

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 CHALLENGING VALIDITY AND IMPARTIALITY OF
PROCEEDINGS DUE TO FRAUD UPON THE OFFICE AND REQUEST FOR
FRAUD INVESTIGATION BY THE INSPECTOR GENERAL

In

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

SAP America, Inc.

Petitioner

v.

Dr. Lakshmi Arunachalam

Patent Owner

CASE CBM2014-00018

Patent 8,037,158

A. BACKGROUND

The briefing by both parties has been completed in this case. Oral argument was not requested by either party. The PTAB Decision on the outcome of the case is pending.

B. FACTS AND ARGUMENT

1. Request for this Matter to Be Designated as Contested due to Newly discovered Fraud on the Office

The Board may designate a case as contested pursuant to § 41.102 (“as the Board may otherwise authorized”). Extenuating circumstances in this matter dictate that the Board contest these proceedings as invalid due to Fraud upon the Office by the district court, upon whose Markman Order the Office relies. *See also* Fraud upon the Office, § 1.620(g)(“ If the Office becomes aware, during the course of supplemental examination or of any reexamination ordered under 35 U.S.C. 257 as a result of the supplemental examination proceeding, that a material **fraud on the Office** may have been committed in connection with the patent requested to be examined, ...and the matter will be referred to the U.S. Attorney General in accordance with 35 U.S.C. 257(e).”) (emphasis added).

Patent Owner respectfully challenges the invalidity arguments on the Claims in Patent 8,037,158 because the key underlying arguments are based upon newly discovered Fraud upon the Office.

2. Undisclosed Financial Interests of Chief Judge Leonard P. Stark, Richard A. Andrews in J.P. Morgan Chase, Fedex, Well Fargo Bank, Citibank and Bank of America; and the fraudulent appointment of Judge Susan L. Robinson just one week before the Markman Hearing

The Office relies upon a fraudulent Markman Opinion in CASE NO. 1:12-cv-282-SLR. The veracity of the Opinion is undermined by the discovery that the district court judges have engaged in Fraud upon the Office by failing to disclose their financial conflicts of interest in the holdings of J.P. Morgan, Wells Fargo, Fedex and Citibank interests. These holdings irreparably taint the Markman Order upon which the Office relies in the pending reexamination decision. The following pleadings and motions, including exhibits, are incorporated as if fully restated herein: All filings in Case Nos. 1:12-cv-355-RGA and 1:12-cv-282-SLR between the dates of August 25, 2014 and September 16, 2014.

3. Suspension of Proceedings

The Board may suspend these proceedings pending the outcome of this Request pursuant to § 41.103.

4. Investigate Fraudulent Conduct by the Courts

The Board must refer this request to the Office of Inspector General pursuant to Title 48 § 533.209 (“In GSA, the agency official responsible for investigating fraud is the Office of Inspector General.”).

C. REQUEST FOR RELIEF

Patent Owner respectfully requests that the Board suspend these proceedings pending the resolution of the financial conflicts of interest by the district court and the appointment of an impartial tribunal to rehear the Markman Hearing.

Petitioner further requests that the Board refer this matter forthwith to the Office of Inspector General to conduct a fraud investigation.

Date: September 15, 2014

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Respectfully submitted,

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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 CHALLENGING VALIDITY AND IMPARTIALITY OF PROCEEDINGS DUE TO FRAUD UPON THE OFFICE AND REQUEST FOR FRAUD INVESTIGATION BY THE INSPECTOR GENERAL” in Case CBM2014-00018 was served in its entirety on September 15, 2014, upon the following parties via e-mail:

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