20-136

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

In Re: Dr. Lakshmi Arunachalam, *a woman,*
Petitioner

On Petition for Writ of Mandamus to the United States District Court for the District of Delaware in Case No. 1:14-cv-00091-RGA, Judge Richard G. Andrews, and other cases listed in my Petition for Writ of Mandamus filed 6/22/20, which this Court has omitted, namely:
U.S. District Court for the District of Delaware, Case Nos. 14-373-RGA; 12-282-RGA; 14-490-RGA; 13-1812-RGA; 15-259-RGA; 16-281-RGA; 12-355-RGA;
United States District Court for the Northern District of California, Case Nos. 3:12-cv-4962-TSH; 5:18-cv-1250-EJD; 17-3325-EJD; 17-3383-EJD; 5:16-cv-6591-EJD; 4:13-CV-1248 PJH; 15-23-EDL;
United States District Court for the Western District of Texas, Waco, Case Nos. 6:19-cv-171; 6:19-cv-172; 6:19-cv-349; 6:19-cv-350; 6:19-cv-351; 6:19-cv-352;
United States District Court for the Eastern District of Texas, Texarkana, Case Nos. 5:19-cv-18; 5:19-cv-19;
United States Court of Federal Claims, Case No. 16-358-RTH (COFC);
United States Patent Trial and Appeal Board PTAB Case Nos. CBM2016-00081; IPR2013-00194; IPR2013-000195; CBM2013-00013; CBM2014-00018; PATO-1: 90/010,417; *Ex Parte* Re-Exam Control No. 90/010,346; *Inter Partes* Re-Exam Control No. 95/001,129; in Re-Examination of U.S. Patent Nos. 6,212,556 B1; 5,778,178; 7,340,506; and IPR Reviews of U.S. Patent Nos. 8,108,492; 5,987,500; and CBM Reviews of U.S. Patent Nos. 8,037,158; and 7,340, 506 C1.

Dr. Lakshmi Arunachalam, *a woman***'s**
PETITION FOR *EN BANC* REHEARING

October 29, 2020

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STATEMENT OF SELF-REPRESENTED PETITIONER

Based on my professional judgment, I believe the Court's decision is contrary to the following decision(s) of the Supreme Court or the precedents of this Court:

1. The Court's decision is contrary to the Supreme Court's decisions in *Bogan v. Scott-Harris*, 523 U.S. 44 (1998); *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,* 10 U.S. 87 (1810); *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518 (1819); *Grant v. Raymond,* 31 U.S. 218 (1832); *U.S. v. American Bell Telephone Company*, 167 U.S. 224 (1897) and affirmations thereof; *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."

and, *Arunachalam v. Lyft*, 19-8029, in which Chief Justice Roberts recused for want of jurisdiction, voiding all his Orders in all of my cases; *Cooper v.*

Aaron, 358 U.S. 1 (1958); *Festo Corp. v Shoketsu Kinzoku Kogyo Kabushiki Co*., 535 U.S. 722 (2002); ***and,*** any process or Court adjudicating a contract by estopping a material part of it from being considered *prima facie* denies due process.

See **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. 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**."

See ALP VOL. 12. CONST. LAW, CH. VII, SEC. 1, §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." [§141]

2. This Court's decision is contrary to this Court's decision in *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); *Aqua Products Inc.*

v. Matal, Fed Cir. Case 15-1177, October 4, 2017; *Arthrex, Inc. v. Smith & Nephew, Inc.,* No. 2018-2140, slip op. (Fed. Cir. Oct. 31, 2019); *Virnetx Inc. v. Cisco Systems and USPTO* (intervenor) (Fed. Cir. 5/13/2020*). Arthrex* applies to: "All agency actions rendered by those [unconstitutionally appointed] APJs."

3. Based on my professional judgment, I believe this Appeal/Petition for Mandamus/Rehearing requires an answer to one or more precedent-setting questions of exceptional importance:

QUESTIONS PRESENTED

1. Whether Due Process and Equal Protection of the Law are fundamental guarantees.
   If so, whether they apply to rights as well as procedures.
   If not?
   Why not?

2. Whether courts have a ministerial duty imposed by law, to abide by their solemn oaths of office to enforce the Law of the Land.

3. If a ministerial act is **not** performed, whether a court must issue a writ of mandamus to compel the public official to perform said act.

4. If a ministerial act is **not** performed, whether a court not issuing a writ of mandamus to compel the public official to perform said act and the court itself failing to perform said ministerial act constitutes denial of Due Process.

5. Whether due process for petitions for writs of mandamus incorporates the presumption of non-authority by the official who is the respondent who has the burden to prove his authority to do or not do a ministerial act, failing which the court has no discretion but to decide for the petitioner.

6. When ministerial acts were not performed by inferior courts, PTAB, Appellate Courts, Supreme Court and clerks of courts, and *whereas*, the Federal Circuit Court dismissed a petition for writ of mandamus, instead of compelling public official(s) to perform ministerial acts, **whether the Federal Circuit Court itself is relieved of its own duty to perform the same said ministerial act of abiding by its solemn oath duty to enforce the Law of the Land.**

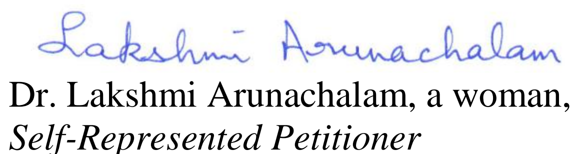
   If so, whether the Federal Circuit is setting an example for **all** tribunals to not perform ministerial acts, thereby **perpetuating the denial of due process, by making *Fletcher/Dartmouth College* a blood clot — a knot— in the flow of justice, enforcement of which allows justice to move forward, *whereas*, lack thereof leaves the courts as Constitutional tortfeasors, in ill-repute, knowing they have failed in their duty, violates every axiom, civil and criminal law and the Constitution.**

7. Whether a Judge Ordering a party to not answer the Complaint constitutes a judicial waiver of Default, allowing that party to present itself at appeal.

8. When a party files a Complaint and the Judge issues an Order to dismiss the case after ordering a party to not answer the Complaint, it does not constitute a hearing, even an unfair hearing. Whether this constitutes **no process** at all.

9. Whether courts not performing their ministerial duty to enforce the Law of the Land in over 100 of Victim's cases, diminishing the just and fair administration of justice, does not constitute an extraordinary breach by the courts and an extraordinary cause for the Victim, left with rights and no remedy.

Dated: October 29, 2020



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PETITION FOR *EN BANC* REHEARING

Dr. Lakshmi Arunachalam ("Dr. Arunachalam"), the "Victim" and aggrieved "Petitioner," hereby objects to the entirety of the Court's 10/19/20 Order **ECF38** and prays for Mandamus Rehearing.

1. **ECF38 OVERLOOKED THAT PETITIONER MET ALL THREE ELEMENTS REQUIRED FOR MANDAMUS:**

   Detailed in Section **5** *infra*.

2. **PETITIONER'S NEW DISCOVERY: IF A MINISTERIAL ACT IS *NOT* PERFORMED, THEN A COURT *MUST* ISSUE A WRIT OF MANDAMUS TO COMPEL THE PUBLIC OFFICIAL TO PERFORM SAID ACT.**

See Virginia Land Use law, citing *Phillips v. Telum, Inc.*, 223 Va. 585 (1982). She 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, willfully ignored its duty to compel/enforce.

3. **MINISTERIAL ACTS NOT PERFORMED BY INFERIOR COURTS, PTAB, APPELLATE COURTS, SUPREME COURT, CLERKS OF COURT IN OVER 100 CASES OF VICTIM, *AND*, BY THIS COURT ITSELF, INCLUDE AT LEAST:**

- Courts have a ministerial duty — a simple and definite **duty**, imposed by law, to abide by their solemn oaths of office to enforce the Law of the Land —***stare decisis Mandated Prohibition*** from repudiating Government-issued patent contract grants in accord with the Contract Clause and Separation of Powers

Clause of the Constitution —the Supreme Law of the Land— 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), *Grant v. Raymond*, 31 U.S. 218 (1832), *U.S. v. American Bell Telephone Company*, 167 U.S. 224 (1897) and affirmations thereof. Courts failed to do so;

- Failed in the ministerial act of entry of an order of the court by a clerk of the court; Ballentine's Law Dictionary, p. 341;
- Failed in entry of Default by a clerk of the court, when Victim's opponent failed to file an Answer to her Complaint;
- Failed in promptly docketing (by withholding for over 5 weeks, in contempt and altering the record and changing the titles of a) a self-represented Victim's brief by a clerk of the court;
- Failed in promptly processing (by withholding for over 4 months, in contempt and hate crime against an elder) a self-represented Victim's payment of fees by a clerk of the court.

4. **HEREIN LIES *THE EXTRAORDINARY CAUSE*: (a) FAILING TO COMPEL INFERIOR COURTS/PTAB TO PERFORM MINISTERIAL ACTS, THIS COURT OF LAST RESORT IS NOT RELIEVED OF ITS OWN SOLEMN OATH DUTY TO PERFORM THE SAME MINISTERIAL ACT OF ENFORCING *Fletcher/Dartmouth College*, A KNOT— IN THE FLOW OF JUSTICE, ENFORCEMENT OF WHICH ALLOWS JUSTICE TO MOVE FORWARD AND RESTORE GOOD ORDER, DISCIPLINE AND JUSTICE IN THE JUDICIARY TO STOP PERPETRATING THE DENIAL OF DUE PROCESS, OBSTRUCTING JUSTICE,**

OPPRESSING VICTIM, DENYING VICTIM HER DAY IN COURT IN OVER 100 CASES.

The due process for petitions for such writs incorporates the presumption of non-authority, so that the official who is the respondent has the burden to prove his authority to do or not do something, failing which the Court has no discretion but to decide for the Petitioner.

Victim has been injured financially and physically by the concerted, patently oppressive, **corrupt process disorder** perpetuated by the Judiciary acting as Attorneys to Respondents, 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 and perpetrated the process contaminated all the way up to the Supreme Court, where the Judge issued an Order 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 Victim, diminishing the just and fair administration of justice, constituting an extraordinary breach by the courts and an extraordinary cause for the Victim, left with rights and no remedy. The only way for a remedy is to enforce the Law of the Land. This "drastic

remedy" is required because this a "really extraordinary cause," emanating from an extraordinary breach by the courts all the way up to the Supreme Court, courts making extortionary threats to sanction her, to silence her from exercising her rights.

(b) Dr. Arunachalam WAS DENIED HER DAY IN COURT IN OVER 100 CASES! HOW? BY PUBLIC OFFICIALS FAILING TO PERFORM MINISTERIAL ACTS IN AGGRAVATED WHITE COLLAR CRIME—THE EPITOME OF AN EXTRAORDINARY SITUATION WARRANTING THE DRASTIC REMEDY OF MANDAMUS:

- Forgery by falsifying documents;
- False personation;
- Perjury by false affidavit;
- Willful suppression and fabrication of evidence;
- Willful False Statements intended to mislead;
- Violated False Claims Act;
- Altering court records;
- Bribing, intimidating, extortion of a witness;
- Hate crime against an elder by felony interference with civil rights by damaging property;
- Human rights violations during a medical crisis;
- Making it expensive for Victim 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. VICTIM HAS MET ALL THREE CONDITIONS/ELEMENTS NECESSARY FOR A MANDAMUS.

I. VICTIM 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, that has transformed our lives like electricity and the telephone invented by Edison and Alexander Graham Bell — the Internet of Things, Web Apps displayed on a Web browser. The world is able to function remotely during COVID because of her inventions. Courts allowed Respondents to unjustly enrich themselves without paying Victim her royalties.

C. TO THE BENEFITS 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 Victim'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 Victim'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 Victim, 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 **ECF38** 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 Respondents 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**."

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

District and Appellate Court Judges denied Dr. Arunachalam due process and acted as Respondents' attorneys, manufacturing false reasons to dismiss her case in an egregious abuse of judicial power under the color of law and authority. Respondents 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."

RESPONDENTS' "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*.)."
>
> "**<u>STANDARD OF PROOF WILL REQUIRE THE TRIAL JUDGE TO ANALYZE THE PROSECUTION HISTORY</u>**. If there are rejections based on prior art, the judge will have to determine the scope and content of that art. 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. <u>The process may seem convoluted and circular</u>. Prior art invalidity is not, of course, the only kind of invalidity as to which <u>the prosecution history may speak</u>. Claims are rejected for failing to meet other requirements…§112: <u>enablement, definiteness</u>. *See* Part III.B, *infra*. Depending on how the dividing line is articulated and what the accused infringer argues, the same <u>circular use of facts may occur</u>."
>
> 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. **<u>Those inquiries would not become stepchildren to a dispute over how well or ill the Patent Office did its job</u>**. …participants in the patent system."

II. VICTIM HAS "NO ALTERNATIVE LEGAL CHANNELS TO OBTAIN THAT RELIEF."

<u>Victim complained to Appellate Courts and Supreme Court about an injustice, after **all** attempts by Victim to District and Circuit Courts, Court of Federal Claims and PTAB o f their ministerial duty to comply with the law, were deemed fruitless</u>. Courts and PTAB blocked access to the Court to Victim <u>in over 100 cases</u>, *infra,* and denied her due process. Victim has exhausted all administrative and judicial remedies. The Legislature passed the unconstitutional America Invents Act which

violates the Contract Clause, Separation of Powers and Appointments Clauses of the Constitution.

III. VICTIM IS LEFT WITH RIGHTS WITH NO REMEDIES.

District and Appellate Court and Supreme Court rulings in Dr. Arunachalam's 100 cases and *Oil States* and *Alice*, the Legislature's AIA violate the "Law of the Land;" **deprived Dr. Arunachalam 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 Respondents in violation of Equal Protection of the Law to Victim. Petitioner's arguments are manifest *in 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 Dr. Arunachalam's constitutional right* ***(emphasis added)*** *to redress*, a remedy *has been denied and destroyed altogether* by this Court's Order **ECF38.**], 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 of Illinois 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**…and *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 a consequence of the former two that 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*. And it would but ill become this Court under any circumstances to depart from the plain meaning of the words used and to sanction a distinction between the right and the remedy which would render this provision illusive and nugatory … mere words of form, affording no protection and producing no practical result… 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**, and its obligation to fall within the class of those moral and social duties which depend for their fulfillment wholly upon the will of the individual. **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).

Justice Woodbury declared:

> "One of the tests that a contract has been impaired is that its value has, by legislation, been diminished (*as here*). **It is not… by the Constitution, to be impaired at all**. **This is not a question of degree or cause, but of encroaching in any respect on its obligation…dispensing with any part of its force**." *Planters' Bank v. Sharp,* 6 How. 327.

IV. EXTRAORDINARY BREACH OF MINISTERIAL DUTY TO ENFORCE THE LAW OF THE LAND IS THE EXTRAORDINARY CAUSE. INSURRECTION AND REBELLION AND WAR AGAINST THE CONSTITUTION BY ALL COURTS AND DENYING VICTIM A HEARING AND DISMISSING 100 CASES IMMEDIATE UPON FILING OF COMPLAINT AFTER ORDERING DEFENDANTS TO GO INTO DEFAULT AND VICTIM HAS NOT HAD HER DAY IN COURT IN OVER 100 CASES REQUIRE THE REMEDY OF MANDAMUS TO ENFORCE THE LAW OF THE LAND.

V. THE FEDERAL CIRCUIT IS THE COURT OF LAST RESORT. THE ONLY REMEDY IS TO ENFORCE THE LAW OF THE LAND. VICTIM HAS PROTECTED RIGHTS AND NO REMEDY.

This **extraordinary breach** has to stop. Victim has a protected right, to property, to constitutional redress. Victim has rights and no remedy. Judges have a solemn

oath **ministerial duty**, no discretion not to abide by the Law of the Land – not enforcing the *stare decisis Mandated Prohibition* is not discretionary, Judge Andrews is **in dishonor**. **The only remedy is *Fletcher*. The only way to protect Dr. Arunachalam's right is Mandamus** to perform a **ministerial duty**. Not enforcing Law of the Land, takes away Victim's right. Their discretion is they are obliged to enforce the Law of the Land. Non-enforcement of the Law of the Land reinforces their own lawlessness, calling Victim names, egregious hate crime against an elder, retaliatory extortion, **judicial process disorder and neglect, in dishonor**, 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 administrative tribunal and by the District and Appellate Courts, ordinary legal remedies were so inadequate, and threaten a failure of justice. The courts and clerks denied Victim access to a fair process and access to the courts.

THIS COURT MUST ISSUE THE WRIT OF MANDAMUS BECAUSE:

VI. THIS COURT'S ORDER ECF38 INJURED VICTIM WITHOUT PROVIDING A REMEDY BY LEAVING HER BEREFT OF HER VESTED RIGHTS DIRECTLY TO FEDERAL GRANTS OF PATENTS UNDER THE IP CLAUSE, CONTRACT CLAUSE, SEPARATION OF POWERS CLAUSE, PUBLIC INTEREST/WELFARE CLAUSE, DUE PROCESS AND EQUAL PROTECTIONS CLAUSES.

This Court's Order **ECF38** 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 the Victim's estate "for **a crime *not* committed** by" Victim, "but **by the Adjudicators**" by their Orders which "unconstitutionally impaired" the contract with Victim, which, "as in a conveyance of land, the court found a contract that the grant should not be revoked." The Judiciary and USPTO bullied and intimidated Victim, took away her electronic filing.

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

WHEREFORE, Mandamus must be granted, to allow the flow of justice.

Dated: October 29, 2020 Respectfully submitted,

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VERIFICATION

In accordance with 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

Dr. Lakshmi Arunachalam, a woman
Self-Represented Petitioner

Executed on October 29, 2020

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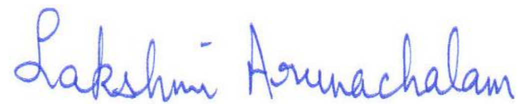
CERTIFICATE OF COMPLIANCE WITH FRAP 32(a)(7)(B)

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 3886 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.

October 29, 2020 Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on October 29, 2020, I filed an original of the foregoing paper and Addendum/Exhibits, with the Clerk of the Court in the United States Court of Appeals for the Federal Circuit, via email, as per COVID rules, to:
The Clerk of the Court,
U.S. Court of Appeals for the Federal Circuit,
717 Madison Pl NW, Washington, DC 20439

and I certify that on the same day, I served a copy on counsel of record for all Respondents, via email and by Express Mail via the U.S. Postal Service for overnight delivery at the following addresses:

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ADDENDUM

Court Order ECF38 dated 10/19/20