

TO, CHIEF JUSTICE,**MY ARGUMENTS FOR IMPUGNED ORDERS DATED 23-06-2020.**

OS 2613 OF 2020 REGISTERED ON 16-06-2020. FIRST HEARING DATE 18-06-2020. POSTED FOR 23-06-2020, AND IMPUGNED ORDERS WERE GIVEN. SUMMONS NEVER SENT TO DEFENDANTS. TRIAL HAS NOT BEGUN.

SECTION OF ORDERS	IMPUGNED ORDERS STATE	MY ARGUMENTS	DOCUMENTS SUBMITTED
Page 3 of impugned orders	<p>Jurisdiction: Section 20 of Civil Procedure Code Provides as follows: Content On perusal of the entire plaint averments and documents, it shows that his grievance is with respect to the act of Defendant No.1 and Defendant No.2 who are situated in the United States of America and they are not within the jurisdiction of this court and the cause of action has also not arose within the jurisdiction of this court.</p>	<p>Jurisdiction: I am an Indian citizen, with permanent residential address in Bangalore, India. Any OS pertaining to me falls by jurisdiction into Bangalore city civil court. I refer to PCT international application filing (document 2) receipt page 1 – showing nationality – India. Confusion pertaining to address 111, Congress Ave, Suite 400, Austin, TX – 78701. This was a ‘Virtual office’ rented address rented by me from lessor Regus, only as a correspondence address to correspond with USPTO. I request the court to observe the distinction between nationality and correspondence address. Address change form has already been filed with USPTO to change the correspondence address to my India permanent residential address.</p> <p>Cause of Action: I have submitted the official documents received from WIPO which list the current 153 PCT contracting states and the official PCT (Treaty) in force, as documents 5 and 6 submitted on Nov 02, 2020. India got bound by PCT the treaty on Dec 07, 1998. According to page 12 of PCT the Treaty, Article 11 which is titled as ‘Filing Date and Effects of the International Application’; in which point (3) reads as “(3) Subject to Article 64(4), any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) and accorded an international filing date shall have the effect of a regular national application in each designated State as of the international filing date, which date shall be considered to be the actual filing date in each designated State”.</p> <p>The PCT international application PCT/US2014/046619 filed on 15-07-2014 has the same effect of filing 153 national stage and regional stage applications filed on the date 15-07-2014, as I had designated ALL STATES. All the fraud of defendant 1 USPTO was committed after 15-07-2014, in their capacity of ISA. As an ISA they are accountable and answerable to inventors from all 153 countries. To be even more specific they committed the fraud after 20-03-2015 when I abandoned my Green card and retained my Indian citizenship.</p> <p>Given this, the cause of action of their fraud on my PCT international application PCT/US2014/046619 which impacts 152 non-USA country IP rights (by issuing a fabricated ISR with fabricated prior art) wholly arises in Bangalore city civil court jurisdiction, given my citizenship and related comments above.</p> <p>Maintainability of suit: The suit is maintainable under CPC section 20(c), because the cause of action wholly arises in Bangalore, India; for the fraud committed by USPTO targeting my (Indian citizen) invention, which impacts 152 non-USA country IP rights negatively. Section 20(a) could also apply if we consider defendant 1 (USPTO) in the capacity of ISA, and defendant 2 (IPR law firm) carried on business by providing services to me, an Indian citizen. The suit is maintainable in both CPC sections 20(c) and 20(a); or at least under CPC section 20(c).</p>	<p>a. My citizenship and permanent address proof – photocopies of three passports.</p> <p>b. Regus rental address payment receipts for months of Feb 2014, Mar 2014, Feb 2020, and Mar 2020.</p> <p>c. USCIS website screenshots about abandonment of Green card on 20-03-2015.</p> <p>d. Copy of designated states published.</p> <p><u>Documents submitted earlier to court:</u> Documents 2, 4, 5, and 6 already submitted. PCT international app filing receipt attached as document 2 with appeal. It shows citizenship, rented address, RO as USPTO, ISA as USPTO, and selection of ALL designated states. Document 6 is the Patent cooperation Treaty currently in force.</p>

Page 4 of impugned orders	Though Cause of Action and applicability of law are different, the present suit is not maintainable for want of Cause of Action and for non-applicability Indian Law.	Both points of cause of action and applicability of Indian law have been addressed in above paragraph.	
Page 4 of impugned orders	As it can be perused, United States Patent and Trademark Office is a Government Branch of United States and there is a bar contained under Sec.86 of Civil Procedure Code that "No foreign state may be sued in any court otherwise competent to try the suit except with the consent of the Central Government certified in writing by a secretary to that Government". Therefore, it would be proper to return the plaint to present it before the Jurisdictional Foreign Court if the foreign law permits. Hence, the following:	USPTO is an independent Patent & Trademark prosecution authority. Run by its own independent Director Mr. Drew Hirshfeld; fully separate from USA government (the country). Section 86 applies if I were to sue the state or country USA. I am not suing USA. I state that there are only an approximate 20 designated ISA'S / IPEA'S in the World (of the 153 PTO'S that have signed the Patent Cooperation Treaty). USPTO is one of them. They were my chosen ISA (International Search Authority) and RO (Receiving office) when I filed the PCT international application. To this effect I am submitting the ISA agreement between USPTO and WIPO. And a screen shot of WIPO website naming the head of USPTO. It must be observed that the ISA agreement is with USPTO and not USA government or their foreign ministry, corroborating that section 86 is not applicable. Most recently, Indian PTO has also become a designated ISA.	e. USPTO ISA agreement with WIPO. f. WIPO website screenshot showing the named head of USPTO.
Page 4 of impugned orders	ORDER Office is directed to return the plaint to present it before the proper forum/court.	Request the orders of Honorable High Court to XVIII Addl. City Civil & Sessions Judge, Bengaluru that there is jurisdiction in the city civil court and that cause of action arises in the jurisdiction; and that the suit is maintainable according to 20(c) CPC. Further give orders to initiate the proceeding of OS 2613 of 2020 immediately for the sake of equity and justice. I want to additionally state that I evaluated the option of ICJ – International court of justice and they communicated to me that they only take in country v/s country lawsuits and not Individual inventor lawsuits. The proper forum / court is Bangalore city civil court.	
Page 2 of impugned orders	Plaintiff contends that the Defendant No.1 and 2 colluded together to get the Patent No. US7516764B1 dated 04.04.2009 Price Patent No563669 dated 10.06.1997 to discard the legitimate claim of the Plaintiff.	I allege with proof that defendant 1 (USPTO) fabricated the prior art Cobb and Price and issued a fabricated ISR with a fabricated date. Standing among lawyers, I want to clarify that defendant 2 (a law firm) has been made a defendant in this suit as their true statement brings out and exposes the fraud of defendant 1 USPTO. Defendant 2 merely delivered the fabricated ISR when they received it from USPTO, few days before 5-8-2015, with the fabricated date of 4-11-2014.	Other comments in impugned orders addressed.
Page 3 of impugned orders	Section 104 of Patent Act Act,1970 provides as follows: Jurisdiction: "No suit for a declaration under Section 105 or for any relief under Section 106 or for infringement of a patent shall be instituted in any court inferior to a District Court having jurisdiction to try the suit"	The orders in page 4 of attached orders capture the following correctly: The suit is also not one for Declaration under Sec.105 or any relief under sec.106 or for infringement of patent as contained in section 104 of Patents Act 1970. <u>The suit at the moment has no applicability of India Patent Act, 1970. However, section 20(c) of India CPC is applicable to the suit.</u>	Other comments in impugned orders addressed.

STEP 1 - FRAUD ELIMINATION – AS DEMONSTRATED ABOVE BY DOCUMENTS AND ARGUMENTS, I REQUEST THE HONORABLE COURT TO DELIVER IMMEDIATE INTERIM RELIEF.

NEED HIGH COURT ORDERS TO TRIAL COURT TO INITIATE AND CONDUCT PROCEEDING OF OS 2613 OF 2020 IMMEDIATELY.