

Dr. Lakshmi Arunachalam, a woman,  
 222 Stanford Ave  
 Menlo Park, CA 94025  
 Tel: 650 690 0995; Email: [Laks22002@yahoo.com](mailto:Laks22002@yahoo.com)  
*Self-represented Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF DELAWARE**

Dr. Lakshmi Arunachalam, a woman, <b>Plaintiff</b> v. <b>KRONOS INCORPORATED,</b> <b>Defendant</b>	<b>Case No.:14-cv-91-RGA</b>  <b>NOTICE OF APPEAL</b>
--	---

A Notice is hereby given that *self-represented* Plaintiff Dr. Lakshmi Arunachalam, a woman, inventor of the Internet of Things — Web Apps displayed on a Web browser — hereby files this timely appeal, to the United States Court of Appeals for the Federal Circuit, from the following Orders as listed in the table *infra*; directly, resulting in injury to Dr. Lakshmi Arunachalam, a woman.

10/19/2020	<a href="#">109</a>	ORDER of USCA for the Federal Circuit. Decision of USCA regarding petition for writ of mandamus: The petition is denied. Kronos's motion is granted. All other pending motions are denied. (nms) (Entered: 10/19/2020)
10/07/2020	107	AMENDED MEMORANDUM ORDER: The motion to recuse (D.I. 96 ) is summarily DENIED as to me and DISMISSED as to Judge Stark, who is not assigned to this case. Plaintiff's motion to reconsider (D.I. 101 ) is DENIED. Signed by Judge Richard G. Andrews on 10/7/2020. (nms) (Entered: 10/07/2020)
06/18/2020	94	ORDER: Counts 1, 2, and 4 of the Complaint are DISMISSED with prejudice. The only remaining claim in the case is that of Count 3, which asserts U.S. patent no. 8,244,833. A separate order will be entered setting a schedule. Signed by Judge Richard G. Andrews on 6/18/2020. (nms) (Entered: 06/18/2020)

06/18/2020	<a href="#">93</a>	MEMORANDUM. Signed by Judge Richard G. Andrews on 6/18/2020. (nms) (Entered: 06/18/2020)
06/18/2020	<a href="#">92</a>	MEMORANDUM ORDER: The motion (No. 14-91, D.I. 78; No. 14-373, D.I. 71) is DENIED. Signed by Judge Richard G. Andrews on 6/18/2020. Associated Cases: 1:14-cv-00091-RGA, 1:14-cv-00373-RGA(nms) (Entered: 06/18/2020)
06/18/2020	91	ORAL ORDER: The motion filed at D.I. <a href="#">70</a> is DENIED for the reasons stated in Arunachalam v. IBM, Civ. Act. No. 16-281, D.I. 201 & 202. Ordered by Judge Richard G. Andrews on 6/18/2020. (nms) (Entered: 06/18/2020)
1/21/2020	87	ORAL ORDER: The Motion for Summary Judgment (D.I. <a href="#">85</a> ) is DISMISSED without prejudice. Ordered by Judge Richard G. Andrews on 1/21/2020. (nms) (Entered: 01/21/2020)
11/06/2019	<a href="#">71</a>	ORDER TO SHOW CAUSE: Plaintiff shall show cause by November 20, 2019, why all claims other than those base on the '833 patent should not be dismissed with prejudice. Signed by Judge Richard G. Andrews on 11/6/2019. (nms) (Entered: 11/06/2019)
07/10/2017	69	ORAL ORDER: These cases are stayed. Nevertheless, Plaintiff has filed a motion that she cannot file given the stayed status of the case. Therefore, the motions (No. 12-355, D.I. 146; No. 13-1812, D.I. 61; No. 14-91, D.I. 67; No. 14-373, D.I. 59) are DISMISSED. Ordered by Judge Richard G. Andrews on 7/10/2017. Associated Cases: 1:13-cv-01812-RGA, 1:12-cv-00355-RGA, 1:14-cv-00091-RGA, 1:14-cv-00373-RGA(nms) (Entered: 07/10/2017)
06/02/2017	<a href="#">66</a>	ORDER: These cases are stayed. Nevertheless, Plaintiff has filed motions that she cannot file given the stayed status of the case. Therefore, those motions (No. 12-355, D.I. 143, 144; No. 13-1812, D.I. 57, 59; No. 14-91, D.I. 64, 65; No. 14-373, D.I. 56, 57) are DISMISSED. Signed by Judge Richard G. Andrews on 6/2/2017. Associated Cases: 1:12-cv-00355-RGA, 1:13-cv-01812-RGA, 1:14-cv-00091-RGA, 1:14-cv-00373-RGA(nms) (Entered: 06/02/2017)
02/24/2017	<a href="#">63</a>	ORDER Denying Motion "to lift stay and leave to amend complaint and motion to recuse Hon. Judge Andrews" (see D.I. 141 in 12cv355-RGA, D.I. 55 in 13cv1812-RGA, D.I. 62 in 14cv91-RGA, and D.I. 54

		in 14-cv-373-RGA). Signed by Judge Richard G. Andrews on 2/24/2017. Associated Cases: 12-cv-355-RGA, 13-cv-1812-RGA, 14-cv-91-RGA, 14-cv-373-RGA(nms) (Entered: 02/24/2017)
1/12/2017	<a href="#">61</a>	ORDER Denying Motion to Lift Stay and Dismissing Motion for Leave to File Amended Complaint (see D.I. 48 in 13-cv-1812-RGA, D.I. 48 in 14-cv-373-RGA, D.I. 56 in 14-cv-091-RGA, D.I. 131 in 12-cv-355-RGA). Signed by Judge Richard G. Andrews on 1/12/2017. Associated Cases: 12-cv-355-RGA, 13-cv-1812-RGA, 14-cv-91-RGA, 14-cv-373-RGA(nms) (Entered: 01/12/2017)
04/04/2016	<a href="#">57</a>	MEMORANDUM ORDER Denying Renewed Motion to Vacate Judgment (No. 12-355, D.I. 130; No. 13-1812, D.I. 47; No. 14-91, D.I. 55; No. 14-373, D.I. 47) and Motion to file electronically. Signed by Judge Richard G. Andrews on 4/4/2016. Associated Cases: 1:12-cv-00355-RGA, 1:13-cv-01812-RGA, 1:14-cv-00091-RGA, 1:14-cv-00373-RGA(nms) (Entered: 04/04/2016)
04/02/2015	<a href="#">53</a>	ORDER Denying (125 in 12-cv-355-RGA, 44 in 13-cv-1812-RGA, 52 in 14-cv-91-RGA, 41 in 14-cv-495-RGA, 44 in 14-cv-373-RGA) MOTIONS for Reconsideration on Motion to Recuse. Signed by Judge Richard G. Andrews on 4/2/2015. Associated Cases: 1:12-cv-00355-RGA, 1:13-cv-01812-RGA, 1:14-cv-00091-RGA, 1:14-cv-00373-RGA, 1:14-cv-00495-RGA(nms) (Entered: 04/02/2015)
03/19/2015	<a href="#">51</a>	MEMORANDUM ORDER Denying (38 in 13-cv-1812-RGA, 47 in 14-cv-91-RGA, 119 in 12-cv-355-RGA, 39 in 14-cv-373-RGA, 35 in 1:14-cv-00495-RGA) MOTION To Expedite Decision On All Current Motions Pending In Above Cases, filed by Lakshmi Arunachalam. The Court sua sponte STAYS Civil Action 13-1812-RGA and 14-495-RGA (see Memorandum Order for further details). Signed by Judge Richard G. Andrews on 3/19/2015. Associated Cases: 1:12-cv-00355-RGA, 1:13-cv-01812-RGA, 1:14-cv-00091-RGA, 1:14-cv-00373-RGA, 1:14-cv-00495-RGA(nms) (Entered: 03/19/2015)
03/18/2015	<a href="#">48</a>	MEMORANDUM ORDER Denying the request for recusal. Signed by Judge Richard G. Andrews on 3/18/2015. Associated Cases: 1:12-cv-00355-RGA, 1:13-cv-01812-RGA, 1:14-cv-00091-RGA, 1:14-cv-00373-RGA, 1:14-cv-00495-RGA(nms) (Entered: 03/18/2015)

09/05/2014	<a href="#">30</a>	ORDER Striking (D.I. 100 in 12-cv-00355-RGA, D.I. 29 in 14-cv-00091-RGA, D.I. 17 in 14-cv-00493-RGA, D.I. 20 in 13-cv-01812-RGA, D.I. 16 in 14-cv-00495-RGA, 21 in 1:14-cv-00373-RGA) NOTICE of Motion and MOTION to Vacate Judgment for Fraud on the Court Pursuant to Fed. R.Civ.Proc. 60(b) and 60(D)(3) (see Order for further details). Signed by Judge Richard G. Andrews on 9/5/2014. Associated Cases: 1:12-cv-00355-RGA et al.(nms) (Entered: 09/05/2014)
09/04/2014	<a href="#">29</a>	NOTICE of Motion and MOTION to Vacate Judgment for Fraud on the Court Pursuant to Fed. R.Civ.Proc. 60(b) and 60(D)(3); Memorandum of Points and Authorities; Declaration of Dr. Lakshmi Arunachalam; Exhibits - filed by Pi-Net International Inc.. (nms) (Entered: 09/04/2014)

The aforementioned Orders are attached herewith as Exhibits. I apply to proceed in District and Appellate Courts with my Notice of Appeal without prepaying fees or costs, the application attached herewith. A Certificate of Service is attached.

This Court and the Federal Circuit should take judicial notice that judges, clerks of the courts and public officials concertedly failed to perform their basic ministerial duty to abide by their oaths of office to enforce the Constitution — the obligation of contracts in accord with the Contract Clause of the Constitution in over 100 of Plaintiff’s cases, in a pattern of activity with no lawful intent, falling within the purview of RICO, with name-calling a 72-year old elder as defense. They failed to comply with the law.

**WHAT IS THE LAW?** The law is the Law of the Case and Supreme Law of the Land — *stare decisis Mandated Prohibition* from repudiating patent contract grants — Supreme Court Precedents, declared by Chief Justice Marshall in *Fletcher v. Peck*, 10 U.S. 87 (1810); *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819), in accord with the Contract Clause and Separation of Powers Clause of the Constitution; *Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki*

*Co.*, 535 U.S. 722 (2002) requiring material *prima facie* intrinsic evidence of Patent Prosecution History. These have never been reversed to date. *Ableman v. Booth*, 62 U.S. 524 (1859); *Sterling v. Constantin*, 287 U.S. 397 (1932) on Government officials non-exempt from absolute judicial immunity:

“no avenue of escape from the paramount authority of the...Constitution...when ...exertion of...power... has overridden private rights secured by that Constitution, the subject is necessarily one for judicial inquiry...against...individuals charged with the transgression.”

**WHAT IS THE FACT?** The fact is judges, lawyers, clerks failed to perform their ministerial solemn oath duty to enforce the Constitution and *stare decisis Mandated Prohibition* declared by the Supreme Court in accord with the Separation of Powers and Contract Clauses of the Constitution, constituting denial of due process to Plaintiff in over 100 cases, with the courts name-calling a 72-year old elder as its defense.

**COURTS' NAME-CALLING DEFENSE** evidences the courts have no defense. Courts are name-calling an elder, Plaintiff is 72 years old, instead of public officials doing their ministerial duty. One can't have 100 cases and not go to trial. How does that work? When all else fails, the courts resort to name-calling an elder in a groundhog legal process. The judicial process is not to have a process at all. There is nothing to consider. Courts cannot state there is no law and no fact in a 100 of Plaintiff's cases! Plaintiff has still not had her day in court in 100 cases! There is law and fact and the law is the judges' obligation to carry out their duty. There are over a 100 cases that prove this. There are 80 lawyers against one elder, they have no answer. District judges ordered Defendants not to answer Plaintiff's Complaint, and the Appellate Court has the Appellees not answer the Appeal. Because they have no answer. Don't courts have any shame to name-call an elder for fighting for her rights? I had a revelation— the Lower Court Orders Defendants not to

answer the Complaint and the Appellate Court tells them not to answer the Appeal!! The bottom line is this, Plaintiff has been polite all along, but she is given no choice but to ask this Court to take Judicial Notice that the lower court and the Appellate Court are compromised, they cannot acknowledge *Fletcher/Dartmouth College*, because it proves they, in concert with the USPTO, have been deceiving the public and breaching public trust for decades. The nature of the case is judges failing in their ministerial duty. This gives due process a bad name. Judges and clerks must do their ministerial duty. Plaintiff has many witnesses to testify that judges and public officials have failed in their ministerial duty to abide by their solemn oaths to enforce the Constitution and the *Mandated Prohibition*. What kind of a defense is it for Judge Andrews to Order Defendants to untimely move for attorneys' fees after the appeal to the Supreme Court was over after almost 2 years? All judges have warred against the Constitution. The very mandate in which the Federal Circuit Court was created in 1982 is contrary to the Constitution. Why did Congress create CAFC? To repudiate patents. Now, judges are breaching their solemn oaths to oppress Plaintiff, and abuse her in elder financial abuse and name-calling a 72-year old elder under color of law. What is the purpose of a judge? The conduct of the lower court judge(s) and Appellate court judges and the Supreme Court Justices has been horrifically unconstitutional. There is no quorum, where Chief Justice Roberts recused when asked the question whether it was sedition being a member of the Knights of Malta, and 6 Justices recused, there is no jurisdiction and all the Orders of all the courts are void and unconstitutional. The same fact and same law remain intact in over a 100 of Plaintiff's cases. Yet the courts are engaged in extortion of an elder, abusing an elder in elder financial abuse, extorting money and threatening to sanction her when she is fighting for her property rights and constitutional rights, when she exercises her right to challenge the courts to prove jurisdiction, when judges lost jurisdiction by treasonously breaching their solemn oaths, in aiding and abetting

antitrust by the Defendants by their obstruction of justice by denying Plaintiff due process by failing to do their ministerial duty to abide by their solemn oaths of office.

The District Court Orders are in violation of **ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1,**

**§ 140. Erroneous and Fraudulent Decisions:**

**“If the parties to a litigation have been given a fair hearing in their case, in a manner appropriate to the occasion, **neither can complain that his property has been taken without due process merely because a court has erroneously decided against him. Due process does not assure a correct decision, but only a fair hearing. ... an erroneous decision ... does not deprive the defendant of liberty without due process.**”**

**“The requirement of due process does, however, entitle a litigant to an honest, ... tribunal. If a litigant is injured through the corruption or fraud of the court or other body disposing of his case, he is entitled to redress under this section of the Constitution.”**

**See ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1, §141. With respect to Fundamental, Substantive, and Due Process Itself:**

**“... direct denial of access to the courts upon this question of due process by hindering access to the courts or making resort to the courts upon it **difficult, expensive, hazardous,** all alike violate the Constitutional provision.”** [§141].

Public officials failed to perform their ministerial duty to enforce the Law of the Land and denied Plaintiff due process, and Chief Justice Marshall **declared those Orders void and unconstitutional.**

1. **WHEREAS, THE DISTRICT COURT’S ORDERS CONSTITUTE DENYING HER DUE PROCESS BY JUDGES FAILING TO PERFORM THEIR MINISTERIAL SOLEMN OATH DUTY TO ENFORCE THE CONSTITUTION AND STARE DECISIS MANDATED PROHIBITION DECLARED BY THE SUPREME COURT IN ACCORD WITH THE SEPARATION OF POWERS AND CONTRACT CLAUSES OF THE CONSTITUTION:**

Chief Justice Marshall declared in *Dartmouth College*: **“THERE IS NO CASE OR CONTROVERSY,”** “there is nothing for the court(s) to consider or act upon,” save performing

a ministerial solemn oath duty to enforce the Supreme Law of the Land as declared by Chief Justice Marshall – the *stare decisis Mandated Prohibition* from repudiating patent contract grants. See Section 5 *infra*.

**2. PLAINTIFF’S NEW DISCOVERY: IF A MINISTERIAL ACT IS NOT PERFORMED, THEN THE COURT MUST COMPEL THE PUBLIC OFFICIAL AND ITSELF TO PERFORM SAID ACT.**

See Virginia Land Use law, citing *Phillips v. Telum, Inc.*, 223 Va. 585 (1982). Plaintiff further discovered: “Absolute or sovereign immunity does **not** apply to the performance or non-performance of ministerial acts.” *Bogan v. Scott-Harris*, 523 U.S. 44 (1998). The Court knew this, and willfully ignored its duty to enforce. Ministerial acts were not performed by **this Court itself**, and inferior Courts, PTAB, Appellate Courts, Supreme Court, Clerks of the Court in over 100 cases of Plaintiff.

**3. THIS COURT DISMISSING THIS CASE IS NOT RELIEVED OF ITS OWN SOLEMN OATH DUTY TO PERFORM THE SAME MINISTERIAL ACT OF ENFORCING Fletcher/Dartmouth College, TO RESTORE GOOD ORDER, DISCIPLINE AND JUSTICE IN THE JUDICIARY, STOP PERPETRATING THE DENIAL OF DUE PROCESS, OBSTRUCTING JUSTICE AND OPPRESSING PLAINTIFF, DENYING PLAINTIFF HER DAY IN COURT IN OVER 100 CASES.**

Due process to enforce such ministerial duty incorporates non-authority, so that the official has the burden to prove his authority to not enforce *Fletcher/Dartmouth College*, failing which the Court has no discretion but to decide for the Plaintiff.

Plaintiff has been injured financially and physically by the concerted, patently oppressive, **corrupt process disorder** perpetuated by the Judiciary acting as Attorneys to Defendants, all disorders and neglects to the prejudice of good order, discipline and justice, **of a nature to bring discredit upon the Judiciary and United States, and crimes and offenses which violate**



**Federal and state laws and the Constitution.** The denial of due process could not have been more egregious by the Judiciary depriving her of her right to jury trial.

The courts failed in their ministerial duty to uphold their solemn oaths of office to enforce the Law of the Land/Case and perpetrated the process contaminated all the way up to the Supreme Court, where Judges issued Orders to dismiss the case, upon filing of a Complaint, in over a 100 cases, without a hearing, protecting the Defendant from a Default, offering no remedy to the Plaintiff, diminishing the just and fair administration of justice, constituting an extraordinary breach by the courts and an extraordinary cause for the Plaintiff, left with rights and no remedy. The only remedy is to carry out their ministerial duty to enforce the Law of the Case/Land, following an extraordinary concerted breach by the courts all the way up to the Supreme Court, making extortionary threats to sanction her, to silence her from exercising her rights.

**4. PLAINTIFF WAS DENIED HER DAY IN COURT IN OVER 100 CASES! HOW? BY PUBLIC OFFICIALS FAILING TO PERFORM MINISTERIAL ACTS IN AGGRAVATED WHITE COLLAR CRIME:**

- Hate crime against an elder by felony interference with civil rights by damaging property;
- Human rights violations during a medical crisis;
- Forgery by falsifying documents;
- False personation;
- Perjury by false affidavit;
- Willful suppression and fabrication of evidence;
- Willful False Official Statements intended to mislead and defame Plaintiff;
- Violated False Claims Act;
- Altering court records;
- Bribing, intimidating, extortion of a witness;

- Making it expensive for Plaintiff to have access to justice with petty procedural denial of access to the courts;
- Want of jurisdiction; Breach of Solemn Oaths;
- Silence as fraud of duty to enforce Supreme Court precedents and Contract Clause of the Constitution.

**5. PLAINTIFF HAS PROVEN *INFRA* THAT THE CASE IS NOT “LACKING ANY ARGUABLE BASIS EITHER IN LAW OR IN FACT,” DISMISSING THE CASE STILL DOES NOT RELIEVE THIS COURT ITSELF TO PERFORM ITS MINISTERIAL DUTY AND TO ORDER THE DISTRICT COURT TO PERFORM ITS MINISTERIAL DUTY.**

**I. PLAINTIFF HAS “A CLEAR AND INDISPUTABLE RIGHT TO RELIEF.”**

Dr. Arunachalam has clear and indisputable, **PROTECTED RIGHTS TO:**

**A. TO PROCESS; TO DUE PROCESS; TO A HEARING; TO A FAIR HEARING; TO PROPERTY; TO CONSTITUTIONAL RIGHT TO REDRESS:**

which she has been denied to date in over 100 cases, in contempt of *stare decisis* Supreme Court precedents, *Central Land Company v. Laidley*, 150 U.S. 103 (1895); *In re Converse*, 137 U.S. 624.(1891); *Jordan v. Mass.*, 225 U.S. 167 (1912); *Falls Brook Irrigation District v. Bradley*, 164 U.S. 112, 167-170 (1896); *Louisville & Nashville Railway Co. v. Kentucky*, 183 U.S. 503, 516 (1902); *C.B. & Q. Railway v. Babcock*, 204 U.S. 585 (1907); *Fletcher v. Peck* (1810); *Trustees of Dartmouth College v. Woodward* (1819), *et al.* See **AMERICAN LAW AND PROCEDURE, VOL. 12. CONST. LAW, CH. VII, SEC. 1, § 140. Erroneous and Fraudulent Decisions:**

“If the parties to a litigation have been given a fair hearing in their case, in a manner appropriate to the occasion, **neither can complain that his PROPERTY HAS BEEN TAKEN WITHOUT DUE PROCESS merely because a court has erroneously decided against him. DUE PROCESS does not assure a correct decision, but only a fair hearing. Similarly, an erroneous decision in criminal cases does not deprive the defendant of liberty WITHOUT DUE PROCESS.**”

**“The requirement of DUE PROCESS does, however, entitle a litigant to an honest, though not a learned tribunal. If a litigant is injured through the corruption or fraud of the court or other body disposing of his case, he is ENTITLED TO REDRESS UNDER THIS SECTION OF THE CONSTITUTION.”**

**§141. With respect to Fundamental, Substantive, and Due Process Itself:**

“and final decisions upon the ultimate question of **DUE PROCESS** cannot be conclusively codified to any non-judicial tribunal. Any attempt to do this whether by direct denial of access to the courts upon this question of **DUE PROCESS** by hindering access to the courts or making resort to the courts upon it **difficult, expensive, hazardous,** all alike violate the Constitutional provision.”

**B. TO LIBERTY; TO RIGHT OF FREE SPEECH; TO BE PROTECTED FROM RETALIATORY HATE CRIME AGAINST AN ELDER AND EXTORTIONARY THREATS; TO PETITION THE GOVERNMENT FOR REDRESS OF GRIEVANCES:**

Dr. Arunachalam is **not a patent troll**, she is **THE** inventor of a foundationally important invention — the Internet of Things, Web Apps displayed on a Web browser — that has transformed our lives like electricity and the telephone. The world is able to function remotely during COVID because of her inventions. Courts allowed Appellees to unjustly enrich themselves without paying Plaintiff her royalties.

**C. TO THE BENEFITS OF MATERIAL *PRIMA FACIE* INTRINSIC EVIDENCE OF PATENT PROSECUTION HISTORY ESTOPPEL, A KEY CONTRACT TERM BETWEEN THE INVENTOR AND GOVERNMENT:**

Precedential Rulings by the Supreme Court and Federal Circuit long before *Aqua Products* include at least *Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki Co.*, 535 U.S. 722 (2002); *Kumar v. Ovonic Battery Co., Inc. And Energy Conversion Devices, Inc.*, Fed. Cir. 02-1551, -1574, 03-1091 (2003); 351 F.3d 1364, 1368, 69. (2004).

District and Appellate Courts and USPTO/PTAB, in breach of contract, *disparately* failed to consider Patent Prosecution History in Plaintiff’s patent cases and failed to apply Federal Circuit’s *Aqua Products* ruling that reversed all Orders that failed to consider “the entirety of the record” –

Patent Prosecution History – material *prima facie* intrinsic evidence that Plaintiff’s patent claims are not invalid and that her patent claim terms are neither indefinite nor not enabled by written description. Instead, Judge Andrews, Corporate Infringers, lawyers, Judges and USPTO/PTAB propagated a false collateral estoppel from void Orders from a Judge who admitted he bought direct common stock in Defendant JPMorgan Chase & Co. and PTAB Judge who held common stock in Microsoft, which instituted re-exams against Plaintiff, failed to recuse after losing subject matter jurisdiction and disparately failed to consider material *prima facie* intrinsic evidence, in FALSE OFFICIAL STATEMENTS.

**D. TO THE BENEFITS OF STARE DECISIS MANDATED PROHIBITION FROM REPUDIATING A GOVERNMENT-ISSUED PATENT GRANT CONTRACT IN ACCORD WITH THE CONTRACT CLAUSE AND SEPARATION OF POWERS CLAUSE OF THE CONSTITUTION — SUPREME COURT PRECEDENTS DECLARED BY CHIEF JUSTICE MARSHALL IN *Fletcher v. Peck* (1810), *Trustees Of Dartmouth College v. Woodward* (1819), et al.**

**CHIEF JUSTICE MARSHALL RULED IN *Dartmouth College* THAT THERE IS NO CASE OR CONTROVERSY, AND THAT THE RULINGS BY ALL COURTS AND PTAB ARE VOID AND UNCONSTITUTIONAL.**

Chief Justice Marshall declared in *Dartmouth College*:

“Circumstances have not changed it. In reason, in justice, and in law, it is now what was in 1769... **The law of this case is the law of all...** The opinion of the Court, after mature deliberation, is that this is a contract the obligation of which cannot be impaired without violating the Constitution of the United States... It results from this opinion that the acts of? (emphasis added) the Judiciary “are repugnant to the Constitution of the United States, and that the judgment on this special verdict ought to have been for the Petitioner.”

If a doubt could exist that **a grant is a contract**, the point was decided in *Fletcher*. If, then, **a grant be a contract within the meaning of the Constitution of the United States**, Chief Justice Marshall declared: **“these principles and authorities prove incontrovertibly that” a patent grant “is a contract.**” Chief Justice Marshall declared that **any acts and Orders by the Judiciary that impair the obligation of the patent grant contract within the meaning of the**

Constitution of the United States “are consequently **unconstitutional and void.**” District and Appellate Court and Supreme Court Orders and this Court’s Order **ECF18** impair the obligation of the patent grant contract within the meaning of the Constitution of the United States and “**are consequently unconstitutional and void.**”

**E. TO PATENT STATUTES:**

Courts allowed Appellees to violate 35 U.S.C §282, which states:

“A patent shall be presumed valid. Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim. ...The burden of establishing invalidity of a patent or any claim thereof shall rest on the party asserting such invalidity.”

**DEFENDANT FAILED TO FURNISH THE BURDEN OF PROOF OF “CLEAR AND CONVINCING EVIDENCE” OF PATENT INVALIDITY, REQUIRED BY STATUTE.**

District and Appellate Court Judges denied Plaintiff due process and acted as Corporate Infringers’ attorneys, manufacturing false reasons to dismiss her case in an egregious abuse of judicial power under the color of law and authority. Corporate Infringers committed acts of infringement, and falsely argued Patent invalidity “without clear and convincing evidence.” See Roberta Morris, p. 22-23 in U.S. Supreme Court Case No. 10-290, *Microsoft v i4i*:

“the higher standard of proof should apply to "any issue developed in the prosecution history.”

**CORPORATE INFRINGERS’ “INVALIDITY DEFENSE MUST BE PROVED BY CLEAR AND CONVINCING EVIDENCE.” “STANDARDS OF PROOF ON INVALIDITY ARE PART OF A VERY COMPLICATED CALCULUS.”**

See Roberta Morris: pp. 9, 3:

“This Court stated that *in order to invalidate, the proof would have to be "clear, satisfactory and beyond a reasonable doubt....*The Patent Act of 1952 included, for the first time, a statutory presumption of validity and a statement on the burden of proof. 35 USC § 282. (*See Part III.A, infra.*)”

**“STANDARD OF PROOF WILL REQUIRE THE TRIAL JUDGE TO ANALYZE THE PROSECUTION HISTORY.** ... Claim language may need to be construed so that the claimed invention can be compared to the examiner's art, and the examiner's art compared to the accused infringer's art. Once the applicable standard of proof is determined, many of those same facts will be sifted again to determine whether invalidity has been proven. The process may seem convoluted and circular. Prior art invalidity is not, of course, the only kind of invalidity as to which the prosecution history may speak. Claims are rejected for failing to meet other requirements...§112: enablement, definiteness. See Part III.B, *infra*. Depending on how the dividing line is articulated and what the accused infringer argues, the same circular use of facts may occur.”

p. 12: “... keep attention on the core issues: a comparison of the claimed invention to the prior art and to the patent's disclosure of how to make and use the invention. **Those inquiries would not become stepchildren to a dispute over how well or ill the Patent Office did its job.** ...participants in the patent system.”

Courts and PTAB blocked access to the Court to Plaintiff in over 100 cases, *infra*, and denied her due process. Plaintiff has exhausted all administrative and judicial remedies. The unconstitutional America Invents Act violates the Contract Clause, Separation of Powers and Appointments Clauses of the Constitution.

## II. PLAINTIFF IS LEFT WITH **RIGHTS WITH NO REMEDIES.**

District and Appellate Court and Supreme Court rulings in Plaintiff's 100 cases and *Oil States* and *Alice*, the Legislature's AIA violate the “Law of the Land;” **deprived Plaintiff of rights without remedies** by denial of substantive and fundamental rights by procedural and substantive unconscionability on discriminating terms, not applying prevention of oppression, giving superior bargaining power to Appellees in violation of Equal Protection of the Law to Plaintiff. See *Bronson v. Kinzie*, 42 U.S. 311 (1843):

“...it is manifest that **the obligation of the contract and the rights of a party** under it may in effect be **destroyed by denying a remedy altogether** [*Plaintiff/inventor's constitutional right to redress, a remedy has been denied and destroyed altogether* by the District Court's Orders.], or may be seriously impaired by burdening the proceedings with new conditions and restrictions [*as noted in Aqua Products.*], so as to make the remedy hardly worth pursuing... when this contract was made, no statute had been passed... changing the rules of law or equity

in relation to a contract of this kind; and it must therefore be governed, and the rights of the parties under it measured, by the rules above stated. They were the laws...at the time...they were annexed to the contract at the time it was made, and formed a part of it; and any subsequent law (*such as Oil States or America Invents Act (AIA) re-examination provision*), impairing the rights thus acquired, impairs the obligations which the contract imposed... And *no one... would say that there is any substantial difference between a retrospective law declaring a particular contract or class of contracts to be abrogated and void and one which took away all remedy to enforce them or encumbered it with conditions that rendered it useless or impracticable to pursue it...* Yet no one doubts his right or his remedy, for, by the laws ... then in force, **this right and this remedy were a part of the law of the contract**, without any express agreement by the parties. [*So also the rights of the inventor, as known to the laws, required no express stipulation to define or secure them.*]...It appears to the Court not to act merely on the remedy, but directly upon the contract itself, and to engraft upon it new conditions injurious and unjust to [the inventor]. **Any such modification of a contract by subsequent legislation, against the consent of one of the parties, unquestionably impairs its obligations and is prohibited by the Constitution**... *these new interests are directly and materially in conflict with those which [the inventor acquired when the patent grant was made.]*”

Blackstone, in his Commentaries on the Laws of England, 1 vol. 55, stated:

“The remedial part of the law is so necessary...laws must be very vague and imperfect without it. For in vain would rights be declared, in vain directed to be observed, if there were no method of recovering and asserting those rights when wrongfully withheld or invaded... the protection of the law... the connection of the remedy with the right... is the part of the ...law which protects the right and the obligation by which it enforces and maintains it. It is this protection which the clause in the Constitution now in question mainly intended to secure. And it would be unjust to the memory of the distinguished men who framed it to suppose that it was designed to protect a mere barren and abstract right, without any practical operation upon the business of life. It was undoubtedly adopted as a part of the Constitution for a great and useful purpose. It was to maintain the integrity of contracts and to secure their faithful execution throughout this Union by placing them under the protection of the Constitution of the United States....This is his right by the law of the contract, and it is the duty of the court to maintain and enforce it without any unreasonable delay.”

“**Nothing can be more material to the obligation than the means of enforcement. Without the remedy, the contract may, indeed, in the sense of the law, be said not to exist...The ideas of validity and remedy are inseparable, and both are parts of the obligation, which is guaranteed by the Constitution against invasion. The obligation of a contract "is the law which binds the parties to perform their agreement."** ... in the language of Mr. Justice Swayne: “A right without a remedy is as if it were not. For every beneficial purpose it

may be said not to exist.” *Von Hoffman v City of Quincy*, 71 U.S. (4 Wall.) 535, 552, 554 and 604 (1867).

**III. EXTRAORDINARY BREACH OF MINISTERIAL DUTY TO ENFORCE THE LAW OF THE LAND IS INSURRECTION AND REBELLION AND WAR AGAINST THE CONSTITUTION BY ALL COURTS, DENYING PLAINTIFF DUE PROCESS AND DISMISSING 100 CASES IMMEDIATE UPON FILING OF COMPLAINT AFTER ORDERING DEFENDANTS TO GO INTO DEFAULT AND PLAINTIFF HAS NOT HAD HER DAY IN COURT IN OVER 100 CASES REQUIRE THE REMEDY OF THIS COURT ITSELF PERFORMING ITS MINISTERIAL SOLEMN OATH DUTY TO ENFORCE THE LAW OF THE LAND AND ORDERING THE DISTRICT COURT TO PERFORM THEIR MINISTERIAL DUTY.**

This **extraordinary breach** has to stop. Plaintiff has a protected right, to property, to constitutional redress. Judges have a solemn oath ministerial duty, no discretion not to abide by the Law of the Case – not enforcing the *stare decisis Mandated Prohibition* is not discretionary, District Court Judges are **in dishonor**. **The only way to protect Plaintiff’s right is to perform the ministerial duty**. Their discretion is they are obliged to enforce the Law of the Case. Non-enforcement of the Law of the Case/Land reinforces their own lawlessness, calling Plaintiff names “frivolous, malicious”, in egregious hate crime against an elder, retaliatory extortion, **judicial process disorder and neglect, in dishonor**, with no jurisdiction. Judge Andrews and PTAB Judge McNamara admitted holding stock in a litigant JPMorgan Chase & Co. and Microsoft, erroneous and fraudulent decisions of the PTAB and District and Appellate Courts, ordinary legal remedies were so inadequate, and threaten a failure of justice. The courts and clerks denied Plaintiff access to a fair process and access to the courts.

**IV. DISTRICT COURT’S ORDERS INJURED PLAINTIFF WITHOUT PROVIDING A REMEDY BY LEAVING HER BEREFT OF HER VESTED RIGHTS DIRECTLY TO FEDERAL GRANTS OF PATENTS UNDER THE CONTRACT CLAUSE, SEPARATION OF POWERS, IP, PUBLIC INTEREST/WELFARE, DUE PROCESS AND EQUAL PROTECTIONS CLAUSES.**

This Court’s Orders are not a “faithful execution of the solemn promise made by the United States”



to the inventor. This rescinding act has the effect of an *ex post facto* law and forfeits Plaintiff's estate "for a crime *not committed* by" Plaintiff, "but **by the Adjudicators**" by their Orders which "unconstitutionally impaired" the contract with Plaintiff, which, "as in a conveyance of land, the court found a contract that the grant should not be revoked."

The Judiciary is hell-bent on obstructing justice by procedural roadblocks, aiding and abetting anti-trust by Corporate Infringers against a small business and Plaintiff, whose inventions are the backbone of the nation's economy, power national security and enable the nation to work remotely during COVID. Examples of Plaintiff's IoT machines are the millions of Web Apps in Apple's App Store in Apple's iPhone, in Google Play on Android devices, Web banking, healthcare Web Apps, Facebook, Twitter, social networking.

**WHEREFORE**, this Court and Appellate Court must reverse the District Court's Orders.

Respectfully Submitted,



November 8, 2020  
222 Stanford Avenue  
Menlo Park, CA 94025  
650.690.0995, [laks22002@yahoo.com](mailto:laks22002@yahoo.com)

Dr. Lakshmi Arunachalam, a woman  
*Self-Represented Plaintiff*

**CERTIFICATE OF SERVICE**

I, Dr. Lakshmi Arunachalam, hereby certify that on November 8, 2020, a true and correct copy of the foregoing document along with the Exhibits of the Orders and IFP Motion was filed with the Court via CM/ECF and caused to be filed on opposing counsel of record and sent two copies of this Brief and any attachments to the Clerk of the Court via the U.S. Post Office Priority Express Mail and via the USPS First Class Mail and email to:

Dominick T. Gattuso  
Heyman Enerio Gattuso & Hirzel LLP  
300 Delaware Ave, Ste 200, Wilmington, DE 19801;  
*Attorneys for Defendant Kronos Incorporated;*

DATED: November 8, 2020



222 Stanford Avenue  
Menlo Park, CA 94025  
650.690.0995, [laks22002@yahoo.com](mailto:laks22002@yahoo.com)

Dr. Lakshmi Arunachalam, a woman.

**EXHIBITS**