

**Lakshmi Arunachalam, Ph.D.**

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September 10, 2012

The Honorable Howard L. Berman  
United States House of Representatives  
2221 Rayburn House Office Building  
Washington, D.C. 20515-0528  
202-225-4695 Phone  
202-225-3196 Fax

Dear Congressman Berman,

*Re: Complaint about the Federal Circuit Judges and Clerk of Court in  
Leader Tech v. Facebook, Case No. 2011-1366 (Fed. Cir.)  
Abuse of 4<sup>th</sup> & 15<sup>th</sup> Amendments Rights to Due Process by the Federal Circuit*

I wrote you on Aug. 11, 2012 about my ethics complaint regarding the Federal Circuit's scandalous conduct in *Leader v. Facebook*. Leader Technologies is a Columbus, Ohio-based software development company whose patents Facebook has stolen. *That technology is the core engine running Facebook today.*

Further investigation with legal scholars has shown that the Federal Circuit is dramatically **violating the Fifth and Fourteenth Amendment Due Process Rights of Leader Technologies**. As a policy matter, the problem stems, I believe, from the Federal Circuit over-stepping its *corrective* mandate, and attempting to act like a trial court. This is an abuse of the valid patent property rights of Leader Technologies.

Since my original complaint, **new evidence** has come to light that only deepens this scandal. That evidence shows that Facebook appellate attorney Gibson Dunn LLP *withheld material evidence* in the form of 28 Facebook computer hard drives from Leader Technologies. This is disturbing for among other reasons, because the Gibson Dunn attorney making Facebook's case to the Federal Circuit, Thomas Hungar, is very cozy with Chief Judge Randall Rader and Clerk of Court Jan Horbaly. The Federal Circuit has so far turned a blind eye to this striking new evidence.

In addition, the judges are now known to have investments in Facebook in addition to other significant undisclosed conflicts of interest. **Public confidence in the Federal Circuit is being undermined by this scandal**. In addition, all **U.S. patents are at risk** as a result of the *horribly broken* decision that the Federal Circuit has made in this case.

I respectfully request that the Judiciary Committee investigate this Constitutional matter. I will make myself available in any manner that is useful to the Committee. Thank you for your attention.

Respectfully yours,



Lakshmi Arunachalam, Ph.D.

*Enclosures:*

1. Donna Kline. “**Federal Circuit Violates Leader Technologies’ Constitutional Rights.**” *Donna Kline Now!* Accessed Sep. 6, 2012  
<<http://donnaklinenow.com/investigation/federal-circuit-violates-leader-technologies-constitutional-rights>>.
2. **Sep. 1, 2012 “Request For Relief From Judgment And Order Pursuant To Rules 60(a) And 60(b) For Newly Discovered Evidence, Mistake, Fraud, Surprise, Misrepresentation, Misconduct And The Judgment Is Void”** in *Leader Tech v. Facebook*, Case No. 2011-1366 (Fed. Cir.). Accessed Sep. 6, 2012  
<<http://www.scribd.com/doc/104546197/Motion-For-Relief-From-Judgment-And-Order-Pursuant-To-Rules-60-a-And-60-b-For-Newly-Discovered-Evidence-Mistake-Fraud-Surprise-Misrepresentation>>.
3. **Sep. 5, 2012 “Motion To Compel Each Member Of The Federal Circuit To Disclose Conflicts Of Interest”** in *Leader Tech v. Facebook*, Case No. 2011-1366 (Fed. Cir.). Accessed Sep. 6, 2012  
<<http://www.scribd.com/doc/104894533/Motion-to-Compel-Each-Member-Of-The-Federal-Circuit-To-Disclose-Conflicts-Of-Interest-in-Leader-v-Facebook-by-Amicus-Curiae-Lakshmi-Arunachalam-PhD>>.

cc.

**House Committee on the Judiciary**

- Lamar Smith, Chairman
- John Conyers, Ranking Member
- Darrell Issa
- Steve Chabot
- Jim Jordan
- Howard Berman

**Senate Committee on the Judiciary**

- Patrick Leahy, Chairman
- Chuck Grassley, Ranking Member
- Dianne Feinstein
- Al Franken
- Mike Lee
- Tom Coburn

**Mr. William Suter, Clerk of Court,  
Supreme Court of the United States**

**Washington D.C. Bar**