turned true. We would not have believed these dire warnings if
14 we did not live it for the past 7 years!

15 25. Plaintiffs have struggled for survival and for staying in their home, battling PTSD,
16 Depression and Dr. Lin-Hendel's stress induced relapse of Autoimmune Rheumatoid Arthritis
17 (RA) caused by the shocking abuses and unjust prosecutions of the past 7 years—which were
18 supposed to be the best years of Plaintiffs' life together while children grown and independent
19 and financially secure that a salaried job was no longer required, and the time for Plaintiffs to
20 personally harvest Plaintiffs' life-time of learning, hard and creative work, which was destroyed
21 by the Syndicate's well-coordinated attacks. Instead, with a little bit of reprieve Plaintiffs got
22 from the brief Chapter 11 protection, Plaintiff Dr. Lin-Hendel managed to write claim-charts
23 (evidence of patent infringements) and patent infringement notifications to send to the giant
24 multinationals of Communist PRC while copied them to members of the Trade negotiations and
25 Intellectual Property Protection and Theft Prosecution teams in the Trump administration.
26 Plaintiffs received feedback from the DOJ that the notifications and claim-charts detailing the
27 patent infringement by the multinationals reported were crystal clear, and that Plaintiffs
28

1 notifications to the PRC infringing entities strengthened the US position to fight Intellectual
 2 *Property (IP) Theft. Defendants and their co-conspirator attackers were informed of this fact, but*
 3 *pushed on, and intensified their racketeering acts against Plaintiffs.*

4 26. Patents are the most tangible and valuable Intellectual Property of a nation.
 5 Defendants and their co-conspirators' efforts to destroy Plaintiffs not only advances Defendants'
 6 goal to continue the theft and plunder of Plaintiffs Intellectual Property assets, to rob Plaintiffs'
 7 of the considerable assets in their home by conspiring to drive the Plaintiffs homeless, the
 8 Defendants and their co-conspirators also aided and abetted foreign enemies of the United States
 9 of America in their theft and plunder of American Patents and Intellectual Properties. The
 10 actions of Defendants and their co-conspirators also deprive the United States of Federal, and
 11 New Jersey of State tax income on the Licensing and Royalty fees these multinational
 12 corporation patent thieves owe Plaintiffs.

13 27. A recent court case of Apple vs. Samsung on Samsung initially infringing on an
 14 Apple iPhone design patent of an exact radius of iPhone's rounded corners was awarded \$539
 15 million of patent theft damages to be paid by Samsung to Apple:
 16 ([https://www.theverge.com/2018/5/24/17392216/apple-vs-samsung-patent-trial-539-million-](https://www.theverge.com/2018/5/24/17392216/apple-vs-samsung-patent-trial-539-million-damages-jury-verdict)
 17 [damages-jury-verdict](https://www.theverge.com/2018/5/24/17392216/apple-vs-samsung-patent-trial-539-million-damages-jury-verdict)).

18 Another recent intellectual property theft case of Oculus/Facebook stealing 3 lines of
 19 software code from a computer game company ZeniMax, in which Oculus/Facebook was
 20 ordered to pay \$250 Million plus fees and interests to ZeniMax for the 3 lines of copyrighted
 21 software IP theft. This number was reduced by an appeals court from the \$500 Million awarded
 22 by the West Taxes District Court. ([https://www.engadget.com/2018/06/28/facebook-zenimax-](https://www.engadget.com/2018/06/28/facebook-zenimax-oculus-lawsuit-payout/)
 23 [oculus-lawsuit-payout/](https://www.engadget.com/2018/06/28/facebook-zenimax-oculus-lawsuit-payout/)) Oculus is wholly owned by Facebook and does not yet have a product or
 24 revenue from the theft of the 3 lines of software.

25 An invention taught in a Utility Patent conveys far more benefits to an infringer than a
 26 Design Patent, thus is worth a lot more money. The same holds true when comparing a Utility
 27 Patent of a major invention to any copy righted material, including the 3 lines of software in the
 28

ZeniMax v. Oculus/Facebook case. Thus, the damage award on the extensive and willful infringements by the Defendants on at least 8 Utility Patents owned by the Plaintiffs shall be rated far higher than the above two recent cases.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Dr. Lin-Hendel and Dr. Hendel respectfully request that this Court:

- a. Enter judgement in favor of the Plaintiffs that Defendants have willfully infringed the 7,308,653 patent, the 7,712,044 patent, the 8,108,792 patent, the 8,850,352 patent, the 9,053,205 patent, the 9,405,852 patent, the 10,296,198 patent, and the 8,438,487 patent either literally and/or under the doctrine of equivalency;
- b. Enter a permanent injunction prohibiting Defendants from further acts of infringement of the above list of patents, and any other patents to which Dr. Lin-Hendel is the inventor and Plaintiffs are owners of the patents;
- c. Enter a judgement and order requiring Defendants to pay Plaintiffs damages, costs, expenses, pre-judgement and post-judgement interest for Defendants' willful infringement of the 7,308,653 patent, the 7,712,044 patent, the 8,108,792 patent, the 8,850,352 patent, the 9,053,205 patent, the 9,405,852 patent, the 10,296,198 patent, and the 8,438,487 patent, but no less than reasonable licensing and royalty fees for all years Defendants' willfully and unlawful used these patented inventions, in an amount the Court rules as just.
- d. Enter a judgement and order requiring Defendants to provide an accounting and to pay supplemental damages to the Plaintiffs, including without limitation, pre-judgement and post-judgement interests;
- e. Enter a judgement and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and award to Plaintiffs reasonable Attorneys' fees against Defendants;
- f. Enter a judgement and order requiring Defendants to cease and desist their unlawful, deceptive and predatory lending and foreclosure practices and any other oppressive

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actions against Plaintiffs and to pay damages to Plaintiffs for the pain, suffering and deprived economic advantage caused by Defendants' deceptive, predatory and oppressive practices, actions and behavior, in the amount the Court deems just.

- g. Enter a judgement and order for punitive damages of at least four times that of the ordinary damages which the Court rules. Plaintiffs vow to deposit the punitive damages into a Charitable Trust dedicated to assisting small-entity and University inventors to enforce their intellectual property rights including patent rights against corporate plunder and theft, and to protect them from ruinous attacks of all forms direct or indirect by corporate intellectual property thieves including patent thieves.
- h. Enter a judgement and order for any and all other relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiffs request a trial by jury of any issues so triable by right under Rule 38 of the Federal Rules of Civil Procedure.

Dated: July 2, 2019

Respectfully submitted:



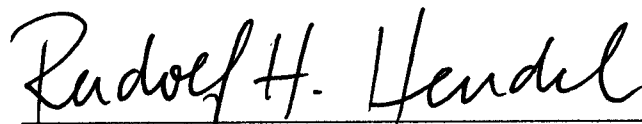
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