Exhibit C1: A partial list of Documented Retaliations which Plaintiff had suffered *prior* to the date on which this federal case was first filed (April 18, 2016.)

- IBM and IBM's customer JPMorgan and SAP, Wells Fargo, CitiBank have been engaged in obstruction of justice; tampering with a witness, Marvin Sirbu by SAP, and Ms. Spielman by JPMorgan; interference with commerce, robbery and extortion; racketeering (the Hobbs Act);
- IBM had a scheme to defraud and defendant IBM's knowing participation in that scheme, as evidenced by The IBM Eclipse Foundation;
- IBM had a specific intent to defraud; See **Exhibit D2**.
- SAP, JPMorgan, Wells Fargo, CitiBank, FiServ, all of whom are members of the IBM Eclipse Foundation made false representation of material facts and made material omissions of facts; that they knew were false, that they made the material representation or omission with the intent to induce the plaintiff/judges to rely, action by the plaintiff/judges in reliance on the misrepresentation or omission, injury to the plaintiff as a result of such reliance;
- IBM and SAP and their customers, JPMorgan, CitiBank, Wells Fargo are engaged in monetary transactions in property derived from specified unlawful activity and interstate transportation of stolen property, by illegally distributing Eclipse code which includes Dr. Arunachalam's inventions, through the IBM Eclipse Foundation.
- IBM, SAP, JPMorgan have been engaged in a pattern of racketeering activity of at least two acts of racketeering activity and the last of which occurred within ten years after the commission of a prior act of racketeering activity and with the threat of continuing activity. The factor of continuity plus relationship combines to form a pattern. This is evident from the IBM Eclipse Foundation. This conduct forms a pattern as IBM and other

members of the IBM Eclipse Foundation embrace unlawful acts that have the same or similar purposes, results, participants, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated events. IBM, SAP and JPMorgan have been engaged in such unlawful activity during a closed period of repeated conduct and also engaged in past conduct that by its nature projects into the future with a threat of repetition.

- The enterprise is the IBM Eclipse Foundation. The persons who commit the predicate offenses are IBM, SAP, JPMorgan, the judges, individual lawyers, expert witnesses, and they are distinct from the "enterprise," the IBM Eclipse Foundation.
- '1961(4) "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity. The enterprise is the **IBM Eclipse Foundation.**
- IBM does not disclose where the underlying code comes from, namely, Dr. Arunachalam and Mike McKibben and Leader Technologies, Inc. of Columbus, Ohio.

18 U.S.C. "1962(a) through (d) prohibit four types of relation-ships between a pattern of racketeering activity and an enterprise.

'1962(a)

> It shall be unlawful for any person who has received income, directly or indirectly, from a pattern of racketeering activity or to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in the acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, inter-state or foreign commerce.

- Section 1962(a) requires a nexus between the income or proceeds from the underlying criminal activity and the enterprise, for the essence of the violation is the use of the illegal income in the enterprise. **The IBM Eclipse Foundation is evidence of existence of such nexus.**

A sufficient nexus between the illicit income and the enterprise has been established with the evidence of the IBM Eclipse Foundation where:

- The deposit of income in one of the defendant's companies (in the form of bank loan proceeds which were obtained by fraud) coincided with a com-parable amount earned in the enterprise.[i]
- Substantial deposits of income in the enterprise were being made at the same time that defendant was engaged in illicit activity.[ii]

'1962 (b)

> It shall be unlawful for any person through a pattern of racketeering activity ... to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, inter-state or foreign commerce.

The majority of courts require a proprietary interest, such as ownership of stock, to establish an "interest" in an enterprise under Section 1962(b).[iii]

- Defendant who was serving as leasing agent and was a partner in a real estate venture defrauded his partners by mismanaging partner-ship property, allowing a co-defendant to acquire an interest in the partnership inexpensively. **The court rejected the '1962(a) claim because the "use of proceeds" element was missing, but upheld the claim under '1962(b) because the co-defendant**

promised that the defendant would remain as leasing agent once the co-defendant acquired the property—giving the defendant a sufficient "interest" in the enterprise. Note: This case takes an expansive view of "interest."[iv]

- '1962(b) liability was rejected in a churning case where the customer always retained the power to terminate the broker.[v]
- '1962(b) liability was upheld where an oil company injured its competitor by using undue influence to obtain oil at below market prices.[vi]
- **'1962(c)**
- It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity....
- '1962(c) focuses on the conduct of the defendant, IBM, not "enterprise," The IBM Eclipse Foundation

'1962(d)

It shall be unlawful for any person to conspire to violate any of the provisions of subsections (a), (b), or (c) of this section.

- A RICO conspiracy is composed of two agreements:

(1) An agreement to commit at least two predicate acts which form the pattern of racketeering activity; and

(2) An agreement to the conduct which violates subsection (a), (b) or (c) of '1962, e.g. an agreement to conduct or participate in the affairs of an enterprise (sub-section(c)).[vii]

- A RICO conspiracy generally involves two groups of people- the conspirators and the enterprise.
- Aiding and abetting liability has been imposed where, for each alleged predicate act, the defendant was associated with the wrongful conduct, participated with the intent to bring it about, and sought by his actions to make it succeed.[viii]

THE CIVIL CAUSE OF ACTION

- **'1964(c)**
- Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefore in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of suit, including a reasonable attorneys' fee.
- Drawing on the Supreme Court's broad interpretation of the Commerce Clause in the U.S. Constitution, courts have held that virtually any business activity which involves the flow of goods or services in "commerce" affects interstate commerce.
- 1964(c) requires that the injury to business or property occur "by reason of" the RICO violation. **The injury to Dr. Arunachalam and her property occurred by reason of the RICO violation by IBM.**

- **Facts of IBM's Racketeering:**

- IBM signed NDA with Dr. Arunachalam and her companies as early as April 1995, in 2001, 2003 and also later.
- IBM negotiated with Dr. Arunachalam to joint venture with her on numerous occasions between 1994 and 2011.

- IBM provided office space to Dr. Arunachalam at IBM, Sunnyvale in 1994 and also at IBM, San Mateo, CA in 2003.
- IBM offered to joint venture with Dr. Arunachalam to promote her Web application products with which she was engaged in a pilot trial with France Telecom in 2001.
- IBM offered to buy Dr. Arunachalam's patent portfolio in 2006 for several million dollars.
- IBM copied Dr. Arunachalam's inventions, which are now part of the IBM Eclipse Foundation source code available for download at www. Eclipse.org (eg, **see Eclipse code version 2.0.1 that include Dr. Arunachalam's inventions**.)
- IBM has been engaged in a similar pattern of racketeering activity and copied the inventions of other inventors, for example, of Leader Technologies, Inc. of Columbus, Ohio and Michael McKibben, who is the inventor of the social networking Facebook web application, which is now part of the IBM Eclipse Foundation source code available for download at www. Eclipse.org (eg, **see Eclipse code version 2.0.1 that include Mike McKibben's inventions.**)
- **The Executive Branch of the U.S. Government played a very important founding role in the IBM Eclipse Foundation**.
- **SAP played a very important founding role in the IBM Eclipse Foundation**.
- All of the activity of the IBM Eclipse Foundation has gone on in stealth to such an extent that not many know of the Eclipse code.
- SAP, Citizen's Financial Group, CitiBank, Wells Fargo Bank, JPMorgan Chase and Company and Kronos' (collectively "Delaware Defendants") arguments are irrelevant to the facts of the '506 patent and contrary to April 5, 2016 Federal Circuit ("CAFC")

Ruling (Exh. B) in Case 14-1562, *Cardpool, Inc. v. Plastic Jungle, Inc.* that "axed patent claims do not doom amended ones."

- Delaware Defendants obstructed justice involving multiple parties thus denying Dr. Arunachalam a due process hearing, without giving a chance to be heard nor being given a fair chance and due process by the Courts, using "counterfeit logic" to manufacture false allegations about Dr. Arunachalam and her patents that masks violation of U.S. laws and misrepresentation by individual lawyers, expert witnesses, judges, PTAB, enterprises and their employees, that has caused great personal and financial injury to Dr. Arunachalam.

SAP colluded with IBM to hijack and illegally distribute Dr. Arunachalam's invention to multiple IBM Eclipse Foundation members.

IBM provided their internal patent counsel as the USPTO's Commissioner, Dave Kappos (who was one of the IBM Agreement Stewards since 2001 of Eclipse Common Public License Version 0.5, Sec. 7, paragraph 4, that was initially used by SAP and others; "The Agreement Steward reserves the right to publish new versions, including revisions of this Agreement from time to time. No one other than the Agreement Steward has the right to modify this Agreement". IBM is the initial Agreement Steward.") commissioned to kill valuable patents by Dr. Arunachalam who invented Web applications on a Web browser and by Michael McKibben, who invented social networking Web application used by Facebook. This is evident from the fact that even though Michael McKibben won the Markman Hearing in Delaware District Court and won three times at the USPTO in re-examinations, the Commissioner, Dave Kappos, initiated a re-exam against Michael McKibben's patents, unheard of in the history of the USPTO.

- IBM and the U.S. Government ensured that Dr. Arunachalam's Web application patents get killed in the Delaware District Court by JPMorgan Chase and Company.
- The IBM Eclipse Foundation installed the Eclipse code at JPMorgan for Web banking applications as a showcase system and awarded JPMorgan as best of breed using Eclipse code that includes Dr. Arunachalam's patented inventions and technology. See **Exhibit J.**
- IBM and SAP held Board membership in the IBM Eclipse Foundation Board and also held strategic roles managing the IP in the IBM Eclipse Foundation. **Exhibit J**
- Six months earlier in 2001 about the same time that the IBM Eclipse Foundation was formed, Judge Sue Robinson of the Delaware District Court and CAFC's Jan Horbaly Clerk of Court and Court Executive, and close associate of the IBM Eclipse Agreement Stewards participated in decisions in the Judicial Conference and re-defined the term "financial interest" away from industry standard set by the IRS and SEC and public accounting standards, to benefit judges to hide stock behind a thin veil of mutual funds and not recuse.
- Facebook's underwriters were JPMorgan Chase and Company, Wells Fargo, Citi Bank, and other Dr. Arunachalam litigants. **Exhibit J.**
- IBM, SAP's key customer is JPMorgan Chase and Company and they ensured that the judges in the Delaware District Court and CAFC and the U.S. Supreme Court did not allow Dr. Arunachalam to be heard, even though JPMorgan Chase and Company did not provide clear and convincing evidence of invalidity of the '500, '158 and '492 patents, contrary to the 35 U.S.C. Section 282 of the Patent Act.
- SAP's external counsel, Jon Strang did a clerkship under CAFC Judge Kimberly Moore and was lead counsel for SAP from Sterne Kessler at the CAFC against the inventor.

Jonathan Strang | Sterne, Kessler, Goldstein & Fox

www.skgf.com/jonstrang

Sterne, Kessler, Goldstein & Fox

Mr. **Strang** is an associate in the **Sterne Kessler** Litigation Group specializing in patent ...

Mr. **Strang** re-joined the **firm** after clerking for the Honorable Kimberly Moore at the ...

Before law school, Mr. Strang served as an officer in the U.S. Navy .

- Dr. Arunachalam's need to attend to her health in medical distress is an "inalienable right," a fundamental and compelling interest, guaranteed by the Bill of Rights. CAFC abridged this right, causing medical injury to Dr. Arunachalam. CAFC dismissed the case without a hearing or an opening appeal brief, when *pro se* Dr. Arunachalam, a senior citizen with disabilities from illness, genuinely trying to meet court rules and deadlines, was in medical distress, to which the CAFC was notified. CAFC's dismissal did not advance a legitimate government interest. Where fundamental rights are infringed, strict scrutiny is the test and the challenged law is generally struck down. *Shapiro v. Thompson*, 394 U.S. 618 (1969); *Shaw v. Hunt*, 517 U.S. 899, 908 (1996); *Vacco v. Quill*, 521 U.S. 793, 799 (1997). CAFC's erratic and disparate treatment of Dr. Arunachalam are the hallmarks of invidious discrimination. *Romer v. Evans*, 517 U.S. 620, 631 (1996). CAFC infringed Dr. Arunachalam's liberty-based substantive due process. In such cases, the U.S. Supreme Court recognizes a non-textual "liberty" which then limits or voids laws limiting that liberty. *Roe v. Wade*, 410 U.S. 113 (1973) (right to choose to have or not have an abortion).
- Eight Justices of the U.S. Supreme Court, CAFC Panel Judges and Delaware District Court Judges have conflicts of interest (financial, relationship or

other) in a litigant, JPMorgan, per their own annual financial disclosure statements and SEC Edgar. They are precluded from ruling in Cases 15-691, 14-1495 and 1:12-cv-282, voiding *ab initio* all judgments. Delaware District Court Judges Robinson and Andrews had conflicts of interest in JPMorgan, when Judge Robinson issued the Markman ruling and judgment in favor of JPMorgan in May 2014. Dr. Arunachalam is guaranteed the protections of 28 U.S.C. §§ 455, 144 and Canons 2 and 3 and FRCP 60(d) and 60(b) which also give the Court the power to grant relief to a party from a judgment, yet she was denied these protections.

- CAFC's medical interference breached multiple laws, depriving Dr. Arunachalam of the protections of the Bill of Rights, fourteenth Amendment, 35 U.S.C. §282 of the Patent Act, Civil Rights Act, American Disabilities Act, FRCP Rule 60(b), 60(d).

- **Chief Justice Roberts set a precedent in recusing himself in *Microsoft Corp. v. i4i Limited Partnership*, 563 U.S. (2011), due to conflicts of interest, Microsoft holdings and his relationships to Microsoft counsel Theodore Olson and Thomas Hungar, Gibson Dunn & Crutcher LLP**

Microsoft is a Third Party Requester in Re-Examinations of Dr. Arunachalam's patents, in particular, the '506 patent. Justice Roberts also has JPMorgan holdings. He did not rely on safe harbor to sit on the *Microsoft* case, even though many of his mutual fund holdings contain Microsoft stock, just like Judge Andrews has admitted that many of his mutual funds hold JPMorgan stock. Judge Andrews admitted he bought JPMorgan stock during the pendency of the JPMorgan case 1:12-cv-282.

- **Judges have conflicts of interest in multiple litigants in Dr. Arunachalam's patent cases. Dr. Arunachalam is the inventor of Web applications displayed on a Web browser, like Web banking, social networking, in ubiquitous use.**

Dr. Arunachalam's patented inventions created the millennial generation and transformed the way we live, work and play.

A. Delaware District Court Judge Robinson set a precedent and recused in May 2015, immediately upon Dr. Arunachalam's motion to recuse (App. 83a) in Case 1:12-cv-282

Judge Robinson tainted the JPMorgan case with her conflicts of interest in re-defining "financial interests" contrary to industry accounting standards to suit judges. All rulings in Case No. 1:12-cv-282 are void and must be voided.

B. Judge Robinson and CAFC's Jan Horbaly participated in Judicial Conference policy decisions that re-defined "financial interests" to excuse judges from disclosing holdings in litigants behind a profoundly abused "safe harbor *concept*" writing and mutual fund veil, contrary to IRS, SEC and public accounting standards

The ordinary dictionary definition of "financial interest," and of the IRS, SEC and Business Judgment Rule trump any conflicting or ambiguous definition. Ambiguous definitions in law must be resolved by the superior, controlling definition.

Horbaly resigned soon after failing to docket Dr. Arunachalam s *amicus curiae* entries in *Leader Tech v. Facebook.*

C. Judge Robinson's definition of "financial interests" is being used to deny Dr. Arunachalam's motions to recuse across the board related to judge holdings in litigants JPMorgan, Wells Fargo, Citigroup, Bank of America, Microsoft, SAP

Judges beneficially enjoy profits and losses from these holdings and must pay taxes on those holdings to the IRS. Therefore, they have a very real JPMorgan financial interest, rendering them biased. These Judges have a financial interest, direct stock or mutual funds, in Dr. Arunachalam litigants, presided over Dr. Arunachalam's cases, relying upon Judge Robinson's definition of "financial interests," refusing to recuse.

Petitioner moved that Judge Robinson is the source of all refusals to recuse and must recuse. Judge Robinson recused in May 2015, thereby voiding her orders of May 2014.

D. Judge Robinson failed to disclose relationships among CAFC, Skadden Arps, JPMorgan attorneys Dan DeVito and Ed Tulin, JPMorgan, Judge Andrews, Mayer Brown LLP, Judge Stark, that bias her judgment

Judge Robinson is tainted by Judges Andrews/Stark's financial holdings in JPMorgan. Judge Andrews has relationship conflicts of interest from having worked at Mayer Brown. He presided over the case for over two years before handing it to Judge Robinson on April 9, 2014, one week before the Markman Hearing. She made an erroneous and biased Markman Ruling shortly thereafter, misled by JPMorgan's false evidence. Chief Judge Stark worked at Skadden Arps (JPMorgan's counsel) for many years before becoming a judge. Dan DeVito worked with Reines at Weil Gotschal, the latter's insider relationships at the CAFC triggered Chief Judge Rader's resignation. Weil Gotschal hired CAFC Judge Kimberly Moore as an expert witness in a patent case presided by Judge Robinson, making this conflict unseemly. Ed Tulin clerked before the Judges at the Delaware District Court. The District Court is completely tainted by these relationship conflicts of interest. The collusion caused great harm to Dr. Arunachalam.

E. The U.S. Constitution guarantees litigants unbiased judges, a fundamental right

This case must be heard by Judges who do not have financial holdings and relationships in the litigant(s).

F. District Court and CAFC Judges should have been disqualified under 28 U.S.C. §§455, 144, Canon 2, Canon 3(c)

Judge Andrews has financial and relationship conflicts of interest in JPMorgan, presided over the case between March 12, 2012 and April 9, 2014 and currently presides since May 15, 2015, instead of recusing. This creates the strong appearance of impropriety for which relief through disqualification is warranted, an endemic problem affecting multiple district and appellate courts. Judge Andrews improperly dismissed Dr. Arunachalam's patent cases: *Fulton Bank* (1:14-cv-490-RGA), *Dell* (1:08-cv-00132-RGA), *Fedex* (1:08-cv-00133-RGA)

cases, despite conflicts of interest, triggering Judge Laporte's improper dismissal of Dr. Arunachalam's *Fremont Bank* (1:15-cv-00023-EDL) case in the Northern District of California.

- The entire docket entries in Cases 1.12-cv-282 (D.Del) in the *JPMorgan* case, *Fulton Bank* (1:14-cv-490-RGA), *Dell* (1:08-cv-00132-RGA), *Fedex* (1:08-cv-00133-RGA), *Citizens* (1:12-cv-355) in D. Del, Dr. Arunachalam's *Fremont Bank* (1:15-cv-00023-EDL) case, *SAP*'s 4:13-cv-01248-PJH in the Northern District of California, the appeals and Petitions for Writ of Mandamus in the Third Circuit and Federal Circuit cases 14-1495, 16-110, all of the IPR, CBM Appeals in the CAFC Case Nos. 15-1424, -1429, -1869, 1433, and Fremont Bank case No in the CAFC 15-1831, and the IPR, CBM docket entries at the PTAB on Dr. Arunachalam's Patent Nos. 8,037,158; 5,987, 500; and 8,108,492 are **all incorporated by reference herein as if fully re-stated herein.**

Judge Andrews' holdings in JPMorgan include stock in: VWENX Vanguard Wellington Admiral with $1,347,496,000 in JPMorgan, the 3rd largest holding in the fund; BVCVX Fidelity Blue Chip Value Fund with $6,961,569,000 in JPMorgan, the 8th largest holding in the fund. A Vice President in BVCVX served as JPMorgan treasurer. Chief Judge Stark has multiple holdings in JPMorgan, detailed in *Leader Tech v. Facebook*, Case 2011-1366 (Fed. Cir. 2011), Renewed Motion for Leave to File Amicus Curiae Brief, July 27, 2012. JPMorgan was underwriter to Facebook. He holds stock in: FUSEX Fidelity Spartan 500 Index Inv with $896,713,000 in JPMorgan, their 10th largest holding; VINIX Vanguard Institutional Index with $ 2,190,882,000 in JPMorgan, their 10th largest holding. Judges' nondisclosure of these interests in JPMorgan does not avoid the appearance of impropriety. *See* 28 U.S.C. §455(c). *Porter v.*

Singletary, 49 F.3d 1483, 11th Cir '95. Judge Andrews admitted he acquired direct stock in JPMorgan during the pendency of the case.

Judge Andrews admitted he has JPMorgan holdings, that he worked at Mayer Brown, as per his Senate Confirmation Hearings, that Mayer Brown has longstanding relationships with JPMorgan, Wells Fargo, Citigroup, Bank of America and Fedex. (D.I. 120, p. 8, 1:12-cv-355-RGA). A prior judicial relationship with a major law firm has no statute of limitations with which to conclude that there is not a conflict. Conflicts are conflicts, no matter their age.

CAFC failed to declare mistrial or remand the case because the Delaware District Court and CAFC panel judges should have been disqualified under 28 U.S.C. § 455, Canons 2 and 3, but refused to recuse.

G. CAFC failed to provide impartial judges, dismissed the Appeal without an opening brief or a hearing, when *pro se* Dr. Arunachalam was in medical distress

CAFC's medical interference violated Dr. Arunachalam's liberty rights. *Memorial Hospital v. Maricopa County*, 415 U.S. 250, 254-55 (U. S. 1974).

H. JPMorgan did not provide "clear and convincing evidence" of patent invalidity required by 35 U.S.C. § 282 of the Patent Act, in the Delaware District Court Case

CAFC's dismissal prevented arguments on the merits and handed Dr. Arunachalam's valuable property to JPMorgan without justification.

JPMorgan willfully misled the court, with false arguments, out of context, defrauding the fact-finding process.

I. Mutual fund "safe harbor *concept*" developed by Judge Robinson is <u>not</u> a law, rule, advisory or even a guideline. Plain language of the Code of Conduct for Judges prevails over subsequent judicial interpretations

U.S. law prohibits inferior guidelines, rulings and opinions, especially ambiguous ones like the "safe harbor concept," from superseding well settled law and precedent.

"[J]udicial interpretations of a statute by reenactment cannot overcome the plain meaning of a statute. '...does not constitute an adoption of a previous administrative construction.'" *Demarest v. Manspeaker*, 498 U.S. 184, 603 (1991).

The U.S. Supreme court clearly stated that an advisory opinion, like the safe harbor concept, is "entitled only to some deference." *Christensen v. Harris County*, 529 US 576 (2000) at 587. The safe harbor concept was not "arrived at after... formal adjudication or notice-and-comment rulemaking... Interpretations such as those in opinion letters... agency manuals... lack the force of law— do not warrant Chevron-style deference." *Chevron U. S. A. Inc.* v. *Natural Resources Defense Council, Inc.*, 467 U. S. 837 (1984). The Guide to Judicial Policy, Vol. 2B, Ch. 2 does not contain the force of law, as does the Code of Conduct for U.S. Judges, Canon 2.

J. Composition of Mutual Fund is Critical

A mutual fund makes no money apart from the profits and losses of its underlying holdings. The statute requires disclosure of "every source of income." The *sources of income* in a mutual fund —the portfolio stocks and bonds—are the components of a mutual fund that should be disclosed, not merely the fund's name, to assess conflicts of interest. If mere disclosure of the *name* of the mutual fund were sufficient, then this judiciary policy would not be needed.

K. "Safe Harbor" is an ambiguous concept in the Advisory

Even the safe harbor caveat states "it is important for a judge to determine whether a particular proposed investment is a 'mutual or common fund' and, therefore, qualifies under the safe harbor provision of Canon 3C. This advisory statement is ambiguous since Canon 3C nowhere uses the term "safe harbor." Whether or not the judge complies with this ambiguous provision is itself ambiguous. The court cannot reject as frivolous Dr. Arunachalam's concern

for impartiality since even the judge cannot ascertain whether he or she is compliant with an ambiguous "safe harbor concept."

L. "Participates in the management of the fund" is ambiguous

Canon 3 (3)(c)(i) is ambiguous, since "financial interest" is not ambiguous anywhere else in law, except when applied to judges. In such situations in law, especially since the judge pays taxes on those holdings, it does not exempt judges from a normal and routine definition of "financial interest." To acknowledge that one must pay taxes on financial investments held in litigants, and still be permitted to preside over cases where decisions favorable to a litigant will benefit one's investments, stands the whole notion of judicial impartiality on its head.

To be aware of the portfolio holdings, and to leave one's money in that fund vs. another and reviewing the funds quarterly or semi-annual results, is to manage one's fund holding.

The Court must differentiate why holding mutual funds invested in JPMorgan securities would not be considered a "material fact."

II. PTAB Judges McNamara and Stephen Siu have conflicts of interest in Microsoft, JPMorgan, SAP and other Litigants in Dr. Arunachalam's Patent Re-examinations, voiding their rulings

Judge McNamara refused to recuse despite his direct stock holding in Microsoft and other conflicts of interest, denying electronic filing. Judge Siu's Microsoft conflicts preclude him from ruling on Microsoft's Re-exam against Dr. Arunachalam, voiding his ruling.

III. SEC/EDGAR Summary of Justices and Judges' Financial Holdings

SEC/Edgar summarize the materiality of JPMorgan holdings by Chief Justice Roberts, seven Justices, CAFC Panel Judges, Judges Andrews, Stark's mutual funds, for example:

Chief Justice Roberts holds Fidelity Contrafund:

How to look up a mutual fund portfolio at www.sec.gov:

Determine Ticker Symbol, e.g., Fidelity Contrafund: FCNTX.

Go to http://www.sec.gov/

Select "FILINGS | Company Filings Search" on drop down menu

Type "FCNTX" in Fast Search box ("Ticker or CIK")

Select "Documents" button for most recent "N-CSR"

Select "htm" file for the full report, "Type" column, "N-CSR"

URL for Fidelity Contrafund, FCNTX, N-CSR, Feb. 26, 2015, U.S. SEC:

http://www.sec.gov/Archives/edgar/data/24238/000070420715000083/conmain.htm
Click Ctrl F.
Type "JPMorgan" – there are 24 instances.

Fidelity Contra Fund- FCNTX, FCNKX is a sector fund in financial services with heavy emphasis on Dr. Arunachalam's litigants. The holdings are summarized at the SEC: at least $785.4M invested in JPMorgan; $20.4B in Banks and Financial Services; Microsoft $2.1B; M&T Bank, Visa, $2B; BofA $1.02B; Wells Fargo Bank $3.9B; Citigroup $696.2M; Fiserv $225.9M; Google $6.2B, Facebook $3.6B, Apple $3.7B, Berkshire Hathaway $5.5B, IT $28.6B; e-retailer litigants $25.3B; subtotaling to at least $104B in conflicts of interest of the Justices, CAFC panel Judges and Judges Andrews and Stark in this fund.

The Justices' own disclosure statements and SEC/Edgar evidence at least the appearance of impropriety, if not outright impropriety. They have JPMorgan and other litigant holdings in at least the following: Justice Breyer in Vanguard 500 Index Fund, direct stock in IBM, Lowes; Justices Alito and Kagan in Vanguard Total Stock Market Index Fund; Justice Alito in ishares S&P 500 Growth Fund, IVW; Justice Scalia in Vanguard, Wells Fargo Bank, PIMCO, Blackrock, Fidelity, Templeton, Schwab mutual funds; Justice Clarence Thomas in Capital Growth and Income Funds, CWGIX; (JPMorgan is the custodian of assets in his AEPGX and RERGX funds); Justice Sotomayor in Templeton Global Bond A Fund, TPINX; Nuveen NWQ

Large Cap Value A fund, NQCAX, (which has stock in JPMorgan $21.5B; Citigroup $28.5B; Wells Fargo Bank $19.7B); Columbia TRI LC Growth A Fund LEGAX; Blackrock GLB allocation FD class A fund, MDLOX.; Justice Ginsburg has multiple JPMorgan mutual funds, JPM Tax Aware Equity Fund, etc. Some Justices also have direct stock in litigants.

CAFC panel and/or Delaware District Court judges have:

MFS Value Fund – MEIAX has $1.56B in JPMorgan investments and-$1.12B in Wells Fargo. **Eaton Vance Large Cap Value EHSTX** has $135.2M in JP Morgan investments, $121.2M in BofA, $69.4M in Wells Fargo, $118.7M in CitiGroup. **American Growth Fund, AGTHX** has $612.1M invested in JPMorgan; $12B in Banks and Financial Services; Microsoft $1.9B; Wells Fargo Bank $641M; Citigroup $2.64B; Google, Facebook, Apple, Berkshire Hathaway, IT services $38.4B; e-retailer litigants $32B; with $90.6B in conflicts of interest of the Judges in this fund.

The judges know of these JPMorgan holdings in these funds from which they receive reports at least twice a year pursuant to SEC rules.[1]

[1] *See* SEC Final Rule: Shareholder Reports and Quarterly Portfolio Disclosure of Registered Management Investment Companies, Securities and Exchange Commission, 17 CFR Parts 210, 239, 249, 270, and 274, [Release Nos. 33-8393; 34-49333; IC-26372; File No. S7-51-02], RIN 3235-AG64 http://www.sec.gov/rules/final/33-8393.htm#IB