

Dr. Lakshmi Arunachalam
222 Stanford Avenue
Menlo Park, CA 94025
Telephone: (650) 690-0995
Facsimile: (650) 854-3393
Email: laks22002@yahoo.com
Pro Se Plaintiff
Dr. Lakshmi Arunachalam

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DR. LAKSHMI ARUNACHALAM,

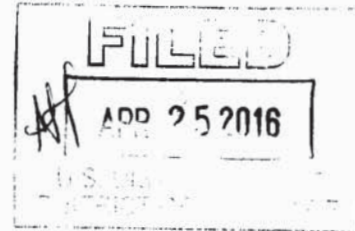
Plaintiff,

v.

**INTERNATIONAL BUSINESS
MACHINES CORPORATION AND
DOES 1-100,**

Defendant(s).

C.A. No. 1:16-cv-281



**LETTER TO THE COURT REGARDING THE UNPROFESSIONAL,
PREJUDICIAL BEHAVIOR OF BOB CRUIKSHANK AND REQUEST TO CORRECT
THE INCORRECTLY DOCKETED ENTRY INCORRECTLY DOCKETED BY BOB
CRUIKSHANK**

1. *Pro Se* Plaintiff Dr. Lakshmi Arunachalam (hereafter "Dr. Arunachalam") hereby files this letter to the Court regarding (1) the unprofessional and prejudicial behavior and actions of Bob Cruikshank, who claimed to be the Intake Supervisor for New Complaints, toward Dr. Arunachalam, and (2) to request the Court to correct the incorrectly docketed entry D.I. No. 1, docketed by Bob Cruikshank and to docket the Complaint brief of 63 pages that already includes in it Exhibits A2, C1 and D1 as well as the Declaration by Dr. Lakshmi Arunachalam and the Certificate of Mailing; Exhibits A1, B1, (A2, C1, D1, all three of which are already included in

the Complaint brief of 63 pages), D2, A, B, C, D, E, F, G, H, I, J and K, as listed in the attached List of Exhibits and Dr. Arunachalam's Declaration and Certificate of Mailing individually, not clumped together as a total individual file of 68.7MB not downloadable or viewable easily.

2. Mr. Bob Cruikshank telephoned Dr. Arunachalam at 12.13pm PST on Wednesday, April 20, 2016 and was rude and discourteous to Dr. Arunachalam. There appeared to be no purpose to his call. He stated he received by Express Mail two packages from Dr. Arunachalam and that he was in the process of docketing the Complaint filed by Dr. Arunachalam against IBM.

3. On April 18, 2016, Dr. Arunachalam submitted by Express Mail for Overnight Delivery via the United States Post Office to the Clerk of this Court, an original and one copy of her Complaint against IBM entitle "COMPLAINT FOR PATENT INFRINGEMENT AND VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES FROM RACKETEERING, CONSPIRACY TO ENGAGE IN A PATTERN OF RACKETEERING ACTIVITY AND RELATED CLAIMS," Dr. Arunachalam's Declaration and Verification in support thereof, and Exhibits A1, B1, A2, C1, D1, D2, A, B, C, D, E, F, G, H, I, J and K, as listed in the attached List of Exhibits along with the cover sheet, requisite filing fees in the form of a money order and Form AO-440, Summons in a Civil Action and a Certificate of Mailing. On April 19, 2016, Dr. Arunachalam wrote to the Court stating that she had submitted all of the aforementioned Exhibits, including Exhibit J, along with the version she had marked as COPY, but in the version marked "ORIGINAL," she had inadvertently forgotten to include Exhibit J in her Express Mail package mailed on April 18, 2016, and therefore, in her Express Mail Package mailed on April 19, 2016, she wrote a letter explaining that she had inadvertently forgotten to include Exhibit J in her Express Mail package mailed on April 18, 2016 with the version entitled "ORIGINAL," but that in the same Express Mail package mailed

on April 18, 2016, she had indeed included Exhibit J with the version entitled "COPY." Along with this letter dated April 19, 2016, Dr. Arunachalam re-sent a copy of Exhibit J and for the Court's convenience, the complete "ORIGINAL" Complaint, along with Dr. Arunachalam's Declaration and Verification in support thereof, and Exhibits A1, B1, A2, C1, D1, D2, A, B, C, D, E, F, G, H, I, J and K, as listed in the attached List of Exhibits along with the cover sheet, and Form AO-440, Summons in a Civil Action and a Certificate of Mailing. At all times, all the Exhibits had been sent, arranged in the correct order.

4. When Mr. Bob Cruikshank called Dr. Arunachalam on April 20, 2016 at 12.13 pm PST, he was extremely rude to Dr. Arunachalam. He stated falsely that the Exhibits were out of order and were a "complete mess." He stated that Dr. Arunachalam had not filled in the Plaintiff's Address on the Summons Form and that he would be sending it back to her to fill out the Plaintiff's address on the Summons form. Dr. Arunachalam sent him the Summons Form with the Plaintiff's address filled in that same afternoon on April 20, 2016 by Express Mail for Overnight Delivery to the Clerk of this Court. He did not let Dr. Arunachalam put a word in edgewise and was very rude throughout the phone call.

5. In that same phone call, Mr. Cruikshank asked Dr. Lakshmi Arunachalam to review on April 21, 2016 what he would docket that day on April 20, 2016 and to call him back to let him know if the Exhibits were in the right order. Dr. Arunachalam called Bob Cruikshank, as per his request, on April 21, 2016 at 9.58 am PST and informed him he had uploaded one huge single document with 68.7 MB, which was not downloadable and that he had entered the Title of the Complaint with numerous spelling errors, even though Dr. Arunachalam had no spelling errors in her Complaint against IBM. He stated that it was left to his discretion to file it that way and that he would not file Dr. Arunachalam's Declaration nor the Exhibits, nor the Certificate of Mailing,

individually, as it is normally done in all Courts. He told her he would correct the spelling errors he had introduced and hung up on her.

6. Dr. Arunachalam called him back at 10.17 am PST the same day April 21, 2016 and thanked him for correcting the spelling error in the Title that he had spelled incorrectly and requested him to docket the entry as it is normally done in all cases, with each Exhibit docketed separately. He once again went into a tirade and told Dr. Arunachalam she does not understand English. Dr. Arunachalam requested Mr. Cruikshank to be courteous. He hung up.

7. Dr. Arunachalam called him back again on April 21, 2016 at 10.35 am PST, and informed him that the file he had uploaded was not downloadable. He stated that Dr. Arunachalam should have sent him a CD with all the files in pdf format and not a paper, even though she is a *pro se* litigant and is required to file on paper. He stated that he would only agree to break up the file into 4 parts, so that it would be downloadable, but stated he would not show the Exhibits separately.

8. He stated that the case is going to be assigned to Judge Andrews next Wednesday April 27, 2016. He shared this information even before the case has been assigned to any Judge.

9. Dr. Arunachalam stated to him that Judge Andrews denied electronic filing capability to her on all of Dr. Arunachalam's cases. Mr. Cruikshank was thoroughly rude and stated that Dr. Arunachalam did not file Motions for ECF filing. Dr. Arunachalam pointed out to him that indeed, Dr. Arunachalam had filed Motions for ECF filing in each of her cases before Judge Andrews. Mr. Cruikshank asked Dr. Arunachalam: "and so, what is the point?" Dr. Arunachalam informed Mr. Cruikshank that the Clerk's Office surely would not want to participate in the "racketeering" that Dr. Arunachalam had filed the Complaint against IBM on and to not treat her prejudicially and told Mr. Cruikshank that it was inappropriate for him to tell

her she does not understand English. Mr. Cruikshank told Dr. Arunachalam she should not call the Clerk's Office. Mr. Cruikshank stated that for Prisoners, Mr. Cruikshank files all the Exhibits together, not individually. Dr. Arunachalam stated to him she is a *pro se* patent litigant, *not* a prisoner.

10. Mr. Cruikshank, in September 2014, threatened Dr. Arunachalam that he would call the Marshall on her, when she went physically to deliver some documents that Judge Andrews asked her to deliver to the Court, showing the assignment of the patents to herself at the USPTO.

11. Dr. Arunachalam found that with Firefox browser, Mr. Cruikshank had moved Dr. Arunachalam's Declaration to some obscure place in the entire file, not easily viewable by anyone.

12. As Mr. Cruikshank had suggested to Dr. Arunachalam that she should have filed the COMPLAINT against IBM on a CD with the files in PDF Format, Dr. Arunachalam hereby sends in a CD with each of the files in PDF format, so that the Court may, with ease, upload the files correctly, as is, in the order in which it is in the CD. Therefore, Dr. Arunachalam requests that the Court use the CD to upload the files correctly in the order in which it is in the CD and file each Exhibit individually, and Dr. Arunachalam's Declaration and Certificate of Mailing individually, as it is normally done in all District Courts for all litigants.

VERIFICATION

I, Dr. Lakshmi Arunachalam, Plaintiff in the above entitled action, hereby verify under penalty of perjury, that the above statement of facts and laws is true and correct, according to the best of my current information, knowledge, and belief, so help me God, pursuant to 28 U.S.C. 1746(1).

Dated: April 22, 2016

Signed: Lakshmi Arunachalam

Printed: Dr. Lakshmi Arunachalam

13. A certificate of mailing by Express Mail via the U.S. Post Office to the Clerk of the Court, United States Federal District Court for the District of Delaware, is attached, along with the CD that Mr. Cruikshank suggested Dr. Arunachalam send in.

Dated: April 22, 2016

Tel: 650 690 0995
laks22002@yahoo.com

Respectfully submitted,

A handwritten signature in cursive script that reads "Lakshmi Arunachalam".

Dr. Lakshmi Arunachalam
222 Stanford Ave, Menlo Park, CA 94025

Pro Se Plaintiff

List of Exhibits

Exhibit A1: U.S. Patent No. 7,340,506

Exhibit B1: US 7,340,506 C1, Inter partes Re-examination Certificate

Exhibit A2: A partial list of RICO Predicate Acts by IBM, SAP, JPMorgan and additional background.

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.)

Exhibit D1: A subset of those Documented Retaliations which also qualify as one or more of the RICO Predicate Acts that are itemized at 18 U. S. C. §§ 1961(1)(B), (1)(D), and (5).

Exhibit D2: CPL Agreement of Eclipse code, which shows IBM-SAP collusion from the Eclipse website. The documents in the Exhibit are true and accurate copies of files downloaded from www.eclipse.org on April 18, 2016: 2002-08-29 Common Public License (CPL) Version 0.5 <http://www.eclipse.org/legal/cpl-v05.html> ; 2004-09-02 Tentative IP Log for eclipse.platform, eclipse.jdt and eclipse.pde

http://www.eclipse.org/projects/ip_log.php?projectid=eclipse.platform,eclipse.jdt,eclipse.pde ; and 2004-09-02 Eclipse CPL to EPL Transition Plan <http://www.eclipse.org/legal/cpl2epl/>

Exhibit A: Judge William Alsup's Order in Case No. C 08-05149 WHA (N. Dt. CA) on February 17, 2009.

Exhibit B: April 5, 2016 Federal Circuit ("CAFC") Ruling in Case 14-1562, *Cardpool, Inc. v. Plastic Jungle, Inc.*

Exhibit C: Mandate issued on July 24, 2015 in CAFC Case No. 14-1495, *JPMorgan v. Dr. Arunachalam and Pi-Net International, Inc.*

Exhibit D: CAFC's Order denying *en banc* rehearing issued in June 2015 in CAFC Case No. 14-1495, *JPMorgan v. Dr. Arunachalam and Pi-Net International, Inc.*

Exhibit E: U.S. Supreme Court's Letter to CAFC on Order denying rehearing of Dr. Arunachalam's Petition for Writ of Certiorari in Case No. 15-691.

Exhibit F: Claims 14, 20 and 21 in U.S. Patent No. 7,340,506/US 7,340,506 C1.

Exhibit G: excerpts pp. 175-181, 189-191 of the prosecution history of the related U.S. Patent No. 6,212,556, the ('556) patent in the same priority chain as the '506 patent.

Exhibit H: excerpts pp 1-5 of the parent provisional patent application with S/N 60/006,634 filed November 13, 1995.

Exhibit I: excerpts pp 82-93 from the prosecution history of the parent U.S. Patent No. 5,778,178, the ('178) patent in the same priority chain as the '506 patent.

Exhibit J: is a true and correct copy of the web page for eclipse.org where Eclipse code is available for download including Plaintiff's inventions; list of members showing SAP, JPMorgan, IBM as members; board of directors showing SAP as a Board member; board meeting minutes of Dec 8, 2004 showing SAP's lead role; Eclipse awarded JPMorgan "Best Deployment of Eclipse Technology in an enterprise" at EclipseCon March 6, 2007; article entitled "JPMorgan raises the Bar for Banking Applications;" Amendment No. 8 to Form S-1 Registration statement for Facebook, Inc. showing JPMorgan, BofA, Barclays, Citigroup, Wells Fargo; and list of tutorials, sample code on Eclipse SOAP, REST, OData services from SAP.

Exhibit K: letter from SAP's counsel Greg Lanier to Dr. Arunachalam, terrorizing her on April 8, 2016.

Eclipse code version 2.0.1 is available for download at www.eclipse.org.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DR. LAKSHMI ARUNACHALAM,

Plaintiff,

v.

**INTERNATIONAL BUSINESS
MACHINES CORPORATION AND
DOES 1-100,**

Defendant(s).

C.A. No. 1:16-CV-281

CERTIFICATE OF MAILING

I, Dr. Lakshmi Arunachalam, hereby certify that on April 22, 2016, I filed the attached "LETTER TO THE COURT REGARDING THE UNPROFESSIONAL, PREJUDICIAL BEHAVIOR OF BOB CRUIKSHANK AND REQUEST TO CORRECT THE INCORRECTLY DOCKETED ENTRY INCORRECTLY DOCKETED BY BOB CRUIKSHANK," along with the List of Exhibits and a CD with pdf files as suggested by Mr. Cruikshank to make it easy for the Court to upload the Exhibits with the Clerk of the Court, U.S. District Court for the District of Delaware by Express Mail via the U.S. Post Office by overnight delivery for filing and docketing in this case to:

Clerk of Court

U.S. District Court for the District of Delaware,
844 N. King Street, Unit 18,
Wilmington, DE 19801.

Lakshmi Arunachalam

DATED: April 22, 2016

Dr. Lakshmi Arunachalam
222 Stanford Avenue
Menlo Park, CA 94025
650 690 0995
laks22002@yahoo.com

PaperDocuments,PRO-SE

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:16-cv-00281-UNA**

Arunachalam v. International Business Machines
Corporation et al

Assigned to: Unassigned Judge

Related Cases: [1:12-cv-00355-RGA](#)

[1:13-cv-01328-RGA](#)

[1:13-cv-01333-RGA](#)

[1:13-cv-01334-RGA](#)

[1:13-cv-01335-RGA](#)

[1:13-cv-01336-RGA](#)

[1:13-cv-01337-RGA](#)

[1:13-cv-01347-RGA](#)

[1:13-cv-01348-RGA](#)

[1:13-cv-01349-RGA](#)

[1:13-cv-01350-RGA](#)

[1:13-cv-01351-RGA](#)

[1:13-cv-01352-RGA](#)

[1:13-cv-01812-RGA](#)

[1:14-cv-00091-RGA](#)

[1:14-cv-00373-RGA](#)

[1:14-cv-00495-RGA](#)

[1:15-cv-00259-RGA](#)

Date Filed: 04/20/2016

Jury Demand: Plaintiff

Nature of Suit: 830 Patent

Jurisdiction: Federal Question

Cause: 35:145 Patent Infringement

Plaintiff

Dr. Lakshmi Arunachalam

represented by **Lakshmi Arunachalam**

222 Stanford Avenue

Menlo Park, CA 94025

(650) 854-3393

PRO SE

V.

Defendant

**International Business Machines
Corporation**

Defendant

Does 1-100

Date Filed	#	Docket Text
04/20/2016	<u>1</u>	COMPLAINT WITH EXHIBITS for PATENT INFRINGEMENT and VERIFIED COMPLAINT for DECLARATORY and INJUNCTIVE RELIEF and DAMAGES from RACKETEERING, CONSPIRACY TO ENGAGE in a PATTERN of RACKETEERING ACTIVITY and RELATED CLAIMS -filed with Jury Demand against Does 1-100, International Business Machines Corporation - Magistrate Consent Notice to Pltff. (Filing fee \$ 400, receipt number 25542.) - filed by Lakshmi Arunachalam. (Attachments: # <u>1</u> Civil Cover Sheet)(sec) Modified on 4/21/2016 (rwc). (Main Document 1 replaced on 4/21/2016) (sec). (Additional attachment(s) added on 4/21/2016: # <u>2</u> Part 2, # <u>3</u> Part 3, # <u>4</u> Part 4) (sec). (Entered: 04/20/2016)
04/20/2016	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (sec) (Entered: 04/20/2016)
04/20/2016		No Summons Issued. (No return address listed) (sec) (Entered: 04/20/2016)
04/20/2016	<u>3</u>	Letter to Dr. Lakshmi Arunachalam from Clerk, 04/20/16 regarding Returned Summons. (sec) (Entered: 04/20/2016)
04/21/2016		Summons Issued with Magistrate Consent Notice attached as to International Business Machines Corporation on 4/21/2016. (Mailed in accordance with Plaintiff's request) (sec) (Entered: 04/21/2016)
04/21/2016		CORRECTING ENTRY: Main complaint broken into 4 parts. (sec) (Entered: 04/21/2016)
04/25/2016	<u>4</u>	Letter to Clerk's Office from Dr. Lakshmi Arunachalam regarding Unprofessional and Prejudice Behavior.(aah) (Entered: 04/26/2016)
04/25/2016	<u>5</u>	MOTION for permission for CM/ECF rights. - filed by Lakshmi Arunachalam. (aah) (Entered: 04/26/2016)

PACER Service Center			
Transaction Receipt			
04/26/2016 15:33:32			
PACER Login:	laks22002:4319633:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:16-cv-00281-UNA Start date: 1/1/1970 End date: 4/26/2016
Billable Pages:	3	Cost:	0.30