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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

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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. 16 - 281

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;

Date Filed: April 18, 2016
JURY TRIAL DEMANDED

18 U. S. C. 1961 et seq.;
18 U. S. C. 1964
(Civil RICO Remedies);

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

INTRODUCTION

Pro Se Plaintiff Dr. Lakshmi Arunachalam (hereafter "Dr. Arunachalam") hereby files

this complaint for patent infringement of Plaintiff's U.S. 7,340,506 Patent/US 7,340,506 CI ("the '506 patent") against the Defendant(s) and a verified complaint for declaratory and injunctive relief and damages from racketeering, conspiracy to engage in a pattern of racketeering activity and related claims. This is a complex civil action for RICO remedies authorized by the federal statutes at 18 U. S. C. 1961 et seq.; for declaratory and injunctive relief; for actual, consequential and exemplary damages; and for all other relief which this Court deems just and proper under all circumstances which have occasioned this Initial COMPLAINT. See 18 U. S. C. §§ 1964 (a) and (c) ("Civil RICO").

The primary cause of this action is a widespread enterprise engaged in a *pattern of racketeering activity* across State lines, and a conspiracy to engage in *racketeering activity* involving numerous RICO predicate acts during at least the past ten (10) calendar years. The predicate acts alleged here cluster around patent infringement, trafficking in certain goods bearing counterfeit marks, tampering with a Federal Witness, interstate transportation of stolen property and obstruction of justice. See 18 U. S. C. §§ 2319, 2320, 1512, 1513, 2315, 1503, 1510, 1511 and 1581-1588 respectively.

Other RICO predicate acts, although *appearing* to be isolated events, were actually part of the overall conspiracy and *pattern of racketeering activity* alleged herein. See 18 U.S.C. §§ 1341 and 1344, respectively.

The primary objective of the racketeering *enterprise* has been to inflict severe and sustained economic hardship upon Plaintiff, with the intent of impairing, obstructing, preventing and discouraging Plaintiff from writing, publishing, investigating and conducting judicial activism as the inventor of valid patents and inventions of Web applications on a Web browser..

Dr. Arunachalam alleges upon information and belief as follows:

PARTIES

1. Plaintiff Dr. Arunachalam, residing at 222 Stanford Avenue, Menlo Park, California 94025, is the inventor and assignee of the patent asserted here.
2. Having a priority date of 1995, the '506 patent discloses the fundamental technology underlying Web applications displayed on a Web browser, that are reflected in the Defendant(s)' accused systems.
3. Having a priority date of 1995, the '506 patent discloses the fundamental technology underlying Web commerce and other Web applications displayed on a Web browser. The examples of the pioneering technology in the patent were directed to Web banking, payroll processing and other financial services on the Web which are the same as in the Defendant's accused systems. The patent pioneered interactive Web applications. The priority application, Provisional Patent Application with S/N, 60/006,634, was the first to disclose a Web application displayed on a Web browser/web page and providing a value-added network service over the Web for connecting a Web client to a provider's (e.g. Web merchant) services, as opposed to the then state-of-the-art's reliance on CGI scripting and hyperlinks. Thus, the patent discloses the fundamental technology underlying Web commerce and other online services by use of Web applications displayed on a Web page/Web browser.
4. Upon information and belief, defendant International Business Machines Corporation ("IBM") is a corporation organized and existing under the laws of the State of New York, with its principal place of business at 1 New Orchard Road, Armonk, New York 10504. IBM is registered to do business in Delaware and has a registered agent for service located at The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. IBM resides in this judicial district and transacts business throughout the State

of Delaware, including this judicial district.

5. Defendant IBM is using Plaintiff's patented Web applications on a Web browser. Plaintiff's patented technology has created the millennial generation and transformed the way we live, work and play and is mission critical to how the Defendant conducts its business and operations today on the Web.

6. Plaintiff is ignorant of the true names and capacities of the Defendants sued herein as DOES I through 100, inclusive, and therefore sue these Defendants by such fictitious names. Plaintiff will amend this Complaint to allege the true names and capacities of DOES I through 100, inclusive, when Plaintiff ascertains the identity of such Defendants. Plaintiff is informed and believes, and thereon alleges, that each of these Defendants is responsible in some manner for the acts and omissions which damaged Plaintiff, and that Plaintiff's damages as alleged herein were proximately caused by their actions or omissions.

JURISDICTION AND VENUE

7. This is an action for patent infringement of Plaintiff's '506 patent" under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). Also, this Court has original jurisdiction pursuant to the civil RICO remedies at 18 U.S.C. 1964.

8. This Court has personal jurisdiction over the Defendant because IBM has established minimum contacts with the forum and because of its presence and business activities within this judicial district. IBM has transacted business and committed acts of infringement within the State of Delaware and within this District, and is subject to the personal jurisdiction of this Court. IBM is a corporation organized and existing under the laws of the State of New York. IBM is registered to do business in Delaware and has a registered agent for service located at The

Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. IBM resides in this judicial district and transacts business throughout the State of Delaware, including this judicial district. The Court has personal jurisdiction over IBM, which has purposefully availed itself of the privileges of conducting business in the State of Delaware and has sought the protection and benefits of the laws of the State; and regularly conducts business within the State of Delaware; and Plaintiff's cause of action arise directly from IBM's business contacts and other activities in the State of Delaware. IBM has placed and continues to place products used to practice Dr. Arunachalam's patented methods and systems (identified below) into the stream of commerce, which stream is directed at this district, and knows or should know that such products are used throughout the United States, including in this district.

9. Upon information and belief, IBM is subject to the personal jurisdiction of this Court and is amenable to service of process pursuant to the Delaware long-arm statute, 10 Del. C. § 3104 and Fed. R. Civ. P. 4 (e).

10. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).

BACKGROUND

11. On March 4, 2008, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 7,340,506 ("the '506 Patent"), entitled "Value- Added Network Switching and Object Routing A Network," to Dr. Lakshmi Arunachalam's company, WebXchange, Inc, in which she is the majority shareholder with 100% voting rights. Dr. Arunachalam is the assignee of all rights, title, and interest in the '506 Patent, including the right to recover damages for past infringement. A copy of the '506 Patent is attached to the Complaint as Exhibit A.

12. Patent 7,340,506 underwent a pre-AIA inter-partes re-examination Control No.

95/001,129 by the United States Patent and Trademark Office, in which the Third Party Requester was Microsoft. Two claims emerged successfully out of the re-examination and the inter-partes reexamination certificate US 7,340,506 C1 was issued under 35 U.S.C. 316 on October 15, 2014. A copy of the inter-partes reexamination certificate issued is attached to the Complaint as Exhibit B. The '506 patent is presumed to be, and is valid and enforceable. The defendant IBM is not licensed under the '506 patent.

13. Upon information and belief, IBM has infringed and is continuing to infringe and contributorily infringes and/or induces others to infringe, one or more claims of the '506 patent by engaging in acts constituting infringement under 35 U.S.C. § 271, included but not limited to practicing one or more claims of the re-examined and allowed claims, inducing others to practice one or more of the said claims, and/or contributing to another's practice of one or more of the said claims in this District and elsewhere in the United States, by means of at least IBM's WebSphere and other web application/web application development platform and tools, products and services.

14. Defendant IBM provides web application development platform, tools, web applications, products and services, value-added network services, for example, online financial services via electronic means accessible through several web sites, which include, but are not limited to the following websites: <http://www.ibm.com>. Each of the Defendant's products and services enable Web applications, for example, Web banking applications and other Web financial transactional features, which are exemplified, in part, by screenshots of their opening screen which displays the various value-added network services over the Web of the inventions of the patent-in-suit, such as paying bills, transfer funds between accounts, and many, many more.

15. As reflected in the screenshots, each of the Defendant's and its customers' on-line (for

example, financial system) provides a plurality of value added network services over the Web, applications displayed on a Web browser, for rendering value-added network services, for example, financial services, practicing the claimed inventions. For example, a user of each of the Defendant's system may choose to transfer assets between checking and savings accounts, or transfer assets to third-parties by using the application displayed on a Web browser/web page.

16. Defendant IBM makes, uses and sells, inter alia, at least WebSphere and its associated programs, which comprise the claimed inventions and operates without authority one or more apparatus, reflected in at least the websites cited above, wherein the first computer system offering the value-added network service comprising access to employee payroll information over the Web.

17. Defendant IBM makes and uses value-added network services, which are practiced using the claimed inventions. Hereafter, the word "Service" refers to applications offered as value-added network services provided by online service portals, including at least those listed above. These sites and Services can be accessed from stationary personal computers or from mobile devices such as laptop computers, smartphones and tablets. Upon accessing these sites, Defendant's clients or customers and their customers can, for example, view and service accounts; make transfers; pay and manage bills online using Bill Pay ("Bill Pay") which allows users to schedule bill payments through the Service; initiate and monitor Wire Transfer service; and make and manage investments through, for example, through the brokerage services, including trading securities. Through IBM's customers' Mobile Banking websites and mobile apps, the customers or clients of IBM's customers can access their accounts, transfer funds, pay bills, place and track brokerage trades, and locate ATMs via mobile devices.

COUNT I: INFRINGEMENT OF THE '506 PATENT BY IBM

18. Dr. Arunachalam incorporates and re-alleges paragraphs 1-16.

19. Upon information and belief, Defendant IBM has directly infringed and is continuing to infringe one or more claims of the '506 Patent by operating without authority one or more apparatus, reflected in the websites cited above, wherein the transaction is handed over to an exchange, wherein the exchange manages the connection between the user and the online service operating across the digital network, which offers value-added network services atop the Web. Defendant IBM operates without authority one or more apparatus, reflected in at least the websites cited above, wherein the first computer system offering the value-added network service comprising access to employee payroll information over the Web. Specifically, Defendant IBM infringed and infringes, because (i) it operated and continues to operate applications and software including, but not limited to, those maintained on servers located in and/or accessible from the United States under the United States/IBM's' control that, as reflected in the website, *inter alia*, provide an apparatus for providing a service over a digital network, the apparatus comprising:

a processor;

a machine-readable storage device including one or more instructions executable by the processor for sending first display information from a first computer system to a user device, wherein the first display information includes a control associated with a commercial service; accepting a first signal in response to a user input to activate the control; and initiating, in response to the first signal, communication between the user device and a second computer system, wherein the second computer system acts to send second display information to the user device, wherein the second display information includes a list of at least one commercial service; wherein the second computer system further acts to accept a second signal

in response to a user input to select a commercial service from the list; and to complete a commercial transaction relating to the selected commercial service;
associating an object identity with information entries and attributes, wherein the object identity represents a networked object;
storing said information entries and said attributes in a virtual information store; and
assigning a unique network address to said object identity,
wherein (a) the transaction is handed over to an exchange, wherein the exchange manages the connection between the user and the commercial service, wherein the commercial service is an online service operating across the digital network, wherein the digital network is a value-added service network atop the Web, (ii) the first computer system offering the commercial service comprising access to employee payroll information on a value-added service network atop the Web, and (iii) utilized and is utilizing computer equipment, including, without limitation, computer equipment that stores, serves, and/or runs the foregoing.

20. IBM's infringement is by making, using and selling without authority WebSphere and other web application development platforms, tools, web applications, products and services, and by making and using IBM Cloud Services. Defendant's infringement has injured Plaintiff. Accordingly, Plaintiff is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty, and an injunction to prohibit further infringement of the '506 Patent or future compensation for use of the inventions.

21. IBM has directly infringed and is continuing to infringe one or more claims of the '506 Patent by operating without authority one or more online and mobile banking systems providing Services which utilize the patented inventions.

22. Upon information and belief, IBM has infringed and is continuing to infringe one or more

claims of the '506 patent in this District and elsewhere in the United States by practicing one or more of the claims of the '506 patent, by means of at least the IBM WebSphere and other web application development tools, platforms and web application products and services.

23. Defendant IBM's online practices of the patented inventions are reflected in, but not limited to, the websites <http://www.ibm.com> and the websites of Defendant IBM's customers. Defendant's servers providing the claimed apparatus are located in the United States under IBM's control.

24. Upon information and belief, IBM is contributing to the infringement of the '506 patent by others in this District and elsewhere in the United States by contributing to another's practice of one or more of the claims of the '506 patent. The direct infringement occurs by activities of the end users of at least IBM's web application products and services.

25. Upon information and belief, IBM is inducing the infringement of the '506 patent by others in this District and elsewhere in the United States by inducing others to practice one or more of the claims of the '506 patent. The direct infringement occurs by activities of the end users of at least IBM's web application products and services.

26. Upon information and belief, IBM, in its practicing one or more claims of the '506 patent, its inducing others to practice one or more claims of the '506 patent, and/or its contributing to another's practice of one or more claims of the '506 patent, is acting despite an objectively high likelihood that its actions constitute infringement of the '506 patent. Thus, at least IBM's ongoing infringement of the '506 patent after notice of this Complaint is willful.

27. Upon information and belief, IBM's infringement of the '506 patent will continue unless enjoined by this Court.

28. As a direct and proximate consequence of IBM's infringement of the '506 patent, Dr.

Arunachalam has suffered and will continue to suffer irreparable injury and damages, in an amount to be determined at trial, for which Dr. Arunachalam is entitled to relief.

29. Upon information and belief, IBM's infringement of the '506 patent is exceptional and entitles Dr. Arunachalam to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT II: CIVIL RACKETEERING BY IBM

PARTIAL LIST OF RICO PREDICATE ACTS

30. Particular attention of this Court is now drawn to Exhibits A2, C1, D1 and D2 and to the legislative history of the Anticounterfeiting Consumer Protection Act of 1996 ("ACPA"), available from the House Congressional Record dated June 4, 1996, 110 Stat. 1386, July 2, 1996.

31. The ACPA is particularly relevant to the instant case, because it elevated copyright and trademark infringement to the status of RICO predicate acts, and cited superb reasons for doing so. An excellent discussion of the legal implications of the ACPA, in the context of other applicable federal laws, are available at LETTER TO JON MUMMOLO, *Washington Square News*, Nov. 9, 2002.

32. Exhibit A2 provides a partial list of RICO Predicate Acts by IBM, SAP, JPMorgan and additional background. Exhibit C1 is 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 is 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 is a true copy of the CPL Agreement of Eclipse code, which shows IBM-SAP collusion from the Eclipse website.

33. Plaintiff now testifies that the partial list of acts and events now documented in Exhibits A2, C1, D1 and D2 constitutes probable cause for granting all relief requested *infra* in the instant COMPLAINT.

34. Moreover, further acts and events occurred between April 1995 and April 2016 by IBM, which also qualify as RICO predicate acts that constitute *further* probable causes for all the relief requested *infra*.

35. For example, Plaintiff herein alleges that obstruction of justice did in fact occur *whenever* Plaintiff was deprived of specific relief from the federal district courts in Wilmington, Delaware and in San Francisco, California, in the Third Circuit, the Federal Circuit and the U.S. Supreme Court.

**Acquisition and Maintenance of an Interest in and Control of an *Enterprise*
Engaged in a *Pattern of Racketeering Activity*: 18 U.S.C. §§ 1961(5), 1962(b)**

36. Plaintiff now re-alleges each and every allegation as set forth above, and hereby incorporates same by reference, as if all were set forth fully herein. Substance prevails over form.

THE IBM ECLIPSE FOUNDATION

37. At various times and places partially enumerated in Plaintiff's *documentary material*, Defendant and DOES 1-100 did acquire and/or maintain, directly or indirectly, an interest in or control of a RICO *enterprise* of individuals who were associated in fact and who did engage in, and whose activities did affect, interstate and foreign commerce, all in violation of 18 U.S.C. §§ 1961(4), (5), (9), and 1962(b).

38. During the ten (10) calendar years preceding January 31, 2016, Defendant and DOES 1-100 did cooperate jointly and severally in the commission of two (2) or more of the RICO

predicate acts that are itemized in the RICO laws at 18 U.S.C. §§ 1961(1)(A) and (B), and did so in violation of the RICO law at 18 U. S. C. 1962(b) (Prohibited activities).

39. Plaintiff further alleges that Defendant and DOES 1-100 did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, *i.e.* a continuing threat of their respective *racketeering activities*, also in violation of the RICO law at 18 U. S. C. 1962(b) *supra*.

40. Pursuant to the original Statutes at Large, the RICO laws itemized above are to be *liberally* construed by this Court. Said construction rule was never codified in Title 18 of the United States Code, however. See 84 Stat. 947, Sec. 904, Oct. 15, 1970.

41. *Respondeat superior* (principal is liable for agents' misconduct: knowledge of, participation in, and benefit from a RICO enterprise).

COUNT III:

Conduct and Participation in a RICO Enterprise through a Pattern of Racketeering Activity: 18 U. S. C. §§ 1961(5), 1962(c)

42. Plaintiff now re-alleges each and every allegation as set forth above, and hereby incorporates same by reference, as if all were set forth fully herein. Substance prevails over form.

THE IBM ECLIPSE FOUNDATION

43. At various times and places partially enumerated in Plaintiff's *documentary material*, Defendant and DOES 1-100 did associate with a RICO *enterprise* of individuals who were associated in fact and who engaged in, and whose activities did affect, interstate and foreign commerce.

44. Likewise, Defendant and DOES 1-100 did conduct and/or participate, either directly or indirectly, in the conduct of the affairs of said RICO *enterprise* through a *pattern of racketeering activity*, all in violation of 18 U.S.C. §§ 1961(4), (5), (9), and 1962(c).

45. During the ten (10) calendar years preceding January 31, 2016, Defendant and DOES 1-100 did cooperate jointly and severally in the commission of two (2) or more of the RICO predicate acts that are itemized in the RICO laws at 18 U.S.C. §§ 1961(1)(A) and (B), and did so in violation of the RICO law at 18 U. S. C. 1962(c) (Prohibited activities).

46. Plaintiff further alleges that Defendant and DOES 1-100 did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, *i.e.* a continuing threat of their respective *racketeering activities*, also in violation of the RICO law at 18 U. S. C. 1962(c) *supra*.

47. Pursuant to 84 Stat. 947, Sec. 904, Oct. 15, 1970, the original Statutes at Large, the RICO laws itemized above are to be *liberally* construed by this Court. Said construction rule was never codified in Title 18 of the United States Code, however. See 84 Stat. 947, Sec. 904, Oct. 15, 1970.

48. *Respondeat superior* (principal is liable for agents' misconduct: knowledge of, participation in, and benefit from a RICO enterprise).

COUNT IV:

Conspiracy to Engage in a *Pattern of Racketeering Activity*: 18 U.S.C. §§ 1961(5), 1962(d)

49. Plaintiff now re-alleges each and every allegation as set forth above, and hereby incorporates same by reference, as if all were set forth fully herein. Substance prevails over form.

THE IBM ECLIPSE FOUNDATION

50. At various times and places partially enumerated in Plaintiff's *documentary material*, Defendant and DOES 1-100 did conspire to acquire and maintain an interest in a RICO *enterprise* engaged in a *pattern of racketeering activity*, in violation of 18 U.S.C. §§ 1962(b) and (d).

51. At various times and places partially enumerated in Plaintiff's *documentary material*, Defendant and DOES 1-100 did also conspire to conduct and participate in said RICO *enterprise* through a *pattern of racketeering activity*, in violation of 18 U.S.C. §§ 1962(c) and (d). See also 18 U.S.C. §§ 1961(4), (5) and (9).

52. During the ten (10) calendar years preceding January 31, 2016, Defendant and DOES 1-100 did cooperate jointly and severally in the commission of two (2) or more of the predicate acts that are itemized at 18 U.S.C. §§ 1961(1)(A) and (B), in violation of 18 U. S. C. 1962(d).

53. Plaintiff further alleges that Defendant and DOES 1-100 did commit two (2) or more of the offenses itemized above in a manner which they calculated and premeditated intentionally to threaten continuity, *i.e.* a continuing threat of their respective *racketeering activities*, also in violation of 18 U.S. C. 1962(d) (Prohibited activities *supra*).

54. Pursuant to 84 Stat. 947, Sec. 904, Oct. 15, 1970, the RICO laws itemized above are to be *liberally* construed by this honorable Court. Said construction rule was never codified in Title 18 of the United States Code, however. *Respondeat superior* (as explained above).

PRAYER FOR RELIEF

54. WHEREFORE, Plaintiff asks this Court to enter judgment against Defendant IBM and against Defendant's subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, in the amount of one billion dollars, based on the number of Web transactions per application displayed on a Web browser, as each of Defendant's and its

customers' web sites has an infinite number of applications displayed on a Web browser offered as an online service on the Web and an infinite number of transactions from said application(s), granting the following relief:

A. Enter judgment that IBM has infringed and continues to infringe the '506 patent;

B. Enter judgment that the '506 patent is valid and enforceable;

C. Enter a preliminary and permanent injunction restraining and enjoining IBM and its officers, agents, servants, employees, attorneys, and any persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from any further manufacture, use, sales, offers to sell, or importations of any and all of the products identified above;

D. An award of damages adequate to compensate Plaintiff for the infringement that has occurred, together with prejudgment interest from the date infringement of the '506 Patent began, based on the number of Web transactions per application displayed on a Web browser per each of Defendant's website(s), as each web site has an infinite number of applications displayed on a Web browser offered as an online service on the Web and an infinite number of transactions, totaling to at least \$1 billion;

E. An award to Plaintiff of all remedies available under 35 U.S.C. § 284, up to treble damages, pre-judgment and post-judgment interest and costs and all other remedies available under 35 U.S.C. § 284;

F. An award to Plaintiff of all remedies available under 35 U.S.C. § 285;

G. A permanent injunction under 35 U.S.C. § 283 prohibiting further infringement of the '506 Patent, and, in the alternative, in the event injunctive relief is not granted as requested by Plaintiff, an award of a compulsory future royalty, based on the number of Web transactions

per application displayed on a Web browser per each of Defendant's web sites, as each of the Defendant's web sites has an infinite number of applications displayed on a Web browser offered as an online service on the Web and an infinite number of transactions, totaling to at least \$1 billion; and

H. Such other and further relief as this Court or a jury may deem proper and just; and

55. **And *Wherefore***, pursuant to the statutes at 18 U. S. C. 1964(a) and (c), Plaintiff requests judgment against Defendant and DOES 1-100 as follows:

ON COUNT II:

56. That this Court liberally construe the RICO laws and thereby find that Defendant and DOES 1-100, both jointly and severally, have acquired and maintained, both directly and indirectly, an interest in and/or control of a RICO *enterprise of persons* and of other individuals who were associated in fact, all of whom engaged in, and whose activities did affect, interstate and foreign commerce in violation of 18 U. S. C. 1962(b) (Prohibited activities).

57. That Defendant and DOES 1-100 and all their directors, officers, employees, agents, servants and all other *persons* in active concert or in participation with them, be enjoined *temporarily* during pendency of this action, and *permanently* thereafter, from acquiring or maintaining, whether directly or indirectly, any interest in or control of any RICO *enterprise of persons*, or of other individuals associated in fact, who are engaged in, or whose activities do affect, interstate or foreign commerce.

58. That Defendant and DOES 1-100 and all of their directors, officers, employees, agents, servants and all other *persons* in active concert or in participation with them, be enjoined *temporarily* during pendency of this action, and *permanently* thereafter, from committing any more predicate acts in furtherance of the RICO *enterprise* alleged in COUNT II *supra*.

59. That all Defendants be required to account for all gains, profits, and advantages derived from their several acts of *rocketeering activity* in violation of 18 U. S. C. 1962(b) and from all other violation(s) of applicable State and federal law(s).

60. That judgment be entered for Plaintiff and against all Defendants for Plaintiff's actual damages, and for any gains, profits, or advantages attributable to all violations of 18 U. S. C. 1962(b), according to the best available proof.

61. That all Defendants pay to Plaintiff treble (triple) damages, under authority of 18 U. S. C. 1964(c), for any gains, profits, or advantages attributable to all violations of 18 U. S. C. 1962(b), according to the best available proof.

62. That all Defendants pay to Plaintiff all damages sustained by Plaintiff in consequence of Defendants' several violations of 18 U. S. C. 1962(b), according to the best available proof.

63. That all Defendants pay to Plaintiff her costs of the lawsuit incurred herein including, but not limited to, all necessary research, all non-judicial enforcement and all reasonable counsel's fees, at a minimum of \$690.00 per hour worked (Plaintiff's standard professional rate at start of this action).

64. That all damages caused by all Defendants, and all gains, profits, and advantages derived by all Defendants, from their several acts of racketeering in violation of 18 U. S. C. 1962(b) and from all other violation(s) of applicable Federal, State and federal law(s), be deemed to be held in constructive trust, legally foreign with respect to the federal zone [*sic*], for the benefit of Plaintiff, Her heirs and assigns.

65. That Plaintiff have such other and further relief as this Court deems just and proper, under the circumstances of this action.

ON COUNT III:

66. That this Court liberally construe the RICO laws and thereby find that all Defendants have associated with a RICO *enterprise of persons* and of other individuals who were associated in fact, all of whom engaged in, and whose activities did affect, interstate and foreign commerce in violation of the RICO law 18 U. S. C. 1962(c) (Prohibited activities).

67. That this Court liberally construe the RICO laws and thereby find that all Defendants have conducted and/or participated, directly or indirectly, in the affairs of said RICO *enterprise* through a *pattern of racketeering activity* in violation of the RICO laws at 18 U.S.C. §§ 1961(5) (“pattern” defined) and 1962(c) *supra*.

68. That all Defendants and all of their directors, officers, employees, agents, servants and all other *persons* in active concert or in participation with them, be enjoined *temporarily* during pendency of this action, and *permanently* thereafter, from associating with any RICO *enterprise of persons*, or of other individuals associated in fact, who do engage in, or whose activities do affect, interstate and foreign commerce.

69. That all Defendants and all of their directors, officers, employees, agents, servants and all other *persons* in active concert or in participation with them, be enjoined *temporarily* during pendency of this action, and *permanently* thereafter, from conducting or participating, either directly or indirectly, in the conduct of the affairs of any RICO *enterprise* through a *pattern of racketeering activity* in violation of the RICO laws at 18 U.S.C. §§ 1961(5) and 1962(c) *supra*.

70. That all Defendants and all of their directors, officers, employees, agents, servants and all other *persons* in active concert or in participation with them, be enjoined *temporarily* during pendency of this action, and *permanently* thereafter, from committing any more predicate acts in furtherance of the RICO *enterprise* alleged in COUNT III. *supra*.

71. That all Defendants be required to account for all gains, profits, and advantages derived from their several acts of racketeering in violation of 18 U. S. C. 1962(c) *supra* and from all other violation(s) of applicable Federal, State and federal law(s).

72. That judgment be entered for Plaintiff and against all Defendants for Plaintiff's actual damages, and for any gains, profits, or advantages attributable to all violations of 18 U. S. C. 1962(c) *supra*, according to the best available proof.

73. That all Defendants pay to Plaintiff treble (triple) damages, under authority of 18 U. S. C. 1964(c), for any gains, profits, or advantages attributable to all violations of 18 U. S. C. 1962(c) *supra*, according to the best available proof.

74. That all Defendants pay to Plaintiff all damages sustained by Plaintiff in consequence of Defendants' several violations of 18 U. S. C. 1962(c) *supra*, according to the best available proof.

75. That all Defendants pay to Plaintiff His costs of the lawsuit incurred herein including, but not limited to, all necessary research, all non-judicial enforcement and all reasonable counsel's fees, at a minimum of \$690.00 per hour worked (Plaintiff's standard professional rate at start of this action).

76. That all damages caused by all Defendants, and all gains, profits, and advantages derived by all Defendants, from their several acts of racketeering in violation of 18 U. S. C. 1962(c) *supra* and from all other violation(s) of applicable Federal, State and federal law(s), be deemed to be held in constructive trust, legally foreign with respect to the federal zone [*sic*], for the benefit of Plaintiff, Her heirs and assigns.

77. That Plaintiff have such other and further relief as this Court deems just and proper, under the full range of relevant circumstances which have occasioned the instant action.

ON COUNT IV:

78. That this Court liberally construe the RICO laws and thereby find that all Defendants have conspired to acquire and maintain an interest in, and/or conspired to acquire and maintain control of, a RICO *enterprise* engaged in a *pattern of racketeering activity* in violation of 18 U.S.C. §§ 1961(5), 1962(b) and (d) *supra*.

79. That this Court liberally construe the RICO laws and thereby find that all Defendants have conspired to conduct and participate in said RICO *enterprise* through a *pattern of racketeering activity* in violation of 18 U.S.C. §§ 1961(5), 1962(c) and (d) *supra*.

80. That all Defendants and all their directors, officers, employees, agents, servants and all other *persons* in active concert or in participation with them, be enjoined *temporarily* during pendency of this action, and *permanently* thereafter, from conspiring to acquire or maintain an interest in, or control of, any RICO *enterprise* that engages in a *pattern of racketeering activity* in violation of 18 U.S.C. §§ 1961(5), 1962 (b) and (d) *supra*.

81. That all Defendants and all their directors, officers, employees, agents, servants and all other *persons* in active concert or in participation with them, be enjoined *temporarily* during pendency of this action, and *permanently* thereafter, from conspiring to conduct, participate in, or benefit in any manner from any RICO *enterprise* through a *pattern of racketeering activity* in violation of 18 U.S.C. §§ 1961(5), 1962(c) and (d) *supra*.

82. That all Defendants and all their directors, officers, employees, agents, servants and all other *persons* in active concert or in participation with them, be enjoined *temporarily* during pendency of this action, and *permanently* thereafter, from committing any more predicate acts in furtherance of the RICO *enterprise* alleged in COUNT IV *supra*.

83. That all Defendants be required to account for all gains, profits, and advantages derived from their several acts of racketeering in violation of 18 U. S. C. 1962(d) *supra* and from all other violation(s) of applicable State and federal law(s).

84. That judgment be entered for Plaintiff and against all Defendants for Plaintiff's actual damages, and for any gains, profits, or advantages attributable to all violations of 18 U. S. C. 1962(d) *supra*, according to the best available proof.

85. That all Defendants pay to Plaintiff treble (triple) damages, under authority of 18 U. S. C. 1964(c), for any gains, profits, or advantages attributable to all violations of 18 U. S. C. 1962(d) *supra*, according to the best available proof.

86. That all Defendants pay to Plaintiff all damages sustained by Plaintiff in consequence of Defendants' several violations of 18 U. S. C. 1962(d) *supra*, according to the best available proof.

87. That all Defendants pay to Plaintiff her costs of the lawsuit incurred herein including, but not limited to, all necessary research, all non-judicial enforcement, and all reasonable counsel's fees, at a minimum of \$690.00 per hour worked (Plaintiff's standard professional rate at start of this action).

88. That all damages caused by all Defendants, and all gains, profits, and advantages derived by all Defendants, from their several acts of racketeering in violation of 18 U.S.C. 1962(d) *supra* and from all other violation(s) of applicable State and federal law(s), be deemed to be held in constructive trust, legally foreign with respect to the federal zone [*sic*], for the benefit of Plaintiff, Her heirs and assigns.

89. That Plaintiff have such other and further relief as this Court deems just and proper, under the full range of relevant circumstances which have occasioned the instant action.

JURY DEMAND

90. Plaintiff demands a trial by jury on all issues so triable.

LIST OF EXHIBITS

91. Pursuant to 18 U.S.C. 1961(9), Plaintiff now formally incorporates Her *documentary material* by reference to all of the following Exhibits, as if set forth fully here, to wit: Exhibits A1, B1, A2, C1, D1, D2, A–K and the Eclipse code version 2.0.1, which is available for download at www.eclipse.org, which incorporates the inventions of Dr. Arunachalam and inventions of other inventors, demonstrating a pattern of racketeering activity by Defendant IBM.

VERIFICATION

92. I, Dr. Lakshmi Arunachalam, Plaintiff in the above entitled action, hereby verify under penalty of perjury, under the laws of the United States of America, without the “United States” (federal government), 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(I). See the Supremacy Clause in the Constitution for the United States of America, as lawfully amended (hereinafter “U. S. Constitution”).

Dated: April 18, 2016

Signed: Lakshmi Arunachalam

Printed: Dr. Lakshmi Arunachalam

93. 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 a money order for the filing fees and a cover sheet.

Dated: April 18, 2016

Tel: 650 690 0995
laks22002@yahoo.com

Respectfully submitted,



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.

