Dr. Lakshmi Arunachalam, a woman,
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Self-represented Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

Dr. Lakshmi Arunachalam, a woman, **Plaintiff** v. **CSAA INSURANCE GROUP,** **Defendant**	**Case No.:2:20-cv-01558-RFB-VCF** **NOTICE OF INTERLOCUTORY APPEAL AND MOTION FOR LEAVE TO APPEAL**

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 interlocutory appeal, pursuant to 28 U.S.C. § 1292(b) and FRAP 5, to the United States Court of Appeals for the Federal Circuit, from the following Interlocutory Orders as listed in the table *infra*; directly, resulting in injury to Dr. Lakshmi Arunachalam, a woman.

11/06/2020	8	ORDER denying 7 Motion for Reconsideration; Payment of filing fees due 11/20/2020. Signed by Magistrate Judge Cam Ferenbach on 11/6/2020. (Copies have been distributed pursuant to the NEF - HAM) (Entered: 11/06/2020)
10/16/2020	6	ORDER denying 1 Application for Leave to Proceed in forma pauperis. Payment of filing fees due 10/30/2020. See Order for details. Signed by Magistrate Judge Cam Ferenbach on 10/16/2020. (Copies have been distributed pursuant to the NEF - HAM) (Entered: 10/16/2020)

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.

Petition for Permission to Appeal has been filed with the Federal Circuit.

I. FACTS NECESSARY TO UNDERSTAND THE QUESTION PRESENTED:

On 8/21/20, Petitioner filed a Complaint against Defendant for patent infringement. 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 Petitioner'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 Petitioner 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, Petitioner 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 Petitioner's cases! **Petitioner 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 a 100 cases that prove this. There are 80 lawyers against one elder, they have no answer. District judges ordered Defendants not to answer Petitioner'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, Petitioner 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. Petitioner 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 Petitioner, 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 Petitioner'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 Petitioner due process by failing to do their ministerial duty to abide by their solemn oaths of office.

On 8/21/20, Petitioner filed an IFP Motion for fee waiver. On 10/16/20, in **ECF6**, the District Court denied the fee waiver Motion. On 10/27/20, Petitioner moved for reconsideration. On 11/6/20, the District Court denied the fee waiver in **ECF8** giving a frivolous reason that Petitioner did not list her patents in the IFP Motion among other frivolous reasons, 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].

II. THE QUESTION ITSELF:

Whether taking three months for the District Court to deny Petitioner the fee waiver in this case of greatest constitutional significance since *Marbury v Madison* and more egregious than *Brown v. Board of Education* involving the **Judiciary losing its immunity from warring against the Constitution** and aiding and abetting the biggest heist and intellectual property theft of the century by Corporations does not constitute a failure to perform its ministerial duties to promptly adjudicate all issues before it without delay and to abide by its solemn oath of office to defend the Constitution and to comply with the Law of the Case and Law of the Land – the *stare decisis Mandated Prohibition* from repudiating Government-issued Patent Grant Contracts by the absolute highest authority, as declared by Chief Justice Marshall in accord with the Contract Clause of the Constitution in *Fletcher v. Peck* (1810), *Dartmouth College* (1819), *Grant v. Raymond* (1832), and affirmations thereof.

III. THE RELIEF SOUGHT:

Fee waiver so as to allow the proceeding to continue to jury trial.

IV. THE REASONS WHY THE APPEAL SHOULD BE ALLOWED AND IS AUTHORIZED BY A STATUTE OR RULE:

This Appeal is authorized under 28 U.S.C. § 1292(b) and FRAP 5. This Appeal should be allowed because public officials failed to perform their ministerial duty to enforce the Law of the Land and denied Petitioner due process, and Chief Justice Marshall **declared those Orders void and unconstitutional**.

1. ***WHEREAS,* ECF8 CONSTITUTES 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. **PETITIONER'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). Petitioner 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 Petitioner.

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 PETITIONER, DENYING PETITIONER 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 Petitioner.

Petitioner 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 Petitioner, diminishing the just and fair administration of justice, constituting an extraordinary breach by the courts and an extraordinary cause for the Petitioner, 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. **PETITIONER 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 Petitioner;
- Violated False Claims Act;
- Altering court records;
- Bribing, intimidating, extortion of a witness;
- Making it expensive for Petitioner 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. PETITIONER 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. PETITIONER 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 Petitioner 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 Petitioner'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 Petitioner'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 Petitioner, 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**."

APPELLEES FAILED TO FURNISH THE BURDEN OF PROOF OF "CLEAR AND CONVINCING EVIDENCE" OF PATENT INVALIDITY, REQUIRED BY STATUTE.

District and Appellate Court Judges denied Petitioner 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 Petitioner in over 100 cases, *infra,* and denied her due process. Petitioner 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. PETITIONER IS LEFT WITH RIGHTS WITH NO REMEDIES.

District and Appellate Court and Supreme Court rulings in Petitioner's 100 cases and *Oil States* and *Alice*, the Legislature's AIA violate the "Law of the Land;" **deprived Petitioner 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 Petitioner. *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** [*Petitioner/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 PETITIONER DUE PROCESS AND DISMISSING 100 CASES IMMEDIATE UPON FILING OF COMPLAINT AFTER ORDERING DEFENDANTS TO GO INTO DEFAULT AND PETITIONER 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. Petitioner 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 Petitioner'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 Petitioner 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 Petitioner access to a fair process and access to the courts.

IV. DISTRICT COURT'S ORDER ECF8 INJURED PETITIONER 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 Order **ECF8** is 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 Petitioner's estate "for **a crime *not* committed** by" Petitioner, "but **by the Adjudicators**" by their Orders which "unconstitutionally impaired" the contract with Petitioner, 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 Petitioner, whose inventions are the backbone of the nation's economy, power national security and enable the nation to work remotely during COVID. Examples of Petitioner'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, and grant the fee waiver and the Motion for Leave to file an Interlocutory Appeal.

Respectfully Submitted,

Lakshmi Arunachalam

November 8, 2020
222 Stanford Avenue
Menlo Park, CA 94025
650.690.0995, 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 USPS Express Priority Mail to be delivered to:

Clerk of Court
U.S. District Court for the District of Nevada,
333 S. Las Vegas Blvd., Las Vegas, NV 89101; Tel: 702.464.5400

I further certify that I served the Defendant via USPS of the same on the same day 11/8/20 to the following address:

Michael Zukerman, General Counsel, and Thomas M. Troy, CEO,
CSAA Insurance Group,
Corporate Headquarters, \3055 Oak Road, Walnut Creek, CA 94597;
Tel: 925.279.2300.

DATED: November 8, 2020

Lakshmi Arunachalam

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Dr. Lakshmi Arunachalam, a woman.

EXHIBITS

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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LAKSHMI ARUNACHALAM, Plaintiff, vs. CSAA INSURANCE GROUP, Defendant.	Case No. 2:20-cv-01558-RFB-VCF **ORDER** MOTION FOR RECONSIDERATION (EFC NO. 7)

Before the Court is pro se plaintiff Dr. Lakshmi Arunachalam's motion for reconsideration. (ECF No. 7). The Court considers plaintiff's arguments but denies the motion.

On October 16, 2020, the Court denied plaintiff's application for leave to proceed in forma pauperis. (ECF No. 6). The Court noted that, "[i]n plaintiff's proposed [patent infringement] complaint she alleges that she has multiple intellectual licensing agreements for her patents, 'with Fortune 500 companies, Bank of America, Capital One, Barclays Bank, UBS, M&T Bank, Sovereign Bank, Walmart, TD Bank, Ally Bank, [and] All State Insurance, to name a few.'" (*Id.* at 2, citing to ECF No. 1-2 at 3). The Court found that, "[i]n the section of the sworn affidavit regarding property that she owns, she does not list any of her intellectual property (her patents) but lists only that she owns a Mercedes Benz." (ECF No. 6 at 2).

Dr. Arunachalam argues in her motion for reconsideration that although she owns all the patents in dispute, that she does not receive recurring royalties for any of the multiple patent license agreements she notes in her complaint. (ECF No. 7 at 1). Plaintiff alleges that she is self-represented in over 100

cases, she alleges that courts have dismissed her cases sua sponte, and that, "she has been denied her day in Court in over 100 cases without a hearing in the greatest abuse of process by the Courts, Judges and Clerks of the Courts[.]"[1] Plaintiff argues that of her 100 cases, that she has never listed her patents as assets in any of her IFP applications. (*Id.*) Plaintiff does not wish to update her IFP application and include her patents as assets or list the value of her intellectual property assets. (*Id.*)

A federal litigant who cannot afford to pay court fees may proceed in forma pauperis, which means that she may commence a civil action or appeal a civil judgment without prepaying fees or paying certain expenses. *Coleman v. Tollefson*, 575 U.S. 532, 135 S. Ct. 1759, 1761, 191 L. Ed. 2d 803 (2015) (citing 28 U.S.C. § 1915). "Such affidavit must include a complete statement of the plaintiff's personal assets." *Harper v. San Diego City Admin. Bldg.*, No. 16cv00768 AJB (BLM), 2016 U.S. Dist. LEXIS 192145, at 1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient grounds in themselves for denying an in forma pauperis application. *Cf. Kennedy v. Huibregtse*, 831 F.3d 441, 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on in forma pauperis application).

Plaintiff alleges she owns multiple patents in her complaint.[2] Assets include both real[3] and intellectual property: plaintiff's patents are assets. Yet plaintiff swears, under penalty of perjury, that her only asset is a Mercedes-Benz. Either Dr. Arunachalam's patents are worthless (which would support a

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[1] Plaintiff admits that she is self-represented in over 100 cases and that courts across the country have dismissed her cases. At least one court has deemed Dr. Arunachalam's conduct to be vexatious. See *Arunachalam v. IBM*, Civil Action No. 16-281-RGA, 2019 U.S. Dist. LEXIS 51482, at 9 (D. Del. Mar. 27, 2019) (Ordering Dr. Arunachalam to pay sanctions based on her "vexatious conduct" in litigation and finding that her patent infringement complaint was, "not even close to stating a colorable complaint.")

[2] (Only the patent owner and any successors in title to the patent may bring suit for patent infringement (35 U.S.C. § 281; see *Propat Int'l Corp. v. RPost, Inc.*, 473 F.3d 1187, 1189 (Fed. Cir. 2007)).

[3] Plaintiff also omits ownership of her home in Menlo Park, California, and its value as an asset, as she does not list any obligation to pay rent or a mortgage payment.

finding that her complaint for patent infringement is frivolous) or plaintiff omitted multiple assets and their values from her IFP application. Dr. Arunachalam's admission that she omitted a listing of her patents as assets in other IFP applications does not help her argument because it suggests that she has engaged in a pattern of omitting her assets and their value in IFP applications. Plaintiff's blatant omissions, paired with her refusal to submit an updated IFP application that includes a full accounting of her assets, indicates a disregard towards the penalty of perjury and the privilege of proceeding in forma pauperis. Plaintiff's motion to reconsider this Court's denial of her in forma pauperis application is denied. The Court sua sponte extends plaintiff's deadline to pay the filing fee by two weeks from this order.

ACCORDINGLY,

IT IS ORDERED that Dr. Arunachalam's motion for reconsideration to proceed in forma pauperis (ECF No. 7) is DENIED.

IT IS FURTHER ORDERED that Dr. Arunachalam has until Friday, November 20, 2020 to pay the filing fee. Failure to timely pay the filing fee may result in a recommendation for dismissal with prejudice.

NOTICE

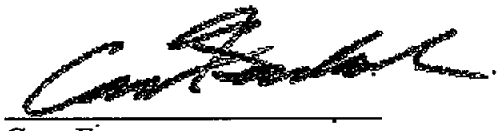
Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District

Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel. Failure to comply with this rule may result in dismissal of the action.

IT IS SO ORDERED.

DATED this 6th day of November 2020.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE