

Filed on behalf of Dr. Lakshmi Arunachalam

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Patent Owner's Response to Petitioner's Opposition

In

Covered Business Method Review of U.S. Patent No. 8,037,158

SAP America, Inc.

Petitioner

v.

Dr. Lakshmi Arunachalam

Patent Owner

CASE CBM2013-00158

Patent 8,037,158

Petitioner fails to note that the DE Judge recently granted the Defendants' motion for extension of time on Dr. Arunachalam's Motion to Substitute Plaintiff, delaying her constitutional right to self-representation, basing this on the pending PTAB Decision on the '500, 492 and '158 Patents, and trying to drag the PTAB into the quagmire of fraud on the court, collusion and judicial corruption among the officers of the Court and DE Judges.

Chief Judge Randall R. Rader's resignation proves that Dr. Arunachalam's judicial ethical concerns in *Leader Techs v. Facebook* were justified, not frivolous: Petitioner cites a Federal Circuit order regarding judicial conflicts of interest in *Leader Techs v. Facebook*. The Federal Circuit Bar Association ("FCBA") later moved to have that order made precedential.¹ The FCBA attorney who filed the motion on that order was Edward R. Reines, Weil Gotshal LLP. Federal Circuit Chief Judge Randall R. Rader, who was managing Leader's appeal, did not disclose his conflicts with Reines. Recently, Reines was discovered to be colluding with Judge Rader, who later resigned the bench in disgrace. Dr. Arunachalam was right to argue that corruption and conflicts of interest were at play. The FCBA evidently believed that Dr. Arunachalam's arguments merited intervention by the FCBA. Therefore, Petitioner argues that the FCBA's motion was frivolous too. In fact, fraud was occurring, as it is in this case. Respected lawyer/legal commentator, Harold C. Wenger, believed Dr. Arunachalam's arguments in *Leader Techs v. Facebook* were meritorious enough that he republished them on the Los Angeles Intellectual Property Law Association ("LAIPLA") website on May 29, 2013.² Petitioner is impugning Mr. Wenger's integrity as well. The docket games played at the Federal

¹ Federal Circuit Bar Association's Request for Reissue Re. Leader v. Facebook, Case No. 2011-1366 (Fed. Cir.), Sep. 17, 2012 <http://www.fbcoverup.com/docs/federalcircuit/Response-to-Request-of-Federal-Circuit-Bar-Association-s-Request-for-Reissue-Re-Leader-v-Facebook-Case-No-2011-1366-Fed-Cir-by-Lakshmi-Arunach.pdf#page=31>

² "The Departure of Circuit Executive Jan Horbaly (con'd)" by Harold Wenger, LAIPLA, May 29, 2013 <http://www.laipla.net/the-departure-of-circuit-executive-jan-horbaly-cond/>

Circuit triggered the resignations of Chief Judge Randall R. Rader and Clerk of Court Jan Horbaly. Reines' FCBA motion disappeared from the docket, after Dr. Arunachalam's blistering rebuttal that discredited the FCBA motion and tellingly, Clerk of Court Jan Horbaly also resigned in disgrace. However, Dr. Arunachalam was served a copy of that motion. **Petitioner argues the mutual fund safe harbor, but fails to cite the numerous exceptions to the rule:** Judges are not absolved from disclosure responsibilities by hiding behind the paper-thin mutual fund veil. Recusal may be required if a judge has an "interest that could be affected substantially by the outcome of the proceeding." A mutual fund that invests in only a few companies in a particular industry would be more likely to be substantially affected by certain types of litigation involving one of them. The DE Court Judges hold narrow financial sector/industry mutual funds. Per Canon 4D(3), § 455(b)(4) and § 455(f), "[a] judge should divest investments and other financial interests that might require frequent disqualification." Canon 3C(1) directs judges to disqualify if the judge's impartiality might reasonably be questioned. Each situation should be assessed on a case-by-case basis. Under the Judicial Conference policy on electronic conflicts screening, JCUS-SEP 06, p.11, a judge has a continuing obligation to update the judge's list of financial interests that would require recusal, the scope of their financial disclosure obligations may change as their sector fund, industry fund, ETF, blind trust or SMA portfolio develops. *See The Committee Guide to Judiciary Policy, Vol. 2B, Ch. 2 Page 106-2.* The PTAB must stay all pending IPR, CBM cases and Decisions until this huge mess is sorted out in DE.

Respectfully submitted,

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Date: September 18, 2014

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CERTIFICATION OF SERVICE (37 CFR 42.6(e), 42.105(a))

The undersigned hereby certifies that the above-captioned "Patent Owner's Response to Petitioner's Opposition" in Case CBM2013-00013 was served in its entirety on September 18, 2014, upon the following parties via eMail:

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