2020- 1492

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

Dr. Lakshmi Arunachalam,
a woman,

v.

WELLS FARGO BANK, N.A.,
Defendant-Appellee

Appeal from the United States District Court for the District of Delaware
in Case No. 1:13-cv-01812-RGA, Judge Richard G. Andrews

Dr. Lakshmi Arunachalam, a woman's

NOTICE THAT THIS COURT'S 4/16/20 ORDER DISMISSING THE APPEAL IS VOID BECAUSE NOA (DUE ON 2/10/20 WITH 3 DAYS EXTENSION ALLOWED FOR SELF-REPRESENTED LITIGANT) WAS FILED IN A TIMELY MANNER ON 2/12/20 BY SELF-REPRESENTED WOMAN DESPITE SUFFERING FROM COVID-19 PAROXYSMAL COUGH WITH CO-MORBID DIABETES AND CONCUSSION,
AND
PETITION FOR REHEARING *EN BANC*

April 21, 2020

Dr. Lakshmi Arunachalam, a woman,
222 Stanford Avenue,
Menlo Park, CA 94025
Tel: 650.690.0995;
laks22002@yahoo.com

Dr. Lakshmi Arunachalam,
a woman.

STATEMENT OF COUNSEL/SELF-REPRESENTED LITIGANT,
Dr. Lakshmi Arunachalam, a woman.

Based on my professional judgment, I believe:

A. This Court's decision conflicts with decisions of the United States Supreme Court, namely, ***Fletcher v. Peck***, 10 U.S. 87 (1810); ***Trustees of Dartmouth College v. Woodward***, 17 U.S. 518 (1819); or the precedent(s) of this Court, ***Aqua Products Inc. v. Matal***, Fed. Cir. 15-1177 (2017) — the Supreme Law of the Land and Law of the Case — by oppression and FALSE OFFICIAL STATEMENTS of a falsely alleged late filing of my timely filed NOA, **despite self-represented inventor suffering from intense paroxysmal COVID-19 coughing with co-morbid diabetes and post-concussion syndrome**.

B. This appeal requires an answer to one or more precedent-setting questions of exceptional importance:

1. Whether the Court's approach to overruling Supreme Court and Federal Circuit precedent — by posing a false procedural argument of a falsely alleged late filing of my timely filed NOA, **despite self-represented inventor suffering from intense paroxysmal COVID-19 coughing with co-morbid diabetes and post-concussion syndrome**, to avoid enforcing the Supreme Law of the Land and Law of the Case, in breach of its solemn oath of office — presents a "muddle" surrounding *stare decisis* and "poses a problem for the rule of law and for this court."

2. Whether for this Court to enforce "anything less" — than *the Mandated Prohibition* against repudiating Government issued Contract Grants as declared by Chief Justice Marshall in *Fletcher v. Peck* (1810), *Trustees of Dartmouth College v. Woodward* (1819), *Aqua Products Inc. v. Matal*, Fed. Cir. 15-1177 (2017) — the *SOLE, UNDISPUTED* material fact and **LAW OF THE CASE** — "was effectively holding the individuals" — inventor — "hostage on toxic"—COVID-19—"territory and amounts to an unconstitutional, uncompensated government *"taking,"*" **despite self-represented inventor suffering from intense paroxysmal COVID-19 coughing with co-morbid diabetes and post-concussion syndrome** at the time of filing the NOA.

3. Whether the "federal government's indefinite control" over an inventor's property in substantive use by Appellee and the Government for national security and 100% of the Government's Web apps in use, by FALSE OFFICIAL STATEMENTS and VOID Orders, **despite self-represented inventor suffering from intense paroxysmal COVID-19 coughing with co-morbid diabetes and post-concussion syndrome, are indeed "grounds for a constitutional claim" that my property "was being taken" from me "without just compensation."**

April 21, 2020

Dr. Lakshmi Arunachalam, a woman,
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Email: laks22002@yahoo.com
Dr. Lakshmi Arunachalam, a woman.

I, Dr. Lakshmi Arunachalam, a woman, one of We, the People, of the United States of America, and inventor of the Internet of Things — Web Apps displayed on a Web browser — hereby file this Notice that this Court's 4/16/20 Order dismissing the Appeal is Void, and Petition for *En Banc* Rehearing.

Thirty days from the District Court's 1/9/20 Order fell on Saturday, 2/8/20. The NOA was not due until 2/10/20. As I am self-represented, I am procedurally allowed an extra 3 days to 2/13/20 for my NOA to reach the Court. I filed the NOA in a timely manner on 2/12/20, despite **an intense paroxysmal COVID-19 cough causing acute pain in my ribs and chest cage, affecting my heart, comorbid with diabetes and post-concussion syndrome.** I have witnesses to vouch for that, asking me to go to ER at Stanford Hospital. An antibody test would prove it was COVID-19. This Court made a **False Official Statement** that I was late by 5 days.

The Statute of Limitations and Doctrine of Substantive Unconscionability dictate that the Court's false procedural argument does not apply to suits **brought to enforce a right and to enforce public interest. The Court's approach to overruling Supreme Court and Federal Circuit precedent, by posing a false procedural argument of a falsely alleged late filing of NOA when I had COVID-19 coughing at that time, presents a "muddle"** surrounding *stare decisis* and "**poses a problem for the rule of law and for this court,**" **while breaching its**

solemn oaths of office in not enforcing governing Supreme Court and Federal Circuit Precedents[1].

[1] **Delaware District Court's Void Orders and Judgment and Federal Circuit 4/16/20 Order are contrary to Governing Supreme Court and Federal Circuit Precedents:**

- ***(i)*** ***Fletcher v. Peck***, 10 U.S. 87 (1810) that **a grant is a contract** that cannot be repudiated— the Law of the Case and Supreme Law of the Land.
- ***(ii)*** ***Trustees of Dartmouth College v. Woodward***, 17 U.S. 518 (1819):
  "The law of this case is the law of all… Lower courts …have nothing to act upon…" "...applicable to contracts of every description…vested in the individual; …right...of possessing itself of the property of the individual…for public uses; a right which a magnanimous and just government will never exercise without amply indemnifying the individual;"
- ***(iii)*** ***Grant v. Raymond***, 31 U.S. 218 (1832):
  "By entering into public contracts with inventors, the federal government must ensure a "faithful execution of the solemn promise made by the United States;"
- ***(iv)*** ***U.S. v. American Bell Telephone Company***, 167 U.S. 224 (1897):
  "the contract basis for intellectual property rights heightens the federal government's obligations to protect those rights. …give the federal government "higher rights" to cancel land patents than to cancel patents for inventions;"
- ***(v)*** ***Ogden v. Saunders***, 25 U.S. 213 (1827) applies the logic of sanctity of contracts and vested rights directly to federal grants of patents under the IP Clause.
- ***(vi)*** ***Aqua Products Inc. v. Matal***, Fed. Cir. 15-1177 (2017) reversed all Court and PTAB rulings that failed to consider "the entirety of the record" —Patent Prosecution History.
- ***(vii)*** Federal Circuit's ruling of 2/13/20 in another case reported by IPLAW360 that PTAB may not find indefiniteness of a patent claim in an IPR Review.

For this Court to enforce "anything less was effectively holding the individuals" — inventor — "hostage on toxic territory and amounts to an unconstitutional, uncompensated government "taking." The "federal government's indefinite control" over an inventor's property in substantive use by Appellees and the Government for national security and 100% of the Government's Web apps in use, **when I was suffering from intense paroxysmal COVID-19 coughing with co-morbid diabetes and post-concussion syndrome are indeed "grounds for a constitutional claim" that my property "was being taken" from me "without just compensation."**

The Court engaged in oppression and unfair surprise based on lop-sided terms of an agreement, without regard to defects in the bargaining, that the Courts may void or modify; more so, regarding exculpatory clauses, as here, releasing Wells Fargo bank, N.A., for injury caused by its own actions, negligence or intentional wrongs violative of public policy and hence illegal. The Government public contract is unconscionable, failed to consider Patent Prosecution History, silently dissolved the inventor's patent rights and handed over to the Corporate Infringers. It was as if there was never a contract. Benefit is to go to the public, not to Corporate Infringers.

(viii) Federal Circuit's ***Arthrex*** ruling affirmed *en banc* by the entire Federal Circuit that the appointment of PTAB Judges was unconstitutional, making all PTAB rulings void.

The Government breached its contract, in conflict of interest. The inventor exchanged rights, the contract should be protected, but the Government engaged in re-examinations in breach of contract, by voiding the contract, in unfair surprise and oppression.

Courts failed to enforce the Mandated Prohibition against repudiating Government issued Contract Grants as delineated in *Fletcher v. Peck* (1810), *Trustees of Dartmouth College v. Woodward* (1819) — **Governing Supreme Court Precedent Law of the Case and The Supreme Law of the Land** — the SOLE issue, **UNDISPUTED material fact and LAW OF THE CASE**, integral to all of my cases and *prima facie* evidence of the validity of all of my claims which the Judiciary has been avoiding at the cost of their Oaths, **even when I was suffering from an intense paroxysmal COVID-19 cough comorbid with diabetes and post-concussion syndrome**.

The "courts have nothing to act upon," as Chief Justice Marshall declared in *Dartmouth College*, but simply to perform their duty and uphold their solemn oaths of office.

I, Dr. Lakshmi Arunachalam, a woman, hereby file this Notice of and Verified Claim of (1) Trespass by Constitutional Tortfeasor Respondents — **Appellee and District and Circuit Court Judges —** on Property/my Rights/Case by intentional FALSE OFFICIAL STATEMENTS designed to cover up their Constitutional

nonfeasance and FALSE CLAIM and Tampering with Public Record, Warranting Criminal Charges, (2) Lack of Jurisdiction, (3) Delaware District Court's Void Orders and Federal Circuit's 4/16/20 Void Order, Judgment and Mandate, and (4) Injury: In Contempt, In Dishonor, In False Claim, In Breach of Fiduciary Duty/Public Trust/Solemn Oath of Office, without jurisdiction; Denial of Due Process, Moving into Jurisdiction Unknown.

The Constitutional Tortfeasor Respondents committed overt offenses, acting in cohort, to continue operating as a Racketeering Enterprise with a common core objective by the three Departments of Government, intentionally violating the Separation of Powers, the Takings Clause and Contract Clauses of the Constitution.

Delaware District Court's 1/9/20 Order and Federal Circuit's 4/16/20 Order, Judgment and Mandate have no legal force or effect, and are incapable of confirmation or ratification, and hereby **stand vacated instantly by operation of law**. I claim the invalidity of the Delaware District Court's 1/9/20 Order and Federal Circuit's 4/16/20 Order, Judgment and Mandate, as my rights have been affected directly or collaterally.

The Court *en banc* must vacate its 4/16/20 Order, and the Delaware District Court's 1/9/20 Order, affecting a determination of issues occurring within a framework of actual conduct of trial accomplished by perjury, use of false and forged instrument, by concealment of evidence or misrepresentations therein,

pertaining to an issue involved in action and litigated therein, hence VOID and not enforceable even by a holder in due course.

1. **NO STATUTE OF LIMITATIONS**, because I instituted the lawsuit to enforce a public right and public interest, as the public is entitled to my invention.

2. **WE ARE NOW IN A COMMON LAW COURT OF RECORD. I AM THE TRIBUNAL**. **DISTRICT COURT AND FEDERAL CIRCUIT'S PROCEDURES AND RULES ARE NOW SUBORDINATE TO THE ORDERS AND RULES IN THIS COMMON LAW COURT OF PROCEDURES, WHEN THE ENTIRE JUDICIARY BREACHED ITS SOLEMN OATHS OF OFFICE, LOST JURISDICTION AND CANNOT BE THE TRIBUNAL**.

I am the tribunal, the only woman who has jurisdiction to rule on my case(s). This Court's 4/16/20 Order is Void. The Court made it hazardous, expensive and burdensome for me to have access to the Court in violation of Due Process and the Constitution, entitling me to Constitutional Redress. *See* ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1, §141.With respect to Fundamental, Substantive, and Due Process Itself: "Any process or Court attempting to or adjudicating a contract by estopping a material part of it from being considered *prima facie* denies a litigant due process entitlement to an honest, though not learned tribunal; and if injured by the corruption or fraud of the court is entitled to redress." [ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1, § 140]; "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**." [ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1, §141].

3. COURT MADE FALSE OFFICIAL STATEMENTS, with intent to deceive, signing false records, regulations, orders, and other official documents, knowing it to be false, and making other false official statements of collateral estoppel without considering Patent Prosecution History, and without enforcing *Fletcher* and governing Supreme Court and Federal Circuit precedents, knowing it to be false. The falsity has been in respect to a material matter, and may be considered as some evidence of the intent to deceive. District Court's Order and Federal Circuit's 4/16/20 Order are replete with FALSE CLAIMS — A false representation made by Respondents and District and Circuit Court in Void Orders, as to a fact on which the whole cause depends. Criminal charges against the Respondents is warranted for Void Orders based on false claims and **FALSE OFFICIAL STATEMENTS**. Appellee Solicited the Courts to not consider Patent Prosecution History— material *prima facie* evidence that my patent claims are not invalid nor are my patent claim terms indefinite — and falsely alleged collateral estoppel when the courts are collaterally estopped by Governing Supreme Court and Federal Circuit Precedent Laws of the Case. I, as the sole tribunal, had already

Ordered and filed my Judgment in the Common Law Court of Record in the Delaware District Court that the filing was not late due to illness.

The Judiciary remaining silent (as fraud) in willful or culpable silence after being put on notice of and not enforcing Governing Supreme Court Precedent Law of the Case and the Supreme Law of the Land — first, above all else,— in dishonor, in breach of fiduciary duty/public trust and solemn oath of office — voiding all Orders, **HAS CREATED A CONSTITUTIONAL EMERGENCY, PLACING NATIONAL SECURITY AT RISK**.

The Court in its 4/16/20 and 2/13/20 Void Orders made many False Official Statements, one of which is as follows:

> "Regarding Dr. Arunachalam's challenges and motions under *Fletcher v. Peck*, 10 U.S. (6 Cranch) 87 (1810), and "prosecution history estoppel" under *Aqua Products, Inc. v. Matal*, 872 F.3d 1290 (Fed. Cir. 2017) (*en banc*), **we have previously addressed these arguments [False Claim.]**, stating that "[t]he Supreme Court in *Oil States Energy Services, LLC v. Greene's Energy Group, LLC*, — U.S.—, 138 S. Ct. 1365, 1375 & n.2, 1377–78, 200 L. Ed. 2d 671 (2018) **rejected several similar [False Claim.] Constitutional challenges to the inter partes review process**." Int'l Bus. Machs. Corp., 759 F. App'x at 933. Dr. Arunachalam has not provided any reason that the same reasoning does not apply to a district court's authority to invalidate a patent. Accordingly, we reject Dr. Arunachalam's constitutional challenges and deny her motions raising those same constitutional challenges."

This is a **WILLFULLY FALSE OFFICIAL STATEMENT**. The entire Judiciary failed to address my Notices of Constitutional challenges and motions and *Fletcher v. Peck* and Governing Supreme Court Precedent Law of the Case, and the fact that

the courts disparately failed to apply this Court's reversal of all Orders by Courts and PTAB that failed to consider "the entirety of the record" — Patent Prosecution History in my cases. The Federal Circuit did not address these issues "previously" as the Court falsely alleged in its False Official Statement, nor did the Supreme Court "reject several similar constitutional challenges to the inter partes review process" in *Oil States*. I have been the first and only woman who has been the whistleblower in bringing to the attention of the courts that Governing Supreme Court Precedents estop the Courts from breaching their solemn oaths of office. There could never have been any "similar constitutional challenges," let alone "several," as falsely propounded by the Court in its FALSE OFFICIAL STATEMENT in its Void 2/13/20 Order. Every inferior court and the Supreme Court must enforce the Governing Supreme Court Precedent Law of the Case and the Supreme Law of the Land. This issue is material to the District Court's Void Orders and this Court's Void 2/13/20 and 4/16/20 Orders based on its materially false statement and is a FALSE CLAIM and FALSE OFFICIAL STATEMENT. This warrants criminal charges against the District and Circuit Court, Solicitees and Solicitors, engaged in solicitation of FALSE CLAIMS to be propagated across multiple courts and the world, as public fraud.

The Court could not Procedurally go into Session and Rule when I, a woman, had already Ordered on 2/6/2020 that we are now in a Common Law Court of Record

and this Court had Nothing to Act Upon But Do Its Duty and Abide By Its Oath of Office and Enforce *Fletcher* and other Governing Supreme Court Precedent Law of the Case and The Supreme Law of The Land.

The Court unlawfully went into session on 2/7/20 and ruled on 4/16/20, when I am the tribunal in this common law Court of Record as of 2/6/20, and failing to enforce *Fletcher* and Governing Supreme Court Precedents in an overt act of willful disobedience and desperation by moving to jurisdiction unknown **is more than a dereliction of duty**, by engaging in Mutiny and Sedition with intent to usurp or override lawful authority of the Constitution, and with intent to cause the overthrow or destruction of lawful civil authority, refusing, in concert with the USPTO/PTAB, Legislature and Judiciary, to obey orders or otherwise do its duty and creating revolt, violence, and other disturbance against that authority— the Supreme Law of the Land, **amounting to war on the Constitution**.

Courts moved into jurisdiction unknown and engaged in Mutiny by refusing to obey orders or perform duties in a collective concert of treasonous insubordination and dereliction of duty and necessarily including Appellee, Legislature, Agency, Judiciary and attorneys acting together in concert in resisting lawful authority and consisting simply of a persistent and concerted refusal or omission to obey orders, or to do duty, with an insubordinate intent to usurp or override lawful authority, the intent declared in words in **Erroneous and**

Fraudulent Orders or inferred from the Courts' acts, omissions, concealing material facts requires criminal investigation.

District and Circuit Courts Failed to Apply This Court's *Aqua Products Inc. v. Matal* (2017) that Reversed all Rulings that failed to consider "The Entirety of The Record" — Patent Prosecution History.

Courts Remained Silent as Fraud on Material *Prima Facie* Evidence — Patent Prosecution History — that the Patent Claim Terms are neither Indefinite nor the Patent Claims Invalid.

Courts condemned before inquiry, **when claims were unambiguous in view of *prima facie* material intrinsic evidence** of Patent Prosecution History, **never** considered by ***any*** Court in ***any*** of my cases, starting from the very first case, **nor examine independent and dependent claims** of **any** of my patents. Even if the claims of my U.S. Patent Nos. 5,987,500; 8,037,158; and 8,108,492 are invalid (which they are **not**), as falsely alleged by the **Judicial Racketeering Enterprise**, Appellee and Judges in an orchestrated farce, those so-called "invalid" claims of the '500, '492 and '158 patents have no effect on the independent or dependent claims of the patents-in-suit. The District Court never reached the patent case.

Appellee, Courts, PTAB and USDOJ were put on notice of Governing Supreme Court Precedent Law of the Case and *Aqua Products*. They have remained silent (as fraud) in willful or culpable silence. Their lack of response is a Default, after being put on notice. Their Silence "comprises their stipulation and confession

jointly and severally to acceptance of all statements, terms, declarations, denials and provisions herein as facts, the whole truth, correct and fully binding on all parties." "Upon Default, all matters are settled *res judicata* and *stare decisis*" and Appellee must pay up the royalties long overdue.

JUDICIARY AND PTAB'S MISFEASANCE UNDER COLOR OF LAW IN A PATENTLY (MANUFACTURED) ANTI-TRUST ENVIRONMENT

All of my cases are one continuum, wherein "a body of men*/women*…actually assembled for the purpose of effecting by force a treasonable object" perpetrated by the three branches of Government, (Judiciary, Legislature and Executive Agency—USPTO/PTAB), in cohort with the Appellee, against the inventor and the nation, in fiduciary breach of public trust, by stealing my significant inventions – Web Apps Displayed on a Web browser – from which Appellee and the Government are unjustly enriched by trillions of dollars, a sufficient overt act done with treasonable intent. Chief Justice Marshall said that war was actually levied under such circumstances in *U.S. v. Burr*, 25 F. Cas. 55, 161 (CCD, Va. No. 14693), warranting this Court to resolve what all courts have been avoiding, to **stop the fraudulent and seditious Racketeering administration of patent law as a public fraud** perpetrated by all three branches of Government, as Solicitees in response to Solicitations by Appellee and its lawyers.

1. **COURTS FAILED TO APPLY THAT GOVERNING SUPREME COURT PRECEDENT LAW OF THE CASE COLLATERALLY ESTOPS APPELLEE'S FALSE PROPAGANDA OF COLLATERAL ESTOPPEL FROM VOID ORDERS BY FINANCIALLY-CONFLICTED JUDGES AND JUDGES BREACHING THEIR SOLEMN OATH OF OFFICE.**

2. **COURTS' WILLFULLY FALSE STATEMENTS CONTRARY TO MATERIAL *PRIMA FACIE* EVIDENCE—PATENT PROSECUTION HISTORY—THAT MY PATENT CLAIMS ARE VALID — AND GOVERNING SUPREME COURT PRECEDENT LAW OF THE CASE AND SUPREME LAW OF THE LAND CONSTITUTE FRAUD ON THE COURT, SEDITIOUS ATTACK ON THE CONSTITUTION, PATTERNED BREACH OF SOLEMN OATHS OF OFFICE, OBSTRUCTION OF CONSTITUTIONAL JUSTICE — A CONSTITUTIONAL EMERGENCY AND A NATIONAL SECURITY THREAT.**

> "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." 35 USC § 282.

The very Patent Statute proves the District Court's and Appellee's Statements ***blatantly* false** that

> "patent claims asserted were barred by collateral estoppel either because they were squarely invalidated in prior cases or ***depended on claims previously invalidated***."

3. **JUDGE ANDREWS ADMITTED HOLDING STOCK IN JPMORGAN during the pendency of that case**. Governing Supreme Court precedent Laws of the Case – the Supreme Law of the Land - ***and*** *Aqua Products* **collaterally estop Appellee's and the Court's false allegations of collateral estoppel from Void Orders**.

4. **COURTS KNOWINGLY CREATED A GRAVE RISK OF SUBSTANTIAL DAMAGE TO THE NATIONAL SECURITY, IN THE COMMISSION OF THE OFFENSE:**

    1. **of Perjury, because the Courts** in a judicial proceeding or in a **course of justice willfully and corruptly**, upon a Lawful oath, gave **a false testimony material to the issue or matter of inquiry**; and in a statement subscribed a false statement material to the issue or matter of inquiry; and the Courts did not then believe the testimony to be true.

    2. **as commissioned officers, of Conduct unbecoming of an officer and gentleman, as they did or omitted to do certain acts including knowingly making a false official statement and all disorders and neglects to the prejudice of good order and discipline in the United States and of a nature to bring discredit upon the Judiciary and United States;** and **offenses that involve noncapital crimes or offenses which violate Federal law; by acts of dishonesty, unfair dealing, indecency, indecorum, lawlessness, injustice, or cruelty toward Dr. Lakshmi Arunachalam, a woman.**

    3. **of misprision of serious offenses by Judges, Appellee and attorneys and wrongfully concealed the serious offenses and failed to make it known to civilian authorities as soon as possible.**

4. **of obstructing justice by wrongfully influencing, intimidating, impeding, or injuring a witness, namely, Dr. Lakshmi Arunachalam, a woman, and by means of intimidation, misrepresentation, extortion, judicial oppression, and force and threat of force of dismissing the case if I did not omit material evidence of their culpability in an amended complaint by Judge Andrews, and delaying or preventing communication of information relating to a violation of any criminal statute of the United States to a person authorized by a department, agency, or Judiciary of the United States to conduct or engage in investigations or prosecutions of such offenses; or endeavoring to do so; and did so in the case of Judge Andrews against whom the Courts had reason to believe there would be criminal proceedings pending; and that the act was done with the intent to influence, impede, or otherwise obstruct the due administration of justice.**

CONCLUSION: This Court must *en banc* vacate its 4/16/20 Order and the District Court's Order. A Certificate of Service is attached.

Dated: April 21, 2020

Respectfully Submitted,

Lakshmi Arunachalam

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CERTIFICATE OF COMPLIANCE WITH FRAP 32(A)(7)(B)

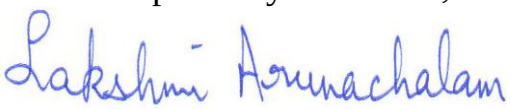
The undersigned hereby certifies that this brief complies with the type-volume limitation of Federal Rules of Appellate Procedure 32(a)(7)(B).

1. The brief contains 3899 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(a)(7)(B)(iii).

2. The brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman font.

April 21, 2020

Respectfully submitted,



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Dr. Lakshmi Arunachalam, a woman.

CERTIFICATE OF SERVICE

I certify that on 4/21/20, I sent a copy of the foregoing and Addendum of copy of the Court's 4/16/20 Order via USPS via Priority Mail and email to:
Wells Fargo Bank, N.A.;
E. Danielle T. Williams,
Winston and Strawn, 100 N Tryon St, Suite 2900, Charlotte, NC 28202
Tel: 704.350.7790; Email: dwilliams@winston.com
And
J. Derek Vandenburgh and Doug Williams,
Carlson Caspers Vandenburgh and Lindquist, P.A.
225 S. 6th St, Ste 4200, Minneapolis, MN 55402
Counsel for Wells Fargo Bank, N.A.;

And to all the Constitutional Tortfeasor Respondents

and via email and one original and 18 copies to: Clerk of Court, U. S. Court of Appeals for the Federal Circuit email and via Fedex, 717 Madison Place NW, Washington, DC 20439.

April 21, 2020

Respectfully submitted,

Lakshmi Arunachalam

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Dr. Lakshmi Arunachalam, a woman.

ADDENDUM:
THE COURT'S 4/16/20 ORDER DISMISSING THE APPEAL

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

LAKSHMI ARUNACHALAM,
Plaintiff-Appellant

v.

WELLS FARGO BANK, N.A.,
Defendant-Appellee

2020-1492

Appeal from the United States District Court for the District of Delaware in No. 1:13-cv-01812-RGA, Judge Richard G. Andrews.

ON MOTION

PER CURIAM.

O R D E R

Wells Fargo Bank, N.A. moves to dismiss this appeal as untimely. Lakshmi Arunachalam opposes the motion.

This appeal stems from a patent infringement suit filed by Dr. Arunachalam against Wells Fargo. On January 9, 2020, the United States District Court for the District of Delaware entered an order dismissing the case with

prejudice, explaining that Dr. Arunachalam "asserts no valid patent." The district court received Dr. Arunachalam's notice of appeal on February 13, 2020, 35 days after entry of the dismissal order.*

To be timely, a notice of appeal must be filed with the district court clerk within 30 days after the judgment or order appealed from is entered. *See* 28 U.S.C. § 2107(a); Fed. R. App. P. 4(a)(1)(A). "[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement." *Bowles v. Russell*, 551 U.S. 205, 214 (2007).

Dr. Arunachalam appears to indicate that her notice of appeal was filed late due to illness. However, the filing deadline is mandatory, and as such, we may only consider whether the appeal was timely filed at the court. *See id.* In other words, we cannot toll the deadline based on Dr. Arunachalam's personal circumstances. Because Dr. Arunachalam's appeal was not filed within the statutory deadline, we must dismiss for lack of jurisdiction.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The appeal is dismissed.

(2) Each side shall bear its own costs.

FOR THE COURT

April 16, 2020
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

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* Although Dr. Arunachalam's notice of appeal was dated February 12, 2020, it was filed at the district court on February 13, 2020. But even if the district court received her notice of appeal on February 12, 2020, it would still be untimely.

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ISSUED AS A MANDATE: April 16, 2020