

APPENDIX 1a:
Federal Circuit Entry of Judgment with
Opinion
(May 10, 2024)

Case: 22-2121 Document: 174 Page: 1 Filed: 05/10/2024

United States Court of Appeals for the Federal Circuit

LAKSHMI ARUNACHALAM, Plaintiff-Appellant

v.

International Business Machines Corporation, JPMorgan Chase & Co., SAP America, Inc., Edward L. Tulin, Kevin J. Culligan, Tharan Gregory Lanier, Apple Inc., Facebook, Inc., Alphabet Inc., Microsoft Corporation, Fiserv, Inc., Wells Fargo Bank, N.A., Fulton Financial Corporation, Samsung Electronics America, Inc., Eclipse Foundation, Inc., Claire T. Cormier, Douglas R. Nemecek, Joseph M. Beauchamp, Michael Q. Lee, David Ellis Moore, Mark J. Abate, Matthew John Parker, Sasha G. Rao, Robert Scott Saunders, Jessica R. Kunz, Citigroup, Inc., Citicorp, Citibank, N.A., Ramsey M. Al-Salam, Candice Claire Decaire, Garth Winn, Michael J. Sacksteder, Alan D. Albright, Kristie Davis, Robert W. Schroeder, III, Caroline Craven, Ryan T. Holte, Lyft, Inc., Uber Technologies, Inc., Exxon Mobil Corporation, Intuit, Inc., John Allen Yates, John H. Barr, Jr., Andrew James Isbester, Dominick Gattuso, Kronos Incorporated, Scott David Bolden, Lori A. Gordon, Defendants-Appellees

2022-2121

Appeal from the United States District Court for the District of Delaware in No. 1:20-cv-01020-VAC, Judge Maryellen Noreika.

Case: 22-2121 Document: 174 Page: 2 Filed: 05/10/2024

JUDGMENT

THIS CAUSE having been considered, it is
ORDERED AND ADJUDGED:

AFFIRMED

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

May 10, 2024
Date

NOTE: This disposition is nonprecedential.
United States Court of Appeals for the Federal Circuit

LAKSHMI ARUNACHALAM, Plaintiff-Appellant

v.

INTERNATIONAL BUSINESS MACHINES CORPORATION, JPMORGAN CHASE & CO., SAP AMERICA, INC., EDWARD L. TULIN, KEVIN J. CULLIGAN, THARAN GREGORY LANIER, APPLE INC., FACEBOOK, INC., ALPHABET INC., MICROSOFT CORPORATION, FISERV, INC., WELLS FARGO BANK, N.A., FULTON FINANCIAL CORPORATION, SAMSUNG ELECTRONICS AMERICA, INC., ECLIPSE FOUNDATION, INC., CLAIRE T. CORMIER, DOUGLAS R. NEMEC, JOSEPH M. BEAUCHAMP, MICHAEL Q. LEE, DAVID ELLIS MOORE, MARK J. ABATE, MATTHEW JOHN PARKER, SASHA G. RAO, ROBERT SCOTT SAUNDERS, JESSICA R. KUNZ, CITIGROUP, INC., CITICORP, CITIBANK, N.A., RAMSEY M. AL-SALAM, CANDICE CLAIRE DECAIRE, GARTH WINN, MICHAEL J. SACKSTEDER, ALAN D. ALBRIGHT, KRISTIE DAVIS, ROBERT W. SCHROEDER, III, CAROLINE CRAVEN, RYAN T. HOLTE, LYFT, INC., UBER TECHNOLOGIES, INC., EXXON MOBIL CORPORATION, INTUIT, INC., JOHN ALLEN YATES, JOHN H. BARR, JR., ANDREW JAMES ISBESTER, DOMINICK GATTUSO, KRONOS INCORPORATED, SCOTT DAVID BOLDEN, LORI

Case: 22-2121 Document: 173 Page: 2 Filed: 05/10/2024
2 ARUNACHALAM v. INTERNATIONAL BUSINESS
MACHINES CORPORATION

A. GORDON,
Defendants-Appellees
2022-2121

Appeal from the United States District Court for the
District of Delaware in No. 1:20-cv-01020-VAC, Judge
Maryellen Noreika.

Decided: May 10, 2024

LAKSHMI ARUNACHALAM, Menlo Park, CA, pro se.
JOANNA J. CLINE, Troutman Pepper Hamilton Sanders
LLP, Wilmington, DE, for defendants-appellees Ramsey
M. Al-Salam, Fiserv, Inc.

MARK J. ABATE, Goodwin Procter LLP, New York, NY,
for defendant-appellee International Business Machines
Corporation. Also represented by CALVIN E.
WINGFIELD, JR.

CLIFF C. GARDNER, Skadden, Arps, Slate, Meagher &
Flom LLP, Wilmington, DE, for defendants-appellees
JPMorgan Chase & Co., Edward L. Tulin, Douglas R.
Nemec, Robert Scott Saunders, Jessica R. Kunz. Also
represented by CHRISTOPHER JUSTIN COULSON,
New York, NY.

THARAN GREGORY LANIER, Jones Day, Palo Alto, CA,
for defendants-appellees SAP America, Inc., Tharan
Gregory Lanier, Joseph M. Beauchamp. Also represented
by JOSEPH BEAUCHAMP, Houston, TX.
JOHN HINTZ, Maynard Nexsen PC, New York, NY, for

Case: 22-2121 Document: 173 Page: 3 Filed: 05/10/2024

ARUNACHALAM v.
INTERNATIONAL BUSINESS MACHINES CORPORATION 3

defendants-appellees Kevin J. Culligan, Mark J. Abate, Matthew John Parker, Sasha G. Rao.

ANNE MARIE CAPPELLA, Weil, Gotshal & Manges LLP, Redwood Shores, CA, for defendant-appellee Apple Inc.

ERIC SHUMSKY, Orrick, Herrington & Sutcliffe LLP, Washington, DC, for defendant-appellee Facebook, Inc.

RYAN RONALD SMITH, Wilson, Sonsini, Goodrich & Rosati, PC, Palo Alto, CA, for defendant-appellee Alphabet Inc.

KRISTIN L. CLEVELAND, Klarquist Sparkman, LLP, Portland, OR, for defendants-appellees Microsoft Corporation, Garth Winn.

DUSTIN JAMES EDWARDS, Winston & Strawn LLP, Houston, TX, for defendant-appellee Wells Fargo Bank, N.A.

DAVID SPENCER BLOCH, Greenberg Traurig LLP, San Francisco, CA, for defendant-appellee Fulton Financial Corporation. Also represented by BENJAMIN SCHLADWEILER, Wilmington, DE. PHILIP A. IRWIN, Covington & Burling LLP, New

York, NY, for defendant-appellee Samsung Electronics America, Inc.

BALDASSARE VINTI, Proskauer Rose LLP, New York, NY, for defendant-appellee Eclipse Foundation, Inc.

CASEN ROSS, Appellate Staff, Civil Division, United States Department of Justice, Washington, DC, for defendants-appellees Claire T. Cormier, Alan D. Albright, Kristie Davis, Robert W. Schroeder, III, Caroline Craven, Ryan T. Holte, Scott David Bolden. Also represented by BRIAN BOYNTON; DYLAN J. STEINBERG, United States Attorney's Office, Wilmington, DE.

4 ARUNACHALAM v. INTERNATIONAL BUSINESS
MACHINES CORPORATION

ADAM LAROCK, Sterne Kessler Goldstein & Fox
PLLC, Washington, DC, for defendants-appellees
Michael Q. Lee, Lori A. Gordon. Also represented by
KRISTINA CAGGIANO KELLY.

PHILIP A. ROVNER, Potter Anderson & Corroon,
LLP, Wilmington, DE, for defendants-appellees David
Ellis Moore, Candice Claire Decaire, Uber
Technologies, Inc., Andrew James Isbester. Uber
Technologies, Inc. also represented by JONATHAN A.
CHOA, Newark, DE.

ERIC SOPHIR, Foley & Lardner LLP, Washington,
DC, for defendants-appellees Citigroup, Inc., Citicorp,
Citibank, N.A. Also represented by KIMBERLY
KRISTIN DODD, Milwaukee, WI.

BRYAN ALEXANDER KOHM, Fenwick & West LLP,
San Francisco, CA, for defendant-appellee Michael J.
Sacksteder.

JEREMY TAYLOR, Baker Botts LLP, San Francisco,
CA, for defendant-appellee Lyft, Inc. Also represented
by LORI DING, Houston, TX.

MATTHEW DONELSON, Elzufon Austin Tarlov &
Mondell, PA, Wilmington, DE, for defendants-
appellees Exxon Mobil Corporation, John Allen Yates,

John H. Barr, Jr.

MICHAEL JOHN SACKSTEDER, Fenwick & West
LLP, San Francisco, CA, for defendant-appellee
Intuit, Inc. Also represented by JEFFREY A. WARE,
Seattle, WA.

KURT M. HEYMAN, Heyman Enerio Gattuso &
Hirzel LLP, Wilmington, DE, for defendant-appellee
Dominick Gattuso.

Case: 22-2121 Document: 173 Page: 5 Filed: 05/10/2024

ARUNACHALAM v.
INTERNATIONAL BUSINESS MACHINES CORPORATION 5

WILLIAM C. SATURLEY, Preti Flaherty Beliveau & Pachios LLP, Concord, NH, for defendant-appellee Kronos Incorporated. Also represented by DOMINICK GATTUSO, Heyman Enerio Gattuso & Hirzel LLP, Wilmington, DE.

Before LOURIE, DYK, and REYNA, Circuit Judges.
PER CURIAM.

Dr. Lakshmi Arunachalam, proceeding pro se, appeals from an anti-filing injunction order entered by the United States District Court for the District of Delaware. The district court also dismissed Dr. Arunachalam's underlying action. Dr. Arunachalam attempted to appeal both the dismissal of the underlying case and the anti-filing injunction. The appeal was untimely with respect to the underlying action, and we dismissed that appeal in a previous order. *Arunachalam v. Int'l Bus. Machs. Corp.*, No. 22-2121, ECF No. 145, at 3 (Fed. Cir. June 5, 2023). As to the appeal of the injunction order, we conclude that we have jurisdiction and that there was no abuse of discretion by the district court. Therefore, we *affirm* the injunction order.

BACKGROUND

Dr. Arunachalam has filed numerous lawsuits in the federal district courts, many of which relate to patents she previously held or now holds. She has also sued lawyers, judges, court staff, and parties that were involved in those cases under a wide variety of legal theories. The underlying litigation here is another such case. While Dr. Arunachalam seeks patent infringement damages in the complaint, she also accused 46 named defendants and 100 unnamed defendants—including corporations, judges, lawyers, and government officials that were involved in Dr. Arunachalam's past cases—of violating the common law, the United States Constitution, and several statutory provisions, including the patent statutes.

6 ARUNACHALAM v. INTERNATIONAL BUSINESS
MACHINES CORPORATION

The complaint is difficult to follow. As best we can discern, Dr. Arunachalam asserted that she is “the inventor of the Internet of Things (IoT) – Web Apps displayed on a Web browser” and “was awarded a dozen patents by the U.S. Government with a priority date of 11/13/1995.” *Arunachalam v. Gordon*, No. 20-cv-1020, Dkt. No. 170, at 26 (D. Del. June 23, 2022) (“*Complaint*”). She sought compensatory damages against all of the defendants “based on per Web transaction per Web App used by Defendants, their customers and Partners, but not less than \$100B,” *id.* at 99, and requested an order for defendants “to pay the royalties rightfully owed to the inventor,” *id.* at 41.

The complaint further alleged that “[t]he Judiciary and USPTO aided and abetted in the unjust enrichment of [the] Corporate Infringers [on] the order of trillions of dollars,” and that judges and the USPTO misapplied patent law. *Id.* at 37. The 14 claims of the complaint alleged violations of the First,

Fourth, Fifth, Seventh, Eighth, and Fourteenth Amendments, violations of the Administrative Procedure Act, the Religious Freedom Restoration Act, a witness tampering statute, the Americans with Disabilities Act, a conspiracy statute, Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1955, the Age Discrimination Act of 1975, the Rehabilitation Act of 1973, and the Civil Rights Act of 1866, as well as the patent statutes. Dr. Arunachalam also raised theories of recovery based in tort law. Many of these claims depended on Dr. Arunachalam's repeated assertion that the defendants had made false statements in connection with her earlier patent cases.

The district court dismissed all of the claims and entered judgment on December 29, 2021. At the same time, the district court ordered Dr. Arunachalam to show cause why she should not be subject to an anti-filing injunction. Dr. Arunachalam filed a brief in opposition. Arunachalam, No. 20-cv-1020, Dkt. No. 263. The district court then entered an anti-filing injunction order:

ARUNACHALAM v.
INTERNATIONAL BUSINESS MACHINES CORPORATION 7

[Dr. Arunachalam] is hereby enjoined from filing, without prior authorization of the Court, any complaint, lawsuit, or petition for writ of mandamus, related to: (i) the patents she holds; (ii) the more than 100 patent lawsuits she has filed, (iii) patent infringement, and/or (iv) any and all actions taken by individuals during the course of patent litigation involving Plaintiff.

Appx. 38.¹

On July 6, 2022, Dr. Arunachalam attempted to appeal to this court both the dismissal of her complaint and the entry of the anti-filing injunction. Because Dr. Arunachalam's appeal of the final judgment order dismissing her claims was untimely, we concluded that we lacked jurisdiction to hear those issues and dismissed that part of the appeal. *Arunachalam*, No. 22-2121, ECF No. 145, at 3, 5 (citing the 60-day time limit of 28 U.S.C. § 2107(b) and Fed. R. App. P. 4(a)(1)(B)). We declined to resolve at

that time whether this court had jurisdiction over the part of the appeal concerning the anti-filing injunction “based on the subject matter of the underlying complaint,” and we invited briefing from Dr. Arunachalam “to argue in favor of our jurisdiction and challeng[e] the anti-filing order.” *Id.* at 4.

In her principal brief, Dr. Arunachalam represented that the “U.S. District Court for the District of Delaware (‘DED’) alleges to have subject matter jurisdiction under 28 U.S.C. §§ 1331, 1338(a). This Court (‘CAFC’) has appellate jurisdiction under 28 U.S.C. § 1295 over the District Court’s Order(s).” Appellant’s Corrected Opening Br. at 1,

¹ “Appx.” citations refer to the hand-numbered appendix pages filed with Appellant’s principal brief. Appellant’s Corrected Opening Br., *Arunachalam*, No. 2022- 2121, ECF No. 148

8 ARUNACHALAM v. INTERNATIONAL BUSINESS
MACHINES CORPORATION

Arunachalam, No. 22-2121, ECF No. 148. On the merits, she argued that “a [f]iling [i]njunction is contrary to [p]atent [s]tatutes that allow [p]atentee to sue infringers,” *id.* at 8, and that “[f]iling patent lawsuits is allowed by [p]atent [s]tatutes and does not make her a ‘vexatious litigant’ requiring [a] filing injunction,” *id.* at 11 (emphasis removed).

The appellees urged dismissal or transfer of the appeal or, in the alternative, affirmance of the injunction order.

DISCUSSION

A

We first consider the question of jurisdiction. We conclude that our court has jurisdiction over this appeal under 28 U.S.C. § 1295(a)(1).

Under 28 U.S.C. § 1295(a)(1), we have jurisdiction over “an appeal from a final decision of a district court of the United States . . . in any civil action arising under . . . any Act of Congress relating to patents” Thus, our jurisdiction extends at least to cases in which “federal patent law creates the cause

of action” for one claim. *Xitronix Corp. v. KLA-Tencor Corp.*, 882 F.3d 1075, 1076 (Fed. Cir. 2018) (quoting *Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 809 (1988)).

We think that the jurisdictional test set forth in *Xitronix* is met here, at least because Claim 9 invokes the “Patent Statutes” and sets forth a theory of recovery for patent infringement, namely that the defendants “aided and abetted Big-Tech, and Microsoft in stealing Plaintiff’s property, worth trillions of dollars in unjust enrichment by BigTech.” *Complaint*, at 81, 88. The damages sought are also those that would be recoverable in an action for patent infringement, specifically damages “based on per Web transaction per Web App used by Defendants, their customers and Partners, but not less than \$100B,” *id.* at 99, which the plaintiff alleged represents “the royalties rightfully owed to

ARUNACHALAM v.
INTERNATIONAL BUSINESS MACHINES CORPORATION 9

the inventor,” *id.* at 41. This is sufficient to bring the appeal under our jurisdiction pursuant to 28 U.S.C. § 1295(a)(1). See *Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung E.V. v. Sirius XM Radio Inc.*, 59 F.4th 1319, 1323–24 (D.C. Cir. 2023) (holding that the Federal Circuit has jurisdiction over ancillary orders in cases arising under the federal patent laws).

B

Having determined that we have jurisdiction over the anti-filing injunction order on appeal, we turn to the merits. The federal courts have the inherent power to issue injunctions against the abuse of the judicial process, including by the repeated filing of meritless and vexatious pleadings. *Allen v. United States*, 88 F.4th 983, 986–87 (Fed. Cir. 2023); see also *Brow v. Farrelly*, 994 F.2d 1027, 1038 (3d Cir. 1993) (finding that the All Writs Act, 28 U.S.C. § 1651, provides the power). The party to be enjoined must be given notice of the injunction and an opportunity to be heard before the injunction is entered. *Allen*, 88 F.4th at 988; *Brow*, 994 F.2d at 1038. Both our court and the Third Circuit

review the imposition of an anti-filing injunction for abuse of discretion. *Allen*, 88 F.4th at 986–87; *In re Packer Ave. Assocs.*, 884 F.2d 745, 747 (3d Cir. 1989). We see no abuse of discretion in the district court's order.

At the outset, we note that the district court gave Dr. Arunachalam notice of the proposed injunction and the grounds on which it was based, and Dr. Arunachalam was heard on the issue fully in a 37 page opposition brief. Accordingly, the district court met the notice and opportunity to be heard requirements.

As the district court stated in both its notice and in its injunction order, the District of Delaware had previously sanctioned Dr. Arunachalam for her litigation conduct and awarded almost \$150,000 in attorneys' fees against her. *Arunachalam v. Int'l Bus. Machs. Corp.*, 989 F.3d 988, 997

10 ARUNACHALAM v. INTERNATIONAL BUSINESS
MACHINES CORPORATION

(Fed. Cir. 2021). Our court affirmed that sanction, finding there that the “record amply demonstrate[d] Dr. Arunachalam’s vexatious and wanton litigation conduct,” including her repeated assertion of dismissed claims against the same defendants in another district court. *Id.*

During the pendency of that appeal, our court further determined that “Dr. Arunachalam has an established pattern of vexatious behavior in this and other courts” and that “her vexatious and harassing behavior” had continued during that case. *Arunachalam v. Int’l Bus. Machs. Corp.*, No. 20-1493, ECF No. 55, at 2 (Fed. Cir. Nov. 30, 2020). As a result, our court imposed filing restrictions requiring Dr. Arunachalam to seek leave of court to file any documents other than merits briefs, motions for extensions of time, and motions for leave to proceed *in forma pauperis* in her direct appeals. *Id.* at 4. The Supreme Court has also found that Dr. Arunachalam “repeatedly abused [the Supreme Court’s] process,” and directed the clerk “not to accept any further petition in noncriminal matters from petitioner”

unless the docketing fees were paid and the filing complied with the Supreme Court's formatting rule. *Arunachalam v. Wells Fargo Bank, N.A.*, 141 S. Ct. 449, 449–50 (2020).

The district court found below that “[n]otwithstanding the sanctions, [Dr. Arunachalam] continued to sue previous defendant corporations, attorneys who represented those corporations, judges who presided over the cases, judges’ staff, and attorneys who represented the federal government. [Dr. Arunachalam’s] filings and pleadings raised specious, implausible, frivolous and vexatious claims.” Appx. 35–36. The district court also determined that Dr. Arunachalam’s complaint was “replete with scandalous and baseless allegations without factual support.”

We see no error in that assessment, which accurately described Dr. Arunachalam’s conduct in this case as well

ARUNACHALAM v.
INTERNATIONAL BUSINESS MACHINES CORPORATION 11

as other previously-filed cases. *See, e.g., Arunachalam v. Harris*, No. 21-5102, 2021 WL 5262582 (D.C. Cir. Oct. 27, 2021); *Arunachalam v. United States*, No. 2021-1410, 2021 WL 2470305 (Fed. Cir. June 4, 2021); *Arunachalam v. Andrews*, No. 5:17-CV-03383-EJD, 2018 WL 513178 (N.D. Cal. Jan. 23, 2018); *Arunachalam v. United States*, No. 5:16-CV-06591-EJD, 2017 WL 3730340 (N.D. Cal. Aug. 30, 2017). We also agree with the district court that this extraordinary history of abuse of the judicial process constitutes the exigent circumstances that justify the entry of an anti-filing injunction.

Dr. Arunachalam argues that the district court made an error regarding the number of patent lawsuits that she has filed. That finding, which was based on Dr. Arunachalam's own pleading that she has been involved "in over 100 cases," does not constitute an abuse of discretion. Appx. 38 (quoting *Complaint*, at 33). Regardless of the precise number of lawsuits that she has filed, Dr. Arunachalam concedes on appeal that she has filed numerous lawsuits,

sometimes against the same defendants, and characterizes herself as having been involved in "125, rather 62 lawsuits." Appellant's Corrected Opening Br. at 11, *Arunachalam*, No. 22-2121 (emphasis removed). On this record, we cannot say that the district court abused its discretion by referring to "more than 100 patent lawsuits" in its order. Appx. 38. Moreover, even if Dr. Arunachalam's lower figures were accurate, we do not think that this would transform the entry of the injunction into an abuse of discretion. The injunction was properly based on Dr. Arunachalam's repeated filing of "lawsuits that contain frivolous legal arguments and are vexatious and abusive of the judicial process" after the resolution of her initial wave of patent suits.

12 ARUNACHALAM v. INTERNATIONAL BUSINESS
MACHINES CORPORATION

Appx. 38. This finding is not affected by the number of patent lawsuits Dr. Arunachalam originally filed.²

Finally, we see no abuse of discretion in the scope of the district court's order, which is narrowly tailored to prevent Dr. Arunachalam from filing similarly meritless and vexatious cases without the approval of the district court. The order here specifically targets Dr. Arunachalam's repeated filings of lawsuits asserting patent infringement claims that she has already lost and raising frivolous accusations against individuals involved in those earlier cases. Moreover, the order provides a process for Dr. Arunachalam to seek leave of court to file documents that would otherwise be enjoined. Thus, we cannot say that the order is overbroad or an abuse of discretion.

AFFIRMED

² Dr. Arunachalam also argues that Judge Andrews should be recused because Judge Andrews purportedly owned "direct common stock in [defendant] JPMorgan." Appellant's Corrected Opening Br. at 11, *Arunachalam*, No. 22-2121 (emphasis omitted). But Judge Andrews was never assigned to this case.

APPENDIX 2a:

Federal Circuit Order Denying Petition for *En banc* Re-Hearing while it failed to docket Dr. Arunachalam's timely filed Combined Petition for Panel Re-Hearing and *En Banc* Re-Hearing, to hush up its own errors.

(May 30, 2024)

Case: 22-2121 Document: 175 Page: 1 Filed: 05/30/2024

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit
LAKSHMI ARUNACHALAM, Plaintiff-Appellant

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, JPMORGAN CHASE & CO., SAP
AMERICA, INC., EDWARD L. TULIN, KEVIN J.
CULLIGAN, THARAN GREGORY LANIER, APPLE INC.,
FACEBOOK, INC., ALPHABET INC., MICROSOFT
CORPORATION, FISERV, INC., WELLS FARGO BANK,
N.A., FULTON FINANCIAL CORPORATION, SAMSUNG
ELECTRONICS AMERICA, INC., ECLIPSE
FOUNDATION, INC., CLAIRE T. CORMIER, DOUGLAS
R. NEMEC, JOSEPH M. BEAUCHAMP, MICHAEL Q.
LEE, DAVID ELLIS MOORE, MARK J. ABATE,
MATTHEW JOHN PARKER, SASHA G. RAO, ROBERT
SCOTT SAUNDERS, JESSICA R. KUNZ, CITIGROUP,
INC., CITICORP, CITIBANK, N.A., RAMSEY M. AL-
SALAM, CANDICE CLAIRE DECAIRE, GARTH WINN,
MICHAEL J. SACKSTEDER, ALAN D. ALBRIGHT,
KRISTIE DAVIS, ROBERT W. SCHROEDER, III,
CAROLINE CRAVEN, RYAN T. HOLTE, LYFT, INC.,
UBER TECHNOLOGIES, INC., EXXON MOBIL
CORPORATION, INTUIT, INC., JOHN ALLEN YATES,
JOHN H. BARR, JR., ANDREW JAMES ISBESTER,
DOMINICK GATTUSO, KRONOS INCORPORATED,
SCOTT DAVID BOLDEN, LORI A. GORDON,

Defendants-Appellees

Case: 22-2121 Document: 175 Page: 2 Filed: 05/30/2024

2 ARUNACHALAM v. INTERNATIONAL BUSINESS
MACHINES CORPORATION

2022-2121

Appeal from the United States District Court for the
District of Delaware in No. 1:20-cv-01020-VAC,
Judge Maryellen Noreika.

SUA SPONTE

Before LOURIE, DYK, and REYNA, *Circuit Judges*.

PER CURIAM.

O R D E R

On May 23, 2024, the court received a combined
petition for panel rehearing and rehearing en banc
from Lakshmi Arunachalam. The court notes that the
petition was submitted without leave of court as
required by the November 30, 2020 order issued in
Appeal No. 2020-1493.

Upon consideration thereof,
IT IS ORDERED THAT:

Dr. Arunachalam is required to file a motion for leave to file a petition for rehearing consistent with the November 30, 2020 order.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

May 30, 2024
Date

Case: 22-2121 Document: 175 Page: 3 Filed: 05/30/2024

ARUNACHALAM v.
INTERNATIONAL BUSINESS MACHINES CORPORATION 3

**APPENDIX 3a: District Court Order
(6/23/22)**

Case 1:20-cv-01020-GBW Document 266 Filed
06/23/22 Page 1 of 6 to Page 6 of 6, PageID #: 3049
to 3054

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF DELAWARE

LAKSHMI ARUNACHALAM, Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, et al., Defendants.

C.A. No. 20-1020 (VAC)

MEMORANDUM ORDER

At Wilmington, this 23rd day of June 2022;

1. Plaintiff has filed numerous lawsuits that contain frivolous legal arguments and that are vexatious and abusive of the judicial process.¹ These lawsuits relate to patents she held or holds, the more than 100 patent lawsuits she has filed, patent infringement, and any and all actions taken by individuals and corporations during the course of patent litigation involving Plaintiff. The lawsuits have been filed against numerous entities and individuals.

2. Plaintiff was sanctioned in this District for her vexatious and wanton litigation conduct. *See Arunachalam v. International Business Machines Corp.*, 989 F.3d 988 (Fed. Cir. 2021) (affirming imposition of monetary sanctions and noting a record that amply demonstrated vexatious and wanton

litigation conduct). Notwithstanding the sanctions, Plaintiff continued to sue previous defendant corporations, attorneys who represented those corporations, judges who presided over the cases, judges' staff, and attorneys who represented the federal government. Plaintiff's filings and pleadings raised specious, implausible, frivolous and vexatious claims.

3. As a result of the Plaintiff's conduct, on December 29, 2021, Plaintiff was ordered to show cause why she should not be enjoined from filing any complaint, lawsuit, or petition for writ of mandamus, related to: (i) the patents she holds; (ii) the more than 100 patent lawsuits she has filed, (iii) patent infringement, and/or (iv) any and all actions taken by individuals during the course of patent litigation involving Plaintiff. (D.I. 259). Plaintiff was given until February 14, 2022 to respond to the show cause order, and her response was limited to twenty pages. (*Id.* at 2).

4. On January 31, 2022, Plaintiff filed an emergency request to extend the number of pages of her response from twenty to thirty-seven. (D.I. 262). On February 9, 2022, she amended the request to an emergency motion. (D.I. 264). Plaintiff filed a thirty-seven page response to the show cause order on January 31, 2022. (D.I. 263). Plaintiff's motions for an extension of page limits will be granted and this Court will consider the thirty-seven page response.

5. A district court has the power to enjoin vexatious litigants from filing meritless pleadings where the pleadings raise issues identical or similar

to those that have already been adjudicated. See 28 U.S.C. § 1651; *Matter of Packer Ave. Assoc.*, 884 F.2d 745, 747 (3d Cir. 1989); *Yadav v. Surtees*, 87 F. App'x 271 (3d Cir. Jan. 27, 2004).

6. The Court, in considering enjoining Plaintiff as a vexatious litigant from future litigation, provided sufficient notice and an opportunity to be heard in the form of a show cause order entered December 29, 2021. See *Brow v. Farrelly*, 994 F.2d 1027, 1038 (3d Cir. 1993).

7. Plaintiff responded to the Show Cause Order objecting to orders entered by the Honorable Leonard P. Stark who was assigned the case prior to his confirmation to the United States Court of Appeals for the Federal Circuit and arguing that she has a constitutional right to bring constitutional challenges. (D.I. 263 at 1-15).

8. Plaintiff contentions include, but are not limited to, that: (1) there were “quantum grammar defects” in the December 29, 2021 Memorandum Opinion and Order (D.I. 258, 259, 263 at 1); (2) the Court violated her right to a fair hearing, her right to receive due process, Judge Stark acted outside the scope of his judicial authority, and Judge Stark ruled without jurisdiction and in breach of his oath of office (Id. at 15-18); (3) the rulings at issue are “vacatable,” Judge Stark “has no signed oath of office, has not produced it upon challenge,” and the “procedural posture is corrupted in its entirety” (Id. at 18-19); (4) Judge Stark and Judge Andrews (who was previously assigned Plaintiff's cases) denied her equal protection, discriminated against her, committed hate crimes

against her, and all orders and judgments entered by Judge Stark and Judge Andrews are “nullities” (*Id.* at 19-20); (5) she will suffer irreparable injury if Judge Stark’s orders are not vacated and orders in all of her cases “are void because there was never a hearing, nor a notice of any hearing, in an egregious unprecedented denial of due process in over 100 cases” (*Id.* at 20, 22); (6) Judge Stark “has corrupted the entire court, President Biden and the Federal Circuit in a criminal enterprise in a racketeering conspiracy with Judge [] Andrews and the Federal Circuit” (*Id.* at 21); (7) Defendants solicited and conspired with the government to commit actions which violate the due process clauses of the constitution (*Id.* at 22); (8) Judge Stark denied her procedural due process and her right to life, liberty and property (*Id.* at 23); (9) the December 29, 2021 Memorandum Opinion and Order are illegal and unconstitutional in violation of Plaintiff’s right to petition the government for redress of grievances and are based on false official statements and violate the Civil Rights Act of 1866 (*Id.* at 25); the Federal Circuits “defamatory orders” in 20- 1493 are void (*Id.* at 26); (10) all of her cases have been presided over by judges and PTAB APJs who lacked jurisdiction due to direct stock in the defendant or other conflicts of interest and all orders thus far are void (*Id.* at 29); and (11) judicial immunity is unconstitutional (*Id.* at 30).

9. Plaintiff takes no responsibility for her conduct. Instead, her opposition points to alleged actions by everyone but her, and is replete with scandalous and baseless allegations without factual support. Notably,

Plaintiff states, "in over 100 cases, judges have not allowed the case to even progress to a case management conference and got the case dismissed with their material omissions and false official statements and impeded the administration of justice." (*Id.*). Nonetheless, Plaintiff continued to file lawsuits that contain frivolous legal arguments and are vexatious and abusive of the judicial process. This Court finds it implausible that rulings in all of those cases were made in error, without jurisdiction, or in violation of Plaintiff's rights.

10. This Court finds that Plaintiff has failed to show cause why she should not be enjoined from filing any complaint, lawsuit, or petition for writ of mandamus filed in the United States District Court for the District of Delaware, related to: (i) the patents she holds; (ii) the more than 100 patent lawsuits she has filed, (iii) patent infringement, and/or (iv) any and all actions taken by individuals during the course of patent litigation involving Plaintiff. THEREFORE IT IS HEREBY ORDERED that: Plaintiff's emergency request and emergency motion to extend the number of pages of her response from twenty to thirty-seven are GRANTED. (D.I. 262, 264).

IT IS FURTHER ORDERED that:

1. Plaintiff is hereby enjoined from filing, without prior authorization of the Court, any complaint, lawsuit, or petition for writ of mandamus, related to: (i) the patents she holds; (ii) the more than 100 patent lawsuits she has filed, (iii) patent infringement, and/or (iv) any and all actions taken by individuals during the course of patent litigation involving Plaintiff.

2. Plaintiff must file a motion for leave to file with any new complaint, lawsuit, or petition for writ of mandamus that she proposes to file and must attach a copy of this Memorandum Order to it. The motion shall be filed as a miscellaneous case.

3. As an exhibit to any motion seeking such leave, there must be attached a declaration prepared pursuant to 28 U.S.C. § 1746 or a sworn affidavit certifying that (a) the document raises a new issue that has never been previously raised by the filer in this or any other court, (b) the claim or issue is not frivolous, (c) the document is not filed in bad faith, and (d) a statement as to the basis for jurisdiction and venue in the United States District Court for the District of Delaware.

4. The Court shall deny any motion for leave to file if the proposed document is frivolous, vexatious, or harassing. If the motion is denied, the complaint shall not be filed. The failure to comply with this Memorandum Order shall be sufficient grounds for this Court to deny any motion for leave to file.

5. If the motion for leave to file is granted, Plaintiff shall submit the order as evidence that she has obtained the permission of the Court for the filing.

6. No document submitted by Plaintiff shall be filed prior to obtaining leave to file unless the document is specifically identified as a motion for leave to file, and unless the document contains an affidavit or sworn declaration as required by this Memorandum Order, and a copy of this Memorandum Order.

7. The Clerk's Office shall not accept any filing fees, cover sheets, applications for leave to proceed without prepayment of fees, summonses, or U.S. Marshals forms, in connection with a motion for leave to file, unless and until leave is granted.

8. Plaintiff is placed on notice that should leave be granted but the case is not properly venued in this district, the Court will transfer the case to the proper venue without ruling on the merits of the case and without ruling on any motions, including motions for leave to proceed in forma pauperis.

s/ Maryellen Noreika

The Honorable Maryellen Noreika
United States District Judge

ⁱ Pursuant to Plaintiff's Second Amended Complaint, Plaintiff "has not had her day in court in over 100 cases." (D.I. 170 ¶ 155). She has filed cases in at least the United States Supreme Court (see, e.g., C.A. Nos. 19-8860, 19-8750; 19-8707; 19-8671; 19-8708; 19-8029; 19-8059; 19-7910; 19-7905; and 18-9383), the United States Court of Appeals for the Federal Circuit (see, e.g., C.A. Nos. 20-136, 20-1493, 20-2196), and the United States District Court for the District of Delaware (see, e.g., C.A. Nos. 16-281, 14-373, 13-1812; 12-282; 14-490; 14-91). (Id.).