



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE C M JOSHI

WRIT PETITION NO. 13823 OF 2023 (IPR)

BETWEEN:

SRINIVAS S DEVATHI,
S/O LATE D SATYANARAYANA,
AGED ABOUT 47 YEARS,
R/AT NO.63, 11TH 'B' CROSS,
3RD MAIN, PRASHANTHAGAR,
BENGALURU-560 079,
INDIA.
MOBILE NO.(91)-966-393-2293,
EMAIL ID.projectearthling@srinivasdevathi.com

...PETITIONER

(BY SRI SRINIVAS.S DEVATHI, PARTY- IN- PERSON)

AND:

UNION OF INDIA,
MINISTRY OF EXTERNAL AFFAIRS,
LEGAL AND TREATIES DIVISION,
ROOM #901, AKBAR BHAVAN,
CHANAKYAPURI, NEW DELHI-110 021.
PH: 91-11-24674143.

REP. BY MRS. UMA SEKHAR, ADDL. SECRETARY,
ALSO REPRESENTING EXTERNAL AFFAIRS MINISTER,
MR.S.JAISHANKAR.

...RESPONDENT

(BY SMT. NAYANATARA.B.G, ADVOCATE FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA BY PETITIONER PARTY- IN- PERSON, PRAYING FOR MANAGING THE WEALTH FROM 62 SALE AGREEMENTS, SECURE MY FINGER PRINTS AND BIO-METRIC INFORMATION. TO ADDRESS MY LIVING EXPENSES. A)





GIVEN THE VALUE OF 62 SALE AGREEMENTS, MY WEALTH ALLOCATION IN ANNEXURE-O AND MY WEALTH MANAGEMENT RESPONSIBILITIES OF EARTHLING FOUNDATION PUBLIC CHARITABLE TRUST AND EARTHLING FOUNDATION PRIVATE TRUST, I WILL BE USING MULTI-COMBINATION AS PASSWORDS FOR MY BANK VAULTS, MY ONLINE ACCOUNT ACCESS, DIGITAL ACCESS PLATFORMS, LEGAL DOCUMENTS VAULT, DATA WAREHOUSE OFFICES AND OTHER AND HENCE MY FINGER PRINTS ARE PRECIOUS AND VALUABLE. HENCE, RESPONDENT TO WORK WITH FINANCE MINISTRY AND ISSUE ME A GOODS AND SERVICES TAX, GST NUMBER WITHOUT ME HAVING TO SUBMIT AADHAR CARD, WHICH NEEDS ME TO GIVE MY FINGER PRINTS AND BIO-METRIC INFORMATION SECURITY UNTIL I EXECUTE THE 62 SALE AGREEMENTS AND ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED ON 07-06-2024 COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioner, party-in-person in this writ petition has prayed as many as 32 prayers, among which, 16 are interim prayers. These prayers include to direct the respondent-Union of India to work with the Prime Minister of India, Finance Minister of India, and other Departments to register the 'Living Will' of the petitioner for its registration in all the States and Union Territories since he has bequeathed all his future assets in favour of the Nation. The prayers include direction to the respondent to



work with one Mr. Daren Tang, Director General of World Intellectual Property Organization (WIPO) to introduce Macro Governance Reform of 'New World Order', prepared by the petitioner to all 193 Member Countries. The prayers also include direction to the respondent to take steps to execute Sale Agreements with 62 Countries in respect of the invention/patent of the petitioner granted in US Patent No.8910998 B1 as it would fetch the Indian Government an income of 93 Trillion Earthlings (Dollars). The prayers include not only in respect of the Patent of the petitioner but several others which are outside the purview of such claimed invention.

2. The petitioner party-in-person states that he applied for Priority Patent with US Patent Office with Patent No. 8910998 B1 for 'Systems and methods for altering the colour, appearance or feel of a vehicle surface' claiming that he had invented the same. He also filed an application under the Patent Co-operation Treaty, International Application No.PCT/US/2014/046619 dated



15-07-2014 to the USPTO in the capacity of "International Search Authority ISA". USPTO issued a fabricated "International Search Report ISR" and it was transmitted to the petitioner on 05-08-2015 thereby breaching Articles 18(2) and 19(1) of Patent Co-operation Treaty. Using the said PCT International Application, he filed 15 National and 02 Regional Stage applications for Patent Protection of his invention covering total of 61 Non USA Countries. It is alleged by the petitioner that the fabricated ISR with fabricated Prior art has resulted in all National and Regional Stage applications to go into 'pending-reject' office actions causing him to lose his 'patent rights' across 60 World Countries. Therefore, it was alleged that the fraud committed by USPTO is very deliberate and intentional with malicious intent and motive to block his invention patent rights from across the World Countries.

3. On the basis of such contentions, the petitioner has sought as many as 32 prayers and directions to the



respondent-Union of India and has produced voluminous correspondence (in 04 volumes), documents to demonstrate that he has made all his efforts to make his claim. The petitioner has produced additional documents after conclusion of the arguments.

4. On issuance of notice, respondent has appeared through learned counsel Smt. Nayantara B.G.

5. The submissions by the writ petitioner-party-in- person and Smt. Nayantara, the learned counsel for respondent-Union of India were heard.

6. Before considering the maintainability or otherwise of the petition concerning the prayers made, it is necessary to note that the petitioner had filed similar petition in W.P.No.4851/2023, which came to be rejected on 06-06-2023, reserving liberty to the petitioner to challenge the communication of the Central Government dated 05-04-2023 before appropriate Legal Forum, if law permits. Pursuant to the said order, the petitioner had



filed W.P.No.12356/2023. It was filed seeking directions to the respondent-Union of India to give 'consent letter of Indian Central Government duly certified by Secretary to Indian Central Government, to sue United States Patent and Trademark Office, USPTO, and summon WIPO, World Intellectual Property Organization, International Bureau to assist the court with discovery and fact finding', to address CPC Section 86(1) applicable to them, such that I could initiate the court proceeding in the trial court, at the earliest. This is in accordance with documented proof submitted and explained in Annexure- A, of 'Breach of Patent Co-operation Treaty Articles 18(2) and 19(1), committed by USPTO on 05/08/2015 in their capacity of ISA, International Search Authority for PCT International Application PCT/US2014/046619 which corresponds to invention priority patent grant US 8,910,998 BI.' Noting the filing of the said writ petition, this Court by order dated 07-11-2023, passed an order as below:

" xxx xxx xxx

Unless, the said writ petition is disposed of on merits and petitioner is able to procure the consent letter from the Indian Central Government,



the present writ petition or any other proceedings would be maintainable.

Having regard to the statutory requirements, option is given to the petitioner, to keep the present writ petition pending till the disposal of WP No.12356/2023 or file a fresh writ petition after WP No.12356/2023 is disposed of on merits.

The petitioner opts to keep the present writ petition pending, till the disposal of WP No.12356/2023.

Accordingly, re-list this matter after disposal of WP No.12356/2023."

7. It is pertinent to note that this Court has found that the rejection of the prayer to give consent under Section 86 of CPC was rejected by the Union of India without giving any reasons and by relying on several judgments of the Supreme Court, allowed the said Writ Petition No.12356/2023 to the limited extent that the reasons for rejection should have been disclosed by it and directed accordingly. Therefore, evidently, this Court had indicated that the present petition is premature and only if consent is given under Section 86 of CPC to sue USPTO and others, considering the present prayers would arise.



8. Be that as it may, the question whether the petitioner has US Patent No.8910998B1 and whether International Search Report issued by International Search Agency (which is US PTO itself under WIPO) is fabricated and maliciously issued is to be established in the legal proceedings that may be initiated by the petitioner. Evidently, such proceeding has to be under the consent that may be granted or otherwise under Section 86 of CPC. Under these circumstances, the present petition is totally premature and therefore, it would not be maintainable at this stage.

9. It is also relevant to note that the prayers of the petitioner which are 32 in number, are not only pertaining to the invention claimed by the petitioner, but they relate to the other fields like, bribery in the offices, medical education, health, defence, etc. It is not known how the petitioner is invoking Articles 226 and 227 of the Constitution of India, unless he establish an inherent right in himself to claim such reliefs. This was observed by this



Court in the order passed in W.P.No.4851/2023 as well. It is also pertinent to note that before the orders were passed in W.P.No.4851/2023, he had filed O.S.No.40/2022 and O.S.No.41/2022 before City Civil Court, Bengaluru, which were rejected by the trial Court and then the petitioner had filed W.P.No.21782/2022 which was disposed of by this court on 06-02-2023 with a direction to the respondent to consider the request of the petitioner under Section 86 of CPC. It is also clear that the prayers made by the petitioner delve into the fabricated, fraudulent and malicious act of the US PTO as ISA. Such contentions require evidence and therefore, it cannot be considered in a writ petition. The claim is well beyond the writ jurisdiction since it requires evidence to be adduced and ascertained.

10. For these reasons, the present writ petition is not maintainable and therefore, deserves to be rejected. It is evident that the petitioner has filed the present petition with voluminous material which are in the form of the



details of the invention, correspondence made with his Attorneys, patent offices, and such other Agencies. The petitioner has argued his case for hours together consuming judicial time. Learned counsel appearing for the respondent has submitted that the writ petition be dismissed with exemplary costs.

11. Considering the fact that the petitioner has argued the case in person, tried to convince the Court about his inventions and other aspects; this Court do not intend to impose any costs, at this juncture. Hence, the following:

ORDER

- (i) The writ petition is hereby dismissed.
- (ii) The petitioner is cautioned that if repeated frivolous writ petitions are filed, they may call for imposition of costs.
- (iii) Liberty is given to the petitioner to file the writ petition with appropriate reliefs, in case he obtains consent letter from respondent-Union



of India, under Section 86 of CPC to sue the
USPTO and others in their capacity as ISA.

Sd/-
JUDGE

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List No.: 1 Sl No.: 3