

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

In re: LAKSHMI ARUNACHALAM,
Petitioner

2020-136

On Petition for Writ of Mandamus to the United States District Court for the District of Delaware in No. 1:14-cv-00091-RGA, Judge Richard G. Andrews.

ON MOTION

PER CURIAM.

ORDER

Pro se petitioner Lakshmi Arunachalam moves for leave to proceed *in forma pauperis* to pursue an extraordinary writ pursuant to 28 U.S.C. § 1651. The court denies leave to proceed *in forma pauperis*.

Dr. Arunachalam is no stranger to this court. Over the last six years, she has filed eighteen appeals, eight petitions for panel rehearing or rehearing *en banc*, and five petitions for extraordinary writs, in addition to numerous motions. In six of these matters, the court has either granted Dr. Arunachalam leave to proceed *in forma pauperis* or decided the merits without having received

the fee. Despite being unsuccessful on appeal, Dr. Arunachalam continues to raise the same arguments relating to prior judicial decisions resulting in the invalidity of several of Dr. Arunachalam's patent claims and her unsuccessful efforts to have judges recused.

In her current petition, Dr. Arunachalam asks to vacate orders of this court, United States district courts, the United States Court of Federal Claims, and the Patent Trial and Appeal Board, identifying nearly 40 separate matters in the caption.¹ Most of the arguments she raises as support for why these orders must be vacated appear to be the same arguments that this court has already rejected in her prior appeals and petitions.²

¹ The court notes that Dr. Arunachalam named this court as a defendant in one of the actions listed in the caption of her petition, *Arunachalam v. United States*, No. 5:16-cv-06591-EJD (N.D. Cal. filed Nov. 14, 2016). In that case, she appears to have alleged that this court, the Board, and district courts committed fraud and violated her civil and constitutional rights in issuing decisions that resulted in patent claims being declared invalid. Judgment was entered against Dr. Arunachalam in February 2018, and she did not appeal. Even if this court's jurisdiction extends to that matter, the court notes that it would not need to recuse itself to decide this motion. *See Haase v. Countrywide Home Loans, Inc.*, 838 F.3d 665, 666–67 (5th Cir. 2016) (finding recusal unnecessary when appellant indiscriminately named the court as a defendant).

² For instance, the petition raises arguments based on the Contracts Clause and *Fletcher v. Peck*, 10 U.S. 87 (1810), as well as arguments based on “prosecution history estoppel” and *Aqua Products, Inc. v. Matal*, 872 F.3d 1290 (Fed. Cir. 2017), *see, e.g.*, Pet. at 1, 3, 5, 11, 14, 16, 23–24, 27, 30–32, and this court previously has rejected

As this court has previously made clear to Dr. Arunachalam, the issuance of a writ of mandamus is a “drastic” remedy, “reserved for really extraordinary causes,” in which “appeal is clearly an inadequate remedy.” *Ex parte Fahey*, 332 U.S. 258, 259–60 (1947); *see also Cheney v. U.S. Dist. Court for the Dist. of Columbia*, 542 U.S. 367, 380–81 (2004) (requiring petitioner to establish a clear and indisputable right to relief).

Dr. Arunachalam’s petition does not appear to come close to satisfying that standard. For those cases in the caption that are ongoing or recently resolved, Dr. Arunachalam fails to explain why she lacks an alternative means for obtaining relief through the normal course of an appeal. She would also, at a minimum, lack any clear and indisputable right to now vacate a previously closed matter. Moreover, it appears that the petition largely seeks to pursue arguments that this court has already repeatedly rejected. Dr. Arunachalam’s filing thus appears to be frivolous and abusive to the judicial process.

As other courts have explained, “[l]eave to file a claim in forma pauperis has always been a matter of grace . . . denied in the court’s discretion when that privilege has been abused by filing claims or appeals that are frivolous or otherwise not taken in good faith.” *Ibrahim v. Dist. of*

those arguments, *see Arunachalam v. Int’l Bus. Machs. Corp.*, 759 F. App’x 927, 930 (Fed. Cir. 2019); *see also In re Arunachalam*, No. 2019-112 (Fed. Cir. Mar. 27, 2019); *In re Arunachalam*, No. 2019-113 (Fed. Cir. Mar. 27, 2019); *In re Arunachalam*, No. 2019-114 (Fed. Cir. Mar. 27, 2019). Likewise, the instant petition asserts error in a Delaware district court judge’s recusal decisions, *see, e.g.*, Pet. at 3–4, 8, 10–13, 16–17, 21–22, 30, arguments already rejected by this court, *see Arunachalam*, 759 F. App’x at 933–34.

Col., 208 F.3d 1032, 1036 (D.C. Cir. 2000) (citations omitted); *see also In re Sindram*, 498 U.S. 177, 180 (1991) (stating that a court “has a duty to deny *in forma pauperis* status to those individuals who have abused the system”); *Visser v. Supreme Court of California*, 919 F.2d 113, 114 (9th Cir. 1990) (recognizing power to restrict a litigant’s ability to commence abusive litigation *in forma pauperis*).

The Supreme Court has recently applied that principle in Dr. Arunachalam’s cases. *See Arunachalam v. Exxon Mobil Corp.*, No. 19-7905 (U.S. June 29, 2020) (denying reconsideration of Court’s prior order that denied her motion for leave to proceed *in forma pauperis* based on Supreme Court Rule 39.8, which provides that “[i]f satisfied that a petition . . . is frivolous or malicious, the Court may deny leave to proceed *in forma pauperis*”); *Arunachalam v. Intuit, Inc.*, No. 19-7910 (U.S. June 29, 2020) (same); *Arunachalam v. Lyft, Inc.*, No. 19-8029 (U.S. June 29, 2020) (same); *Arunachalam v. Uber Techs., Inc.*, No. 19-8059 (U.S. June 29, 2020) (same).

The court finds it appropriate to do the same here. Thus, if Dr. Arunachalam wishes for this court to consider her petition for a writ of mandamus on the merits, she must first pay the court’s filing fee in full.

Accordingly,

IT IS ORDERED THAT:

The motion is denied. The docketing fee of \$505 must be paid within 30 days of the date of filing of this order or this matter will be dismissed for lack of prosecution.

FOR THE COURT

July 21, 2020
Date

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

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